



Appeal Decision

Site Visit made on 24 August 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2021

Appeal Ref: APP/K0425/W/21/3275448

The Finings, Finings Road, Lane End, High Wycombe, HP14 3LP

- 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 Matthew Corder against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 21/05011/FUL, dated 4 January 2021, was refused by notice dated 22 April 2021.
 - The development proposed is erection of a single detached dwelling and a separate double garage within the garden of The Finings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The postcode for the appeal site was given as HP14 3PL on the application form but HP14 3LP on the appeal form. The latter is consistent with the Council's decision notice, and I have therefore used it in the banner heading above.
3. Since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.

Main Issues

4. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) whether or not the proposal would provide a suitable location for housing having regard to the position of the site at Bolter End and its accessibility to services and facilities; and
 - iii) if the development would be inappropriate, whether the 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

5. The appeal proposes a dwelling on part of the garden associated with The Finings. The Framework advises that inappropriate development is, by

definition, harmful to the Green Belt. It identifies that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, exceptions to this include limited infilling in villages, and limited infilling or the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

Infilling or redevelopment of previously developed land

6. Fencing and fairly dense vegetation screen the appeal site's boundaries to Finings Road and an area of gravel used for parking adjacent to Finings Cottage. Nevertheless, the site is currently predominantly laid as grass, and the absence of built form results in an appreciable sense of openness in the gap between Finings Cottage and the neighbouring dwelling at Moorside beyond.
7. The introduction of the dwelling and garage, would by their very presence result in a significant loss of openness in spatial terms in comparison to the existing site circumstances, and this loss would be further increased by parking and other paraphernalia likely to accompany a dwelling. The current use of the site as a garden means that residents may already add fencing, washing lines, barbeques or play equipment to this area, but any impact on openness would be likely to be modest in comparison to the greater height, bulk and scale of the dwelling and garage. Moreover, it seems to me that the overall demand for such features would be likely to be increased by an additional dwelling.
8. I agree with the appellant's Landscape and Visual Impact Assessment (LVIA) that the site is visually enclosed by existing boundary hedging, and do not dispute that the potential Zone of Visual Impact of the development would be limited. Be that as it may, the LVIA highlights that there would still be some views of the roof of the development above boundary vegetation, including from Finings Road and the footpath which joins it adjacent to Laceys Farm. There would also be likely to be views of the development along the new access that would be created. Planting may provide for some additional screening, but this is unlikely to be complete and coverage may also vary throughout the year. Although the available views would be localised and limited, the presence of the development would therefore be apparent, diminishing the current openness of the site.
9. Irrespective of other buildings nearby, the proposal would therefore harm the openness of the Green Belt in both spatial and visual terms. The harm would be relatively modest given the scale of the development and the limited area from which it could be seen, but nevertheless means that the proposal would not meet the terms of the exception for limited infilling or redevelopment of previously developed land specified within the Framework.

Limited infilling in villages

10. The Framework does not define the terms 'village' or 'limited infilling', but Policy DM42 of the Wycombe District Local Plan 2019 (LP) sets out that development that the Framework classifies as not inappropriate in the Green Belt may only be an exception subject to a number of clarifications. These include that the exception for limited infilling is restricted to only within the built-up villages identified on the Policies Map and in accordance with a definition of limited infilling given in the supporting text to the policy.

11. There is no dispute between the parties that Bolter End is not one of the built-up villages where Policy DM42 of the LP identifies limited infilling may take place. Under the terms of this policy, the proposal would not therefore comprise an exception to inappropriate development.
12. I appreciate that in confining infilling to certain villages, Policy DM42 is more restrictive than the Framework. Nevertheless, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Government policy, the Framework is undoubtedly an important material consideration. Even so, the examination of the LP prior to its adoption in 2019 led to Policy DM42 being found acceptable. Although the version of the Framework in place at that time differed in some respects, it similarly referred to 'limited infilling in villages' as an exception to inappropriate development in the Green Belt.
13. The appellant suggests that the objective of Green Belt policy when considering infill development is simply to protect villages from development which would impact on the openness of the Green Belt. However, even if I were to agree with this view, I found at my visit that the typically generous spacing around and between buildings near to the appeal site results in a distinctly open character. No firm evidence has been provided that would lead me to conclude that the open character of Bolter End does not contribute to the openness of the Green Belt, and I have found above that the proposal would cause some harm to this openness.
14. In this context and from the evidence before me, I do not find in this case that the Framework offers a compelling reason to depart from the approach to the definition of inappropriate development established by the LP, and it does not reduce the weight that I afford to the conflict with Policy DM42 in this regard.

Findings on inappropriate development

15. For these reasons, I conclude that the proposal would comprise inappropriate development which is, by definition, harmful to the Green Belt. It would conflict with Policy DM42 of the LP, as well as Policy CP8 which sets out that the Council will protect the Green Belt from inappropriate development. There would also be harm to the openness of the Green Belt which the Framework identifies alongside permanence as one of the essential characteristics of Green Belt.

