
Appeal Decision

Site visit made on 4 May 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2021

Appeal Ref: APP/K0425/W/20/3262639

Former farmyard to the rear of Crofters, Chinnor Road, Bledlow Ridge, HP14 4AJ

- The appeal is made under section 78 of the Town and Country Planning Act (TCPA) 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs D Turner against the decision of Buckinghamshire Council -Wycombe Area.
 - The application Ref:20/06158/FUL, dated 11 May 2020, was refused by notice dated 13 July 2020.
 - The development proposed is the change of use of redundant farmyard and agricultural buildings to create a converted single storey 2 bed dwelling, annexe and workshop. Demolition of existing redundant farm building and the erection of replacement building to form 3 x bay garage.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 28 June 2021.

Decision

1. The appeal is dismissed.

Procedural Matters

2. For the building marked as B, there are significant construction differences between that shown in an Ecological Report (ER) dated 9 May 2019 and that existing now. The appellants indicate such works could have been carried out without need for planning permission under agricultural permitted development rights under the GPDO¹.
3. The application description above refers to redundant farmyard and buildings, and there is no agricultural holding certificate submitted with the application. The works could have been carried out in the timeframe between the ER and the submission of the planning application (when the farmyard/buildings were confirmed to be redundant). The appellants also detail use of the site by a farmer who farms land in their control.
4. However, it is not possible to determine the planning lawfulness of the buildings as the evidence requires clarification and more detail. In any case, it is not the purpose of this type of appeal to determine the planning lawfulness of Building B as this is determined by other sections of the TCPA. Therefore,

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

the current existing nature of Building B has been considered in this appeal, as requested in the application submission.

5. For Building B, a structural survey report has been submitted with the appeal. This has been made in response to Council objections and has been submitted at an early stage of the appeal process enabling the Council and third parties a good opportunity to comment upon it. As a result, I have determined the appeal taking into account the survey.
6. In the 'Final Comments' submissions, a number of permitted developments were brought to the Inspector's attention. The Council's comments on these have been considered within this decision.

Application for costs

7. An application for costs was made by Mr and Mrs Turner against Buckinghamshire Council -West Area (Wycombe). This application is the subject of a separate Decision.

Main Issues

8. The site is within the Green Belt and so the main issues are:
 - Whether the scheme would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and the Development Plan;
 - the openness of the Green Belt; and
 - If the scheme is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

9. The appeal site comprises a group of rural buildings which is situated behind mainly frontage development on Chinnor Road in Bledlow Ridge. They are located on land sloping down into a valley feature. Access is via an unmade track which passes between Crofters and Bay Tree House.
10. Buildings, indicated as A, B and D, are of metal frame construction, concrete floors, low level blockwork construction, vertically spaced slatted timber boarding above this and a corrugated sheet roof over. They also have open unenclosed sections within their elevations. Drainage and power are already provided on the site. Under the proposal, these buildings A, B and D would be converted to residential uses, a dwelling, ancillary accommodation, and garage/workshop/bin storage respectively.
11. The Framework establishes that new buildings or development are inappropriate unless they fall within listed exceptions. One such exception is the re-use of buildings provided that the buildings are of permanent and substantial construction. In terms of the Framework, there is no definition of re-use and interpretation is up to planning judgement.

12. Under Wycombe District Local Plan (LP) 2019, Policy DM42 set out categories of development which are not considered to be inappropriate in the Green Belt. Re-use of buildings is not included but this is rectified by LP Policy DM45, which amongst other matters, states that the conversion of buildings will be acceptable where the existing foundations, floors, walls and roof of the building are of sound and permanent construction suitable for the proposed use.
13. Building A is open on one of its long elevations and on one half of a narrower end elevation (with open metal gate). The remainder of the building has low level facing blockwork with vertically spaced slatted timber boarding above and a corrugated sheet roof over. The boarding is also across the narrower partially open end elevation at the higher roof gable level. Building D is of a similar construction nature, open on one end elevation and mainly open on one half on the remaining end elevation, with similar blockwork, and boarding on enclosed sections, and roof. The boarding is also across the end elevations at a higher roof gables level.
14. Residential uses have certain requirements in terms of enclosure, insulation, fenestration and openings, and inevitably both national and local plan policies accept some alterations of buildings to facilitate their encouraged re-use/conversion.
15. Both parties refer to the *Hibbitt* legal judgement² which related to the application of permitted development rights given by the GPDO. Nevertheless, it was accepted at paragraph 27 of the judgement that there is a logical distinction between a conversion and rebuild, and that the divide between the two is a matter of legitimate planning judgment, with the test being one of substance. In this instance, there is a required re-use assessment based on building construction and neither party has disputed this. Without this assessment, it would not be possible to ascertain whether a re-use or rebuild/fresh build (the later term preferred in the *Hibbitt* judgement) had occurred for Buildings A and D.
16. The appellants' structural reports for these buildings, with a particular emphasis of building suitability to residential use, indicate that these buildings to be sound and permanent construction. They confirm that the buildings would be able to take the new roof and loads necessary for living accommodation requirements. However, these reports are narrowly focussed as they do not assess whether the proposal would amount to a rebuild/fresh build, taking into account the unenclosed nature of significant sections of the buildings and the weak construction nature of the slatted boarding, within a planning policy context. In this respect, these construction considerations indicate significant parts of the two buildings where extensive building works would be required for residential uses and that the buildings would not be a re-use or suitable for residential use.
17. The submitted plans also show that both buildings would have an internal secondary frame hung from the existing steel frame and roof insulation. There would also be the removal of the existing slatted boarding. Building A would also have both gable ends showing floor to ceiling height glazing and new timber boarding, which would require significant removal of existing blockwork.

² *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe BC* [2016] EWDC 2853 (Admin).

Its open long side elevation would be infilled with a new wall, built out under the line of the existing eave. The remaining countryside facing elevation would have full height glazing with louvred screen which would similarly result in significant removal of existing blockwork.

18. Building D's countryside elevation would similarly have full height glazing with louvred screen resulting in a significant removal of blockwork. In its open end elevation, there would be extensive full height glazing whilst in its other end elevation, there would also be full height glazing across the existing open gap. New timber framed insulated walls are shown within the village facing elevation and the end gable elevations. For all these reasons, the extent of proposed works for both buildings would be substantial based on the plans and details.
19. The consideration of the extent of proposed building works is not considered dispositive in accordance with paragraph 34 of *Hibbitt*, and is one, amongst other relevant considerations that could assist in forming a judgment as to whether the proposed works amount to a conversion or to a rebuild/fresh build. Nevertheless, considering all the above considerations, the developments would be a very long way beyond what might sensibly or reasonably be described as a re-use. Additionally, they indicate that the buildings are not suitable for residential use.
20. In an allowed 2018 decision for a converted barn at Saunderton, the original barn was described as having a concrete slab, blockwork on three sides, with metal cladding and metal sheet roof. The proposal included the replacement of the metal cladding on the upper parts of the walls and replacement roof sheets. The Inspector considered that the overall structure would remain but based on my assessment on the proposal before me, the developments would in all practical terms be starting afresh, with only a modest amount of help from the original agricultural buildings. Furthermore, the building in this other decision had a greater degree of existing enclosure than the current appeal site buildings, with more substantial areas of blockwork walling, which the Inspector indicated to be largely retained in the conversion scheme.
21. Planning permission has been granted for the demolition of an existing barn and the erection of a holiday let block at Upper Warren Farm in the Green Belt and Chiltern Area of Outstanding Natural Beauty (AONB). This new development would have resulted in a volumetric and footprint reduction compared to the original building. However, this proposal fell to be considered under a different policy exception under the Framework.
22. A 2016 prior approval was granted for the conversion of a former agricultural livestock farm at Hill Farm, Westfield Road, Long Crendon which the appellants indicate involved the replacement of an entire roof and walls of the buildings. In a 2018, the conversion of a barn at Hollow Brook Farm Barns, Worminghall Road, Oakley, was permitted which the appellants state involved the replacement of all aspects of the building aside from its metal frame. Finally, residential permission has been granted for a building at Old Ostrich Farm in Great Kimble.
23. However, irrespective of whether these developments amounted to re-build/fresh build, these decisions to permit them were made under different planning contexts. The 2016 and the Old Ostrich Farm decisions were made prior to the adoption of the LP and in the 2016 decision, it was made prior to the *Hibbitt* judgement. The 2018 decision was made having regard to a

different development plan. Therefore, these other developments illustrate that local planning policy and circumstance will differ between schemes. As would be expected, these schemes also differ overall in terms of the design and construction form both for original and completed buildings. Therefore, all these considerations indicate that every application has to be considered on its individual planning merits. As a result, these developments would not justify the current appeal proposal and for all reasons indicated, building A and D developments would not fall with the Framework re-use exception or the conversion exception under LP Policy DM45.

24. The proposal would also result in the demolition of Building C with a new building to provide garaging. Under the Framework, the relevant policy exception is the replacement of a building, provided the building is in the same use and not materially larger than the one it replaces. Here, the replacement would not be materially larger in size but it would be in a different use to the previous agricultural use and therefore, would not benefit from this exception.
25. For Building B, the appellant's structural report confirms the building to be of sound and permanent construction. The proposed non-accommodation residential uses would not make demanding construction requirements of the building and the extent of proposed works would not be extensive. There would be new timber cladding but the existing low level blockwork would largely remain. For all these reasons, this proposed development would meet the Framework exception for re-use and conversion under LP Policy DM45.
26. However, this development would not be a significant element of the proposal, being small and subservient in nature and extent. The determination of Buildings A, C and D as inappropriate development remains. Overall, the proposal would be inappropriate development under the Framework and LP Policy DM45 for all the reasons indicated.

Openness of Green belt

27. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
28. Openness has a spatial as well as visual dimension. Buildings A, B and D would not be larger than those existed or existed on the site. Replacement building C would be reduced in size and scale compared to that existing. Buildings H and I would be demolished. In qualitative terms, there would be an overall reduction in a net volumetric reduction of 19% and a reduction of 35% built form on the site.
29. However, the development site is elevated and prominent, and the proposal would introduce a new residential use, with domestic comings and goings of people and cars/delivery vans, and activity within the plot. The plot would have external wall mounted lighting, bollard lighting and pillar lighting as well as internal lighting, new fencing and staircase in and around Buildings A and B. Landscaping would take time to establish and even when established, it would be unlikely to screen all residential aspects of the development due to its extent and the topography of the site.

30. As a result, the residential development would be more intrusive and have a far greater presence within the surrounding area than the previous agricultural buildings and use. With building size reduction, this effect would be reduced and therefore, overall, the effect on openness would be neutral and preserved.

Other considerations

31. The proposal would provide a dwelling boosting housing supply and providing a home for present and future generations. The proposal would enhance the vitality of a rural community and given the location of the development, future occupiers would have access to the facilities and services of the village. Significant weight should be placed on supporting economic growth and productivity, taking into account both local business needs and wider opportunities for development.
32. The proposal would result in residential buildings instead of the existing utilitarian farm buildings on the site. Such buildings are found and expected to be seen within the countryside and they are not in a state of dereliction. Associated with the proposal, there would be domestication of the site and as such, there would be no improvement to the visual amenities of the area.
33. The proposal would make efficient use of land by developing a site with redundant buildings. It would avoid the empty and unused properties being left on the site. There would be solar panels fitted to the roofs of the buildings which would provide much of the energy requirements of the proposal, including electric and bicycle charging. Given the scale of the development, there would be a small environmental benefit associated with this.
34. The countryside views of the development would be seen against the backdrop of the existing village and would be distant. Nevertheless, this is a neutral consideration in the assessment of the proposal as this is a normal development control consideration that any application for development is expected to satisfy if planning permission is to be granted.
35. The purpose of the proposal is to enable the appellants to downsize their currently large property into a more manageable dwelling in preparation for retirement. However, personal circumstances will seldom outweigh the more general planning considerations as works of a permanent nature will remain long after they have ceased to be material. Furthermore, there is no guarantee that this would happen as people's circumstances can change and consequently, even if a mechanism was proposed to secure this, it would be unreasonable to ensure this.

Conclusion

36. The proposal would be inappropriate development in the Green Belt which is by definition harmful. The economic, social and environmental benefits would heavily weigh in favour of the proposal. Nevertheless, cumulatively, the weight of such considerations would not be great enough to outweigh the harm to the Green Belt because they would be restricted to a single dwelling development. In this regard, the Framework establishes that substantial weight should be given to any harm to the Green Belt.
37. For these reasons, 'Very special circumstances' do not exist as the harm to the Green Belt by reason of inappropriateness is not clearly outweighed by other considerations. There would be conflict with Policies DM42 and DM45 of LP

which amongst other matters, requires the current extent of the Green Belt to be maintained. There would also be conflict with Policy 1 of Bledlow-cum-Saunderton Neighbourhood Plan (NP) 2017, which requires development to comply with the provisions of the Wycombe Development Plan. NP Policy 8 is not applicable because it only relates to housing proposals with a rural-based justification.

38. Given the importance of the Green Belt, this would result in conflict with the development plan taken as a whole. The conflict with Green Belt policies in the Framework, that protect areas of particular importance, would provide a clear reason for refusing the development proposed. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR