
Appeal Decision

Site visit made on 18 January 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/N0410/W/21/3276737

The Hatchery Farm Shop, Red Barn Farm, Amersham Road, Beaconsfield, HP7 0JY

- 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 Ms J Axten against the decision of Buckinghamshire Council
 - The application Ref PL/19/3765/FA, dated 1 November 2019, was refused by notice dated 18 March 2021.
 - The development proposed is described on the application form as 'Retrospective application for the retention of a Farm Shop, Cabin selling hot/cold drinks and the associated conversion and use of a former kennel building as a kitchen'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal relates to the effect of the development on highway safety. It referred to insufficient information submitted with the planning application to enable the highways, traffic and transportation implications of the development to be fully assessed. The appellant provided additional information in this regard as part of this appeal¹ including a traffic survey. The Council has considered this information and as a result has confirmed that, subject to conditions, they no longer maintain an objection on highway safety grounds. I have no reason to disagree and have identified the contentious issues accordingly.
3. The development has already been carried out and as such the appellant seeks retrospective planning permission. The main parties have also had opportunity to comment on the revised National Planning Policy Framework 2021 (the Framework). I have taken them and it into account.

Main Issues

4. The main issues are:
 - Whether the development is inappropriate development in the Green Belt, including the effect on its openness and the purposes of including land within it.
 - If the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other

¹ Highway Planning Ltd – Appeal Statement dated June 2021

considerations so as to amount to the very special circumstances required to justify it.

Reasons

5. The appeal site is located at Red Barn Farm, which is a working agricultural unit. The development includes the use of various buildings on the site as a farm shop (Building 1), for the sale of hot and cold drinks (Building 2) and as a kitchen (Building 3). There is evidence to suggest that buildings 1 and 2 were previously agricultural but it is far from compelling. There is a parking area between the various buildings. Both parties agree that these uses comprise a 'Local Community' use which falls under Class F2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO).
6. Building 1 is an extended single storey structure of a traditional appearance. The extension is single storey, constructed of timber and includes sliding doors providing access to the farm shop. Building 2 is single storey timber cabin which is resting on concrete slabs. Building 3 is a small single storey building which has a traditional appearance.

Whether Inappropriate Development

7. No elevation or floor plans were submitted with the original planning application or with this appeal. However, during my site visit, the extension to Building 1 was clearly discernible from the original building, not least because it comprises completely different building materials (timber as opposed to red brick). As such, even in the absence of floor and elevation plans, given that the development has already taken place, I am able to assess its effects.
8. Framework Paragraph 149 refers to the construction of new buildings as being inappropriate in the Green Belt, with various exceptions. One such Exception is '149(c)', which refers to the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
9. The extension attached to Building 1 is small in comparison to the other buildings within the surrounding farm complex. However, the original building is of a similarly diminutive scale. The extension is of a similar size and scale to the small brick building to which it is attached. It has a flat roof as opposed to a pitched roof and therefore a lower overall height. However, the height to the eaves is higher than the original building. The extension is also a similar length and width to the original building. As such, it results in a disproportionate addition over and above the size of the original building and it therefore does not meet the exception set out under Framework 149(c). The extension to building 1 is therefore inappropriate development in the Green Belt.
10. Paragraph 150 of the Framework sets out that certain other forms of development are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. Such as, in this particular case, the re-use of buildings provided that the buildings are of permanent and substantial construction. Both Building 1 and 3 are of permanent and substantial construction and there is no compelling evidence before me to indicate that this was not the case at the time the development and use commenced on site. As such, it is necessary to consider

whether their use would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

11. The appellant asserts that Building 2 is a temporary mobile structure, which can be moved around the site. Notwithstanding this position, the appellant also suggests that an application for a Lawful Development Certificate (LDC) has been submitted to the Council on the basis that the building was 'completed 7 years ago' and has thus 'been there well in excess of four years'. However, this would seem to indicate that the appellant is seeking a LDC on the basis that Building 2 comprises a permanent building rather than a use of the land. In any case, there is no evidence of any such certificate having been granted.
12. If Building 2 is a permanent building, then it would not fall under any of the exceptions to inappropriate development set out within the Framework. As such, it would be inappropriate. If the building is temporary and mobile, then the development would constitute a change of use of the land for the siting of Building 2. Given the uncertainty as to whether Building 2 relates to a new building or the use of the land, I have considered this appeal on the basis that it relates to the latter. This represents a best-case scenario for the appellant. Building 2 therefore needs to be considered under Framework Paragraph 150(e), which indicates that material changes of use of land are not inappropriate, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
13. In terms of preservation of the openness of the Green Belt, Framework Paragraph 137 states that the essential characteristics of Green Belts are their openness and permanence. An assessment of openness requires a consideration of both spatial and visual aspects.
14. I have already found that the extensions to Building 1 are disproportionate additions to the original building. They are single storey in scale, but they will still result in a moderate spatial reduction in the openness of the Green Belt. Building 2 is a single storey structure, which is fairly small in scale. However, the use of the land for the siting of this building would also result in a moderate spatial reduction in openness, given that the land was previously free from development. In addition, the use of the car park for the parking of vehicles including delivery vehicles would further diminish the spatial aspect of openness. This impact is a consequence of the overall use of the buildings on the site. The appellant asserts that without the development, there would need to be an increase in farm operations for economic reasons, resulting in more intensive machinery and activity on the appeal site. However, the evidence before me indicates that the farm is still operational, and no compelling evidence has been provided to demonstrate that there would be a necessary increase in agricultural activities on the appeal site in the event that the appeal is dismissed.
15. As such, and overall, the development has resulted in an increase in the amount of built development and a proliferation of vehicles on the appeal site which, when combined, would result in a significant spatial reduction in the openness of the Green Belt.
16. In terms of the visual aspect of openness, the site is relatively well contained. An existing residential dwelling and various large farm buildings are located in close proximity to the appeal site. These buildings, together with a tall palisade fence on the boundary, assist in visually screening the appeal site from much

of the surrounding area. Furthermore, the dwelling and farm buildings have a more prominent scale and massing than the development. As such, despite the overall spatial impact of the development, it would only result in a limited visual reduction in openness.

17. Turning to the purposes of including land within the Green Belt, these are set out at paragraph 138 of the Framework. They are of a strategic nature which in brief seek to check unrestricted sprawl, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic towns and assist in urban regeneration. Given my findings in relation to the spatial impact on openness, noting that the site is clearly within a countryside location, the development does result in encroachment in the countryside. It does not conflict with any of the other purposes identified under Framework Paragraph 138.
18. As such, the development does not fall within any of the exceptions to inappropriate development listed under Framework Paragraphs 149 or 150. The development is therefore inappropriate development in the Green Belt.
19. Local Plan² Policies GB1 and GB2 set out the Council's approach to development in the Green Belt. In relation to the re-use of buildings, both policies require that the use does not detract from the open character of the Green Belt. Therefore, and given my conclusions in relation to openness, the proposed development would conflict with both of these policies.

Other Considerations

20. The appellant considers that the proposed development sells 'essential goods' by definition, given that the development falls under use Class F2. Indeed, some of the goods sold, such as food, domestic fuel and household cleaning products can be considered essential within these terms. The evidence before me also indicates that the site is more than 1km from any similar shop. The provision of a Local Community Use in this regard would carry some social and economic benefits. However, no compelling evidence has been provided to demonstrate how many or which local residents are served by this use and/or whether these residents could not already access similar facilities nearby. The site is over 1km from any similar local shop but that does not mean that there are not other similar shops located closer to concentrations of residential development in the surrounding area.
21. Furthermore, the appellant indicates that some of the goods sold on site are produced on the farm and that others are sourced locally. There is also an assertion that without this facility, local businesses would suffer economically. However, no compelling evidence has been provided as to the precise economic benefit in this regard. For example, it is not clear to what extent the existing farm operation is or is not economically reliant on the farm shop. Similarly, there is no compelling evidence before me to support the claim that without the farm shop, local businesses would suffer economically.
22. The appellant asserts that the development embodies rural diversification, supported by the Framework and Core Strategy³ Core Policy 10. However, for

² South Bucks District Local Plan Adopted March 1999, Consolidated September 2007 and February 2011

³ South Bucks Local Development Framework Core Strategy Development Plan Document, Adopted February 2011.

the reasons outlined above, the economic and social benefits associated with the development in this regard are of only moderate weight.

23. The fact that there are no permitted development rights, under the UCO, for a change of use from Use Class F2 to retail uses under Class E is not a benefit of the development and carries neutral weight.

Conclusion

24. The development is inappropriate development in the Green Belt, harms its openness and does not safeguard the countryside from encroachment. The Framework clearly sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework outlines that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I afford substantial weight to the harm to the Green Belt, in accordance with the Framework.
25. My analysis leads me to attach only moderate weight to the social and economic benefits of the development. The substantial weight I have given to the Green Belt harm is not therefore clearly outweighed by other considerations. As such, the very special circumstances required to justify the development do not exist.
26. For the reasons set out above, having had regard to the development plan and all other relevant material considerations, the appeal should be dismissed.

Luke Simpson

INSPECTOR