

Appeal Decision

Site Visit made on 28 June 2021 by B Phillips BSc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/N0410/W/21/3271513

Elm Cottage, Farnham Lane, Burnham SL2 3SE

- 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 & Mrs R Allen against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/20/2411/FA, dated 27 July 2020, was refused by notice dated 15 October 2020.
 - The development proposed is described as a proposed construction of replacement dwelling, relocation of existing vehicular access & erection of detached garage, resubmission of withdrawn application PL20/1013/FA.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Amended plans were submitted during the consideration of the application, reducing the scale of the proposed dwelling. These amended plans were fully considered by the Council and I have therefore determined the appeal on the basis of these plans.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. The comments received have been taken into consideration in my assessment of this case.

Main Issues

5. The appeal site is located within the Metropolitan Green Belt (GB). Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and

- If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

6. Paragraph 149 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in this paragraph. Part d) of this paragraph lists the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces.
7. Policy GB1 (e) of the South Buckinghamshire District Local Plan (LP) (1999, as updated) allows for replacement dwellings which are in accordance with Policies GB10 and GB11.
8. Policy GB11 of the Council's Local Plan allows for the rebuilding of existing habitable dwellings subject to it being for a purpose for single family occupation, no larger than that of the original dwellinghouse plus any extensions which would comply with Policy GB10, of small scale in relation to the residential curtilage, compatible to the character of the area and comply with other relevant policies of the Council's Local Plan as appropriate.
9. The supporting text to LP Policy GB11 sets out that the proposal '*will be considered unacceptable where the floorspace of the replacement dwelling would be more than half the size again of the original dwelling*'.
10. The parties are agreed that the proposed replacement dwelling would constitute an increase in floorspace of slightly under 50%. This includes a detached garage as it would be located adjacent to the property.
11. Whilst further floorspace could be added in the roof space, this would often be the case and based on the submitted plans, the property complies with this 50% limit. However, 'materially larger' is not only measured by floorspace and site calculations; it is also necessary to consider the form, bulk, height and overall scale of the replacement building. Indeed, Policy GB1 further sets out that development will only be permitted where the proposal '*would not adversely affect the character or amenities of the Green Belt*' and '*the scale, height, layout, siting, form, design and materials of any new building would not adversely affect the character or amenities of the Green Belt.*'
12. The proposed dwelling would have a larger footprint than the existing building but would retain the same maximum ridge height. The replacement dwelling would have a bulkier and more consistent roof form however, as the form of the existing building is broken up by the double gable design. As a consequence, the massing of the new dwelling would be substantially greater than the existing building due to the more uniform shape, and it would appear more imposing visually and spatially than the existing.
13. The replacement dwelling would represent a substantial increase to the form, bulk and overall scale and size of the existing building. I conclude therefore that the proposed replacement dwelling in this case would result in a building that would be materially larger than that one it replaces. As a result, it would represent inappropriate development in the Green Belt in conflict with LP Policies GB11 and GB1 and paragraph 149 of the Framework as set out above.

14. Paragraph 147 of the Framework says inappropriate development is harmful by definition and paragraph 148 identifies that substantial weight should be given to any harm to the Green Belt.

Openness

15. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects.
16. The replacement dwelling would be sited more centrally in the plot than the existing dwelling, on a part of the site devoid of built development. The dwelling would be set further from the existing adjacent structures in the north east of the site and would therefore extend the built form across the site. In this respect openness would be reduced.
17. Given the altered orientation of the replacement dwelling, its side elevation would face the open land to the north rather than the rear elevation of the existing dwelling. Therefore, visually, from this perspective, the dwelling would be less prominent and the impact on openness would be reduced. Given the extensive boundary treatment the dwelling would not be visible from outside the site from any other direction.
18. It is noted that an existing tennis court would be removed from the site, and therefore, by virtue of the removal of the fencing around the court, there would be some benefit to openness. The amount of hardstanding around the site would also be substantially reduced. However, the impact of this on the openness and general urbanisation of the site would be minor and would not compensate for the materially larger replacement dwelling and its re-siting.
19. There would therefore be a spatial loss of openness to the Green Belt. Whilst the effect on openness would be localised and limited, harm would be caused to the Green Belt. The Framework is clear that substantial weight should be given to any harm to the Green Belt.

Other Considerations

20. The amended siting of the dwelling is partly a consequence of the creation of a new access, and the oak trees sited to its east. The Council have raised no issue with the highway safety impact of the new access. From what I saw on site, given its position on Farnham Lane and the alignment of the lane at that point, it would offer improved visibility over the existing access, which is limited by existing oak trees on the boundary. I have no reason to disagree that there is no conflict with the highway safety objectives of LP Policy TR5, however this is a neutral factor as a safe and suitable access to the site would be expected in any event.
21. I note that the appellants have sought to work with the Council by amending the scheme. However, for the reasons set out above the proposal is not acceptable and this cooperation does not lead me to find otherwise. Limited weight is therefore given to this matter.

22. I note the submissions in respect of the condition of the property and the benefit of the various energy efficient measures incorporated into the construction, along with other environmental considerations, however this does not address or outweigh in this instance the harm that I have found. These matters are neutral factors in my assessment of the proposal.
23. It is also noted that a certificate of lawfulness was granted for the erection of a swimming pool and gym¹ on the appeal site, however no details of this have been submitted and as such I cannot give this any weight.
24. The improved landscaping around the site, as suggested by the appellants, would be of some benefit to biodiversity and would help screen the existing structures, for example the Old Stables building, from the highway. As such, I give this moderate weight.

Green Belt Conclusion

25. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of the loss of openness. These matters carry substantial weight. Moderate weight can be given to the considerations cited in support of the proposal. Consequently, the considerations advanced by the appellants do not clearly outweigh the harm to the Green Belt that I have identified. Accordingly, very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal therefore conflicts with LP Policies GB1 and GB11 and the Framework.

Recommendation

26. I have found that the proposal conflicts with the development plan when read as a whole. There are no material considerations, including the benefits of the proposal and the Framework, that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

RC Kirby

INSPECTOR

¹ Reference PL/19/2626/SA