



Appeal Decision

Site Visit made on 14 June 2021

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/X0415/W/21/3267390

**Mulberry Lodge, 64a Wycombe Road, Prestwood, Great Missenden
HP16 0PQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Eaden against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/20/2843/FA, dated 26 August 2020, was refused by notice dated 11 December 2020.
 - The development proposed is for a detached dwelling and garage, subdivision of garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The existing dwelling, Mulberry Lodge, was allowed at appeal in 2005. The appeal decision identified that the site was close to, but outside, the Green Belt and therefore gained support in terms of principle. The main issues, with respect to the effect on character and appearance and highway safety, were found to not raise harm and the appeal was subsequently allowed.
3. An appeal in 2007 related to two allowed appeals, the first for a detached dwelling and garage and the second for a detached single garage, both at 64A Wycombe Road. Both cases raised a main issue of the effect of the development on Mill House and the surrounding area.
4. Furthermore, an appeal was dismissed in 2009 for a dwelling at land off the drive at Mill House. The proposed dwelling was located within the eastern most part of the site, adjacent to the rear boundary of Mill House. The decision letter concluded that the development would create a hard edge to the Green Belt with an incongruous form of development.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt;
 - the effect of the proposed dwelling on the character and appearance of the area; and

- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

6. The development plan for the district includes the Chiltern District Local Plan 1997 (Consolidated 2007 and 2011) (LP). Saved policy GB2 of the LP identifies that most development in the Green Belt would be inappropriate apart from the listed exceptions at (a) to (f). Saved policy GB2(d) relates to limited infilling within villages. This lists where this would be appropriate in regard to the locational requirements of areas defined by saved policies GB4 and GB5. However, as these policies only allow for infilling in certain settlements and in certain circumstances, they are more restrictive than the requirements of the National Planning Policy Framework (The Framework). I have therefore afforded only moderate weight to saved policy GB2 in consideration of the advice of paragraph 213 of the Framework.
7. The site is within the Metropolitan Green Belt. The Framework explains that the Government attaches great importance to the Green Belt and that substantial weight is to be afforded to any harm. Paragraph 145 establishes that new development would be inappropriate unless it meets a listed exception. Paragraph 145(e) states that limited infilling in villages is not inappropriate development. In considering the criterion on limited infilling in villages, I shall first assess whether or not the site would be within the village for the purpose of Green Belt policy and, secondly, whether or not the proposed development would amount to limited infilling.
8. On the first matter, the Chiltern Proposals map defines the limits of Prestwood. The Chiltern and South Bucks Townscape Character Study (2017) shows a settlement boundary that follows the rear plot boundaries of 66 Wycombe Road and 6 Mill End Close. The site is therefore beyond the defined limits of the settlement. This is a useful indication of the settlement limits but is not necessarily determinative in itself. The site is adjacent to a private driveway and woodland, the gardens of several dwellings and the retained plot of the host dwelling. Both the appeal site and retained plot run alongside the rear boundary of dwellings that address Wycombe Road. The site abuts residential gardens on at least two sides but is located outside the reasonably well-established pattern of frontage development in its vicinity. Access could still be readily gained by future occupiers to the village centre for goods and services. As a result, the appeal site would have a functional relationship to the village. It is my view that given its locational circumstances, the appeal site lies within the village of Prestwood for the purpose of the Framework.
9. With regard to the second matter, the Framework does not define what infilling is. The question of infilling is a matter of planning judgement, taking into account the size and location of the development and its relationship to existing built form. However, it could be defined as small-scale development which fills a gap in an otherwise built-up area. In the absence of a more specific definition, I shall consider the proposed development accordingly.

10. The majority of dwellings that address Wycombe Road have a consistent rear boundary line. The proposed dwelling would stand behind the primary row in a back-land site. The site has woodland and an extensive garden beyond its northwest and southwestern boundaries. Only a limited number of local plots extend beyond the common rear boundary line, formed by the rear of 66 Wycombe Road and 6 Mill End Close. The few that do, include large gardens, with a largely undeveloped character. Mulberry Lodge, and several other dwellings are set away from the main road. Nevertheless, these do not combine to form a second row of development, which may conversely be more evident around Idaho Cottage further to the north. Therefore, the proposal would not fill a gap in an otherwise built up area. Accordingly, although 'limited' development, the proposal would not represent infilling within a village.
11. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 145 of the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Effect on openness

12. Paragraph 133 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The appeal site is relatively enclosed although glimpses of the proposal would be obtained through planting on both the northwest and southwest boundaries. The proposed dwelling would also be clearly visible from several private views from the rear windows of adjacent dwellings.
13. The introduction of a dwelling on the site would result in the domestication of an otherwise open plot. During my visit, I observed some garden related buildings and equipment already within this area of the plot. Nevertheless, the proposal would inevitably result in the addition of further associated domestic equipment and buildings. These features would erode the open character of the site. The proposal would also create a hard edge of development that would conflict with the existing visual transition of the site from built form to the wider countryside. Therefore, the dwelling, garage and associated domestic paraphernalia would result in moderate visual harm to the openness of the site. Furthermore, in spatial terms, due to its scale the proposed dwelling would represent a significant intrusion into the openness of the site and the surrounding Green Belt. Consequently, the proposal would have a moderately harmful impact on the openness of the Green Belt.

Character and appearance

14. The Council's Townscape Character Assessment (2017) finds that Prestwood's townscape consists of a combination of historic buildings, largely detached houses on large plots and with hedgerows and mature trees within frontages that contribute to the semi-rural character of the area. This identifies that the settlement has an important verdant character with strong semi-rural characteristics, especially on its perimeter. Plots along the western side of Wycombe Road are mostly generous in size with substantial landscaping contributing to the semi-rural feel of the area, particularly being on the edge of the settlement. The land to the rear of Wycombe Road consists of a combination of gardens and woodland with some sporadic housing set amongst extensive tree and hedge planting in a dispersed pattern. As such, this area is

transitional between the regimented built form adjacent to the highway and the open countryside beyond. The appeal site is to the rear of the row of dwellings that address Wycombe Road, is undeveloped and secluded by boundary planting. It therefore makes a positive contribution to the verdant and rural character and appearance of the area.

15. The proposal would locate a dwelling close to the southwestern boundary of the site and across the majority of its width. Its positioning would begin to consolidate the sporadic form of existing development to the rear of housing along Wycombe Road. This would erode the transitional space between the frontage properties and the open countryside beyond. This would therefore be at odds with the established pattern of development and would reduce the semi-rural character of the surrounding area.
16. The proposed dwelling would be behind Mulberry Lodge on a disconnected site that bears no relation to the established plan form. I recognise that the previous appeals, relating to Mulberry Lodge, found that the area included local examples of rear development, set back from the highway. However, the in comparison with these examples the site is further separated and dislocated from the majority of built form within the settlement. It would have only a tenuous connection to the street by a spur of a private drive. Additionally, although the pattern of development includes some dwellings that are set back from the highway these are limited and do not reflect the prevailing or established character of the area. Therefore, due to its position it would not relate well to existing built form.
17. The proposed dwelling would also include a sizeable element of accommodation within the roof, with dormer windows adding to the overall mass of the building. Therefore, being of relatively substantial scale and separated from the majority of existing built form, the proposal would be harmful to the semi-rural character of the site, harming the character and appearance of the area.
18. The appeal site is within the Chilterns Area of Outstanding Natural Beauty (AONB). It is within an area of the AONB identified in the Council's Landscape Character Assessment (2011) as the Great Kingshill Settlement Plateau. This consists of a mix of arable, rough grazing and paddock land with settlements being dense, nucleated villages and hamlets. The proposal would be a discrete addition to the wider landscape. In wide views of the settlement it would be read as part of the established built form of the village. As such, the proposed development would have no real impact on the valued landscape. Accordingly, the proposal would protect and conserve views through the AONB.
19. Accordingly, the proposal would satisfy saved policy LSQ1 of the LP and policy CS22 of the Core Strategy for Chiltern District 2011 (CS). These seek development to preserve and enhance the natural beauty of the AONB and conserve and enhance its special landscape character, heritage and distinctiveness. These policies are generally consistent with the Framework where it seeks, at paragraph 170, for development to protect and enhance valued landscape. Nevertheless, the proposal would be contrary to saved policy GC1 of the LP and policy CS20 of the CS. These seek, among other matters, for development to relate well to the characteristics of the site on which it is to be located and to respect the character of the surrounding area. These policies are generally consistent with the Framework which requires development to be sympathetic to the local character.

20. However, saved policy H3 of the LP relates to housing within built-up areas that are excluded from the Green Belt, as such this policy is not relevant.

Other Considerations

21. I have noted that the Chiltern Core Strategy Examination Report of 2011 identified that there were anomalies in the Green Belt boundary around Prestwood, with the boundary not following defined physical features. This was due to be addressed in a future development plan but currently remains unresolved. The boundary may not be clearly anchored to physical features close to the appeal site. However, I find the Council's policies plan submitted by the to be sufficiently clear to enable me to conclude that the site is within the Green Belt. The proposal must therefore be considered within that planning policy context. Consequently, the anomalies and any future changes to the boundary are of limited weight in my consideration of the current appeal.
22. I have already found that Mulberry Lodge and its grounds are within the limits of the built-up area. The site would therefore consist of previously developed land (PDL). However, paragraph 145(g) of the Framework only allows for the development of PDL in the Green Belt in certain circumstances. These relate to if it would not have a greater impact on openness than the existing development or would contribute to affordable housing needs, neither of which apply here. Therefore, the proposal would also not satisfy the requirements of paragraph 145(g).
23. The proposed dwelling would be an energy efficient self-build project and would make more efficient use of garden land. It is recognised that the appellant's have joined the Council's self-build register and that the Framework requires Council's to assist in the delivery of such sites to the market. The proposal would also be located within a village, enabling access to goods and services.
24. I have noted the support for the scheme from several interested parties. It is recognised that the proposal would consist of a design that would be in keeping with the style of some local housing and would be largely screened from neighbouring dwellings resulting in no substantive harm to neighbouring living conditions. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
25. Various appeal decisions have been submitted by both main parties. Of particular note are the decisions within close proximity of the appeal site. I have also paid particular regard to the appeal decision in Norley, where the Inspector found that the site constituted infill within a village. Although having gaps to its sides the site was within a dispersed but relatively continuous row of development. The context of that proposal was therefore materially different to the current proposal. Other appeal decisions submitted in evidence are of limited relevance as these were mostly within, rather than on the edge, of a settlement. Moreover, the issues raised in those cases largely turned on the specific circumstances of those sites and their relationship to each settlement. Furthermore, each case must be considered on its own merits as I have done in this case.

Whether there would be Very Special Circumstances

26. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that

such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

27. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also concluded that the proposal would harm the character and appearance of the area, a point of significant weight.
28. On the other hand, other considerations, including the contribution that the self-build property would make to unmet housing supply, are of limited to moderate weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development, either alone or in combination, do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.
29. Consequently, the proposal would be inappropriate development and as such harmful to the Green Belt. The proposed dwelling would therefore be contrary to paragraph 145(e) of the Framework. Although having applied only moderate weight, the proposal would also fail to accord with policy GB2 of the LP.

Planning Balance and Conclusion

30. The Council acknowledges that it cannot demonstrate a five-year housing land supply (HLS). It states that it currently only has a 4.18-year HLS which includes a 5% buffer. In such circumstances paragraph 11(d) of the Framework indicates that where the policies which are most important for determining the application are out-of-date, permission should be granted. However, paragraph 11(d)(i) sets out that the presumption in favour of sustainable development is does not apply where the application of policies within the Framework that protect areas of importance, defined by footnote 6 as including the Green Belt, provide a clear reason for refusing the development. As I have found Green Belt harm in this case the presumption in favour of sustainable development does not apply, an important consideration in the planning balance.
31. The proposed development would not accord with the development plan or national policy in relation to Green Belt. It would also be harmful to the character and appearance of the area resulting in further conflict with the development plan. There are no other considerations which outweigh these findings. Accordingly, for the reasons given, the appeal should not succeed.

Mr Ben Plenty

INSPECTOR