



Appeal Decision

Site visit made on 7 June 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/K0425/W/21/3267057

Beechcroft, Upper Icknield Way, Whiteleaf HP27 0LX

- 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 Mark Spilman against the decision of Buckinghamshire Council.
 - The application Ref 20/07039/FUL, dated 8 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is demolition of existing dwelling and associated buildings, and erection of 2 x 5 bedroom detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published. As a consequence, the main parties were consulted on the implications, if any, for the appeal.

Main Issues

3. The main issues are:
 - i) whether the proposal would constitute inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the character and appearance of the area;
 - iii) the effect of the proposal on flood risk; and
 - iv) if the proposal would be inappropriate development, whether the harm by reason 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

Inappropriate development

4. The fundamental aim of Green Belt policy in the Framework is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

5. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception set out within the Framework is the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
6. The appeal site is a large parcel of land which slopes down from the main road. It is currently occupied by a detached two storey dwelling that is set back from the highway. To the right of the building when viewed from the road, there is a double garage with a generous pitched roof. Additionally, a woodstore sits adjacent to the garage with a low flat roof. The cumulative effect of these buildings is to create a wide footprint. However, due to its dominant height, the dwelling is the principal building on the site with the garage and woodstore being demonstrably subordinate in scale and mass.
7. Policy DM43 of the Wycombe District Local Plan (2019) (LP) states that the volume of existing outbuildings will not be included in any calculations relating to the replacement of dwellings in the Green Belt. In this regard, I find that it is broadly consistent with exception 'd' of the Framework. However, in my view, exception 'g' is broader in its scope and does not make a distinction in relation to buildings that would be replaced. Consequently, I find that the judgement regarding openness should relate to all buildings on the site, because all of the buildings are to be replaced, and all have an effect on openness.
8. Following their demolition, the proposal would replace the existing structures on the site and replace them with two detached dwellings. Rather than being a conventional two storeys in height, the houses would provide first floor accommodation within the roof space. Accordingly, the eaves and ridge height of the proposed dwellings would be lower than the existing house on the site. However, they would be demonstrably taller than the existing garage and woodstore and the width of the buildings would be comparable with the principal house. Accordingly, although there would be a gap between the proposed dwellings, the proposal would result in a substantial increase in the built form on the site. As a consequence, the proposal would have a demonstrably harmful and greater effect on the openness of the Green Belt than the existing scenario.
9. Therefore, for the reasons identified above, I conclude that the proposal would represent inappropriate development within the Green Belt. Accordingly, it would fail to comply with the Green Belt protection aims of the Framework, as well as Policies CP8, DM42 and DM43 of the LP. Taken together, these establish the local requirements for development within the Green Belt and which are generally consistent with the requirements of the Framework.

Character and Appearance

10. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). Accordingly, Paragraph 176 of the Framework confirms that great weight should be given to conserving and enhancing landscape and scenic beauty, and that the scale and extent of development within the designated area should be limited.

11. The proposal would replace the existing dwelling and its associated outbuildings, both planned and current, with two new dwellings of a traditional design. The Council raised no concerns with the nature of the proposal from a design perspective, suggesting that the proposal would sufficiently reflect the traditional styles of buildings within the immediate surroundings as well as the broader AONB. Based on the evidence before me, and notwithstanding my conclusions in relation to the Green Belt, I have no reason to disagree with the Council on this matter.
12. Accordingly, I conclude that the proposal would not harm the character and appearance of the surrounding area. It would therefore accord with Policies CP9, DM30 and DM35 of the LP, which taken together, seek amongst other things, high quality design which conserves, and where possible, enhances the natural beauty of the AONB.

Drainage

13. The topography of the appeal site is such that it slopes from the main road towards the bottom of the site. As a consequence, the Council suggests that the bottom of the site is at risk from surface water flooding. Given the levels of the site, this is not entirely surprising, however, no evidence has been presented to confirm that any of the site is located outside of flood zone 1.
14. I note the requirements of Policy DM39 of the LP, however, based on the evidence before me, the case presented by the Council is far from compelling. Moreover, in my judgement, the policy requirements could be adequately met through the use of a suitably worded condition. On this basis, I conclude that the proposal would not increase flood risk. It would therefore accord with Policy DM39 of the LP which seeks to manage flood risk.

Other Considerations

15. The evidence before me confirms that planning permission exists, and has been commenced, for a three bay garage located to the left of the dwelling when viewed from the road, as well as a pool building to the rear of the site. Moreover, a lawful development certificate has been obtained for a large outbuilding to the rear of the existing dwelling, and based on the evidence before me, this has also been commenced with the formation of a trench. If these buildings were completed, they would add to the building mass on the site. Consequently, it is the appellant's view that they are material when considering the effect of the proposal on openness.
16. The structures that are referred to are material fallback positions. They have consent and have been commenced, and if completed, they would substantially increase the built form on the site. Indeed, based on the evidence before me, the proposal would result in meaningful reductions in both volume and footprint if the structures referred to were constructed first. On this basis, the effect of the proposal on openness would be substantially reduced. Indeed, the effect would most likely be neutral.
17. However, the buildings are a long way from being constructed, and as a consequence, they currently have no effect on the openness of the Green Belt. Moreover, in themselves, they are large building projects that would require meaningful time and finance to be fully implemented. Therefore, in my view, it would be incorrect to assess the appeal as if they were in place. Nevertheless,

they are credible additions to the property and based on the effect that they could have, I give these fallback positions moderate weight in my assessment of the appeal. I do not give them substantial weight, or consider them in my findings in relation to openness, as I find that the evidence regarding their future completion is not entirely compelling. For example, I am not aware of contracts being let for their construction, and although I note the desire to maximise the value of the site should redevelopment not be forthcoming, this does not translate to a tangible timeline for construction or a meaningful intent to fully build out the proposals.

18. The proposal would also enable the replacement dwellings to be more energy efficient than the existing building, and offer the potential for ecological gains. It would also move the development further away from a protected tree. These matters weigh in favour of the proposal, but due to its limited scale, I only afford them limited weight. In addition, the proposal would generate an additional dwelling for the local housing supply which would also bring with it associated economic benefits through the creation of construction jobs and additional expenditure in the local economy. However, again, due to the scale of the proposal, these matters only attract limited weight in favour of the appeal.
19. Paragraph 148 of the Framework requires that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. For the reasons identified above, the proposal would have a greater effect on the openness of the Green Belt, and it would therefore constitute inappropriate development. Giving substantial weight to this matter, as required by the Framework, I conclude that the other considerations identified by the appellant do not amount to the very special circumstances necessary to justify the development.

Conclusion

20. The appeal should be dismissed.

Martin Chandler

INSPECTOR