

# Appeal Decision

Site visit made on 27 July 2021

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> August 2021**

---

**Appeal Ref: APP/K0425/W/21/3267539**

**10 Haw Lane, Bledlow Ridge, High Wycombe, Buckinghamshire HP14 4AH**

- 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 David Cross against the decision of Buckinghamshire Council - Wycombe Area.
  - The application Ref 20/06054/FUL, dated 26 April 2020, was refused by notice dated 31 July 2020.
  - The development proposed is for the erection of new detached 4no. bed property.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. For clarity, I have taken the address in the banner heading above from the appeal form as it is more precise.
3. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of the appeal. The main parties have had an opportunity to comment on the significance of the changes, and I have had regard to the comments received from the appellant and the Framework in reaching my decision.
4. A revised plan has been submitted with the appeal after the decision by the Council was made. I have not taken these into consideration as they have not benefitted from a full consultation exercise undertaken by the Council and the Council's refusal was on the basis of the original plans. It is not the role of the appeal process to evolve a scheme, and I am not confident that interested parties would not be prejudiced if I accepted the revised plan. Therefore, in the interests of fairness, I have only considered the plans that formed the basis of the Council's refusal of planning permission.
5. Since the determination of the planning application by the Council, the appellant has commissioned an Ecological Assessment<sup>1</sup>. The Council agrees with the findings in this report and I have little reason to disagree with its conclusions. Thus, refusal reason no. 3 on the Council's decision notice is no longer in dispute.

## Main Issues

6. Whilst the site is located within the Chilterns Area of Outstanding Natural Beauty (the Chilterns AONB), there is agreement between the main parties that

---

<sup>1</sup> Ecological Assessment undertaken by AMPA Associates Ltd dated 6 November 2020

the proposed development would not harm the scenic beauty of the Chilterns AONB.

7. Therefore, the main issues of this appeal are:

- i. whether the proposed development would be inappropriate development in the Green Belt;
- ii. the effect of the proposed development on openness of the Green Belt;
- iii. the effect of the proposed development on character and appearance, with particular regard to trees; and,
- iv. if the proposal 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 the development.

## **Reasons**

### *Inappropriate development*

8. The Framework establishes, at paragraph 149, that the construction of new buildings is to be regarded as inappropriate in the Green Belt unless, amongst other things, they represent limited infilling in villages<sup>2</sup>. This approach is echoed locally by Policy DM42 of the Wycombe District Local Plan 2019 (LP), which supports limited infilling in identified areas and in accordance with the definition of limited infilling in an explanatory paragraph<sup>3</sup>. Policy 2 of the Bledlow and Saunderton Neighbourhood Plan 2017 (NP) confirms that it would support development within settlements in the Green Belt, provided it does not constitute inappropriate development, amongst other things.
9. The Framework does not define a village or what would constitute limited infilling, and a High Court judgment<sup>4</sup> brought to my attention underscores that it is necessary to consider the facts on the ground. Whether or not a proposal represents limited infilling is ultimately a matter of planning judgment, having regard to factors such as the nature and size of the development, the location of the application site and its relationship to other, existing development adjoining and adjacent to it.
10. Bledlow Ridge has a settlement boundary (SB) and the appeal site is located within it. Thus, whilst having regard to the SB and the facilities and residential development, I am satisfied that Bledlow Ridge is a village for the purposes of paragraph 149 e). Furthermore, I note that the Council accepts that Bledlow Ridge is suitable for limited infilling in the Officer Report. Although, I consider that the site is located within a built-up area, the site and the long front garden of the immediate neighbour at 6 Haw Lane form a very wide gap in the street scene.
11. Whilst the proposed development would have a relationship with the existing pattern of development, forming the continuous frontage of housing to the north of the site, the visual connection would be reduced due to the access

---

<sup>2</sup> Paragraph 149 e)

<sup>3</sup> LP paragraph 6.222

<sup>4</sup> Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council (2015) EWCA Civ 195

serving 14 Haw Lane. Although, the proposed dwelling would be adjacent to No 10, a wide gap would still remain between the proposed development and the dwelling at 4 Haw Lane due to the distance that No 6 is set back from the road.

12. Therefore, whilst the development would only comprise a single dwelling, the gap in which it would take place would not be small and is not within an otherwise built-up frontage, given the separation distance between the site and No 4. Nor would the proposed development fill the gap which currently exists. Taking all of those factors together, although the site is in a village and the plot widths along Haw Lane are comparable, I conclude that the development would not constitute limited infilling. Therefore, it would not meet the exception criteria in paragraph 149 e) of the Framework.
13. Given the appeal site sits within the built-up area of a settlement and relates to land forming part of the residential garden of No 10, it does not fall under the definition of previously developed land (PDL) in the Framework. In this respect the appellant has brought to my attention a judgment<sup>5</sup> to support his case and I also note that the Council does not dispute the appellant's position on this matter. However, even if the site comprised PDL, I have already found the development would not represent limited infilling and therefore the development would not meet that part of exception within paragraph 149 g) of the Framework or meet an identified affordable housing need within the area of the local planning authority.
14. I conclude that the development would constitute inappropriate development in the Green Belt, which would conflict with LP Policy DM42, NP Policy 2 and the requirements the Framework. The Framework states that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances.

### *Openness*

15. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to prevent urban sprawl by keeping land permanently open. As such, openness is an essential characteristic of the Green Belt which has both spatial and visual aspects.
16. The Planning Practice Guidance (PPG) states that openness is capable of having both spatial and visible aspects<sup>6</sup>. As the proposed dwelling would be constructed on a site which is currently free from built development, the proposal would result in both a spatial and visual reduction in the openness of the Green Belt. Although the proposed development seeks to retain the mature trees and a majority of the hedgerow on the site, there would still be moderate harm to the openness of the Green Belt. Nonetheless, the Framework requires that substantial weight is given to that harm to the Green Belt.

### *Character and appearance*

17. The trees and mature hedgerow to the front of the site are important features within the street scene and positively contribute to the verdant visual amenities of Haw Lane, in particular the section between No 4 and No 18, where the site is located. Since the determination of the planning application by the Council, the appellant has undertaken a tree survey and has submitted an arboricultural

---

<sup>5</sup> Dartford Borough Council v SSCLG et al (2017) EWCA CV 141

<sup>6</sup> PPG, Paragraph: 001 Reference ID: 64-001-20190722

report<sup>7</sup> to support his submission. Whilst I acknowledge the findings contained within this report, the findings appear to be based on a revised plan and not those determined by the Council, which locate the proposed development closer to the trees. Additionally, a notable amount of hedgerow would still be removed to facilitate the development and its access. In this instance, I find that a suitably worded condition could not be imposed, to ensure that otherwise unacceptable development could be made acceptable.

18. For the reasons given above, I therefore conclude that the proposed development would harm the character and appearance of the appeal site and the surrounding area, particularly through its effect on trees. This would fail to accord with the design, character and appearance aims of Policies DM13, DM14 of the Delivery and Site Allocations Plan for Town Centres and Managing Development 2013 (DSAP), LP Policies DM34, DM35, NP Policies 1, 10 and the requirements of the Framework.

#### *Other considerations*

19. The proposal would make a relatively small but important contribution towards meeting the Council's housing requirements and minor economic and social benefits would be generated through the construction phase and subsequent occupation of the proposed development. I also acknowledge the appellant's intention to construct a house of good design quality to enhance the character of the local area and for it to be carbon neutral. These are matters which weigh in favour of the proposal, albeit to a limited degree due to the scale of the scheme.
20. I have been referred to a plethora of appeal decisions<sup>8</sup> by the appellant. However, from the limited evidence before me I cannot be certain that the circumstances in which those cases were determined or carried out, were directly comparable to those in the appeal before me, especially as they are all located in different areas of the country. My attention has also been drawn to a housing development at 22 Haw Lane and other sites in the locality. However, I have not been provided with the full details of these developments or the circumstances in which they were found to be acceptable.
21. Additionally, I note that this historic development at No 22 pre-dates the current development plan and the Framework, by a considerable amount of time. In any event, I have considered the appeal proposal on its own planning merits, based on current local and national planning policy and the specific circumstances in this case, and the other decisions referred to, do not alter my conclusions on the main issues.
22. My attention has been drawn to a previous appeal decision<sup>9</sup> for the site. However, this was considered against a different Local Plan and considering the time that has passed since that decision, I have attached little weight to it.
23. I recognise that there would be benefits arising from the appeal proposal, and the harm to openness would be limited. Nonetheless, substantial weight must be given to any harm to the Green Belt, and the identified considerations in

---

<sup>7</sup> Arboricultural and Planning Integration Report, undertaken by GHA Trees dated 23 November 2020

<sup>8</sup> APP/C3430/W/18/3207145; APP/J0405/W/18/3203262; APP/Q4625/W/17/3188046; APP/J3720/W/16/3167715; APP/U2235/W/16/3164561 and APP/R0660/W/15/3106042

<sup>9</sup> APP/K0425/A/04/1156321

this instance do not clearly outweigh the harm by reason of inappropriateness. Therefore, very special circumstances do not exist.

### **Other Matters**

24. Additionally, I have had regard to the concerns of local residents, including reference to a land dispute. However, any ownership issues are a private matter between the relevant parties and not within my jurisdiction. I have considered this appeal on its own merits and concluded that the proposed development would be unacceptable for the reasons set out above.

### **Green Belt Balance and Conclusion**

25. The Framework requires that substantial weight is given to any harm to the Green Belt and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
26. I accept the absence of other harm arising from the appeal scheme, including biodiversity. However, I have concluded that the appeal scheme has harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt. Accordingly, there is conflict with national policy and the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. Having carefully considered the benefits of the appeal scheme and all other considerations, I find that individually and cumulatively, they would not clearly outweigh the substantial weight given to Green Belt harm.
27. For the reasons given above, I conclude that the appeal should be dismissed

*W Johnson*  
INSPECTOR