Suitability of the Location

16. Policy CP3 of the LP provides a settlement strategy with reference to a hierarchy of settlements that takes account of the range of facilities and services and how easy it is to access public transport and areas of employment in different locations.
17. Bolter End has a limited bus service and few other facilities, and is identified as a Tier 5 small village. However, Lane End nearby is identified by the LP as a Tier 3 higher order service village, and provides for a wider and larger range of facilities, as well as access to a more frequent bus service. The appeal site would be within reasonable walking distance of many of these services, and I have no firm reason to doubt the appellant's statement that the site would be closer to the Lane End village centre than some areas on the outer reaches of the village, including a housing allocation site.

18. Given these factors, there would be locally accessible services to meet some day to day needs of occupiers of the development, and potential for travel by modes other than private vehicles which would help to reduce car dependency. Nevertheless, the supporting text to Policy CP3 indicates that the settlement strategy is intended to ensure that development is not proposed in areas where development should be restricted such as AONB, Green Belt and areas at risk of flooding, as well as in places without the facilities and services to support it. It is not therefore predicated on the accessibility of locations alone. While I note the appellant's position that the appeal site is arguably a more sustainable location than areas within Tier 3 and Tier 4 areas, I am not therefore persuaded that the accessibility of the site and Bolters End undermines or negates the overall settlement strategy established by the LP.
19. Notwithstanding my view that access to services and facilities for occupiers of the development would be acceptable, the appeal does not propose a rural exception affordable housing scheme. The development would not therefore accord with the overarching settlement strategy at Policy CP3 of the LP, and would be contrary to Policy CP1 which seeks sustainable development in adherence with principles for the main places in the area.

Other Considerations

20. The appellant indicates that the development would provide for a self-build dwelling, and in this regard it would align with objectives within the Framework seeking to significantly boost the supply of housing. Occupiers would also benefit from some access to local facilities and bus services. However, the contribution of the proposal towards the overall supply of housing and self-build and custom housing would be limited given its small scale, and I therefore give moderate weight to these benefits.
21. The appellant further suggests that the development would assimilate into its surroundings and possess design quality and longevity. Be that as it may, I am not persuaded that the proposal would result in significant enhancement to the character or appearance of the area. There are also no firm details to demonstrate the environmental sustainability of the development nor the benefit to ecology of suggested planting. The weight that I afford to these factors is accordingly limited.
22. I am also sympathetic to the appellant's desire for a dwelling on the site to be close to family. However, there is very little detail regarding the need for the accommodation or whether alternative options have been considered, and the development would also remain long after the current personal circumstances cease to be material. As a result, I do not find that this factor offers compelling support for the proposal.

Other Matters

23. The Council's Historic Building's Officer requested further information and amendments to the proposal, referring to the open landscape quality at the site as contributing to the setting of The Finings, a Grade II listed building. I am mindful that section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. However, the harm that would arise in relation to the main issues in this case provide compelling grounds to dismiss the appeal.

24. I have also had regard to the purposes of conserving and enhancing the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB) in accordance with the statutory duty under the Countryside and Rights of Way Act 2000. Subject to details of fencing at the site which could be sought by condition, I see no reason to disagree with the Council's assessment that the proposal would be acceptable in this regard. However, the absence of harm weighs neither for nor against the proposal.
25. The Parish Council, elected members and local residents have not objected to the proposal, and the Council and consultees have not raised objections in relation to matters including trees, flooding, ecology and the living conditions of neighbouring occupiers. Nonetheless, these are similarly neutral factors and do not amount to considerations in support of the appeal.

Planning Balance

26. Whether or not an alternative approach to infilling within villages may have been found acceptable if it had been put forward during the evolution of the LP, I am required to consider the proposal in light of the development plan as adopted.
27. The proposal would cause harm to the Green Belt by virtue of inappropriateness, and some harm to openness. In accordance with the Framework, I give this harm substantial weight. The location of the development would also be contrary to the settlement strategy outlined by Policy CP3 of the LP, albeit that I am satisfied that occupiers would have acceptable access to services and facilities which moderates somewhat the ensuing harm.
28. The Framework identifies that inappropriate development should not be approved except in very special circumstances, and advises that 'very special circumstances' 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. I afford moderate weight to the modest benefits arising from the additional dwelling on the site intended as a self-build property. However, I conclude that even taken together, the other considerations in this case would not clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt.
29. The proposal would comply with a number of policies of the LP, but the consideration of whether a proposal accords with the development plan when it is read as a whole is not simply a matter of counting up the policies complied with against instances of conflict. In this case, the development would be contrary to the overarching settlement strategy for the area and would comprise inappropriate development that would harm the openness of the Green Belt in conflict with Policies CP1, CP3, CP8 and DM42 of the LP. I find that this would result in fundamental conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR