The Planning Inspectorate

Appeal Decision

Site visit made on 18 January 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2022

Appeal Ref: APP/N0410/D/21/3275204
Chalk Pit Nursery, Chalk Pit Lane, Burnham, SL1 8NH

- 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 Nigel Cohen against the decision of Buckinghamshire Council.
- The application Ref PL/20/4016/FA, dated 26 November 2020, was refused by notice dated 24 February 2021.
- The development proposed is addition of a single storey glass room located on the rear elevation of the property in the private garden.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:

   - whether the proposal represents an inappropriate development in the Green Belt;
   - the effect of the development upon the openness of the green belt; and
   - if the development is 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 the development.

Reasons

Whether inappropriate development

3. The appeal site is located in the Metropolitan Green Belt. In considering this appeal, my attention has been drawn to Policy GB10 of the South Buckinghamshire Local Plan (1999) (the Local Plan). The supporting text to this policy indicates that an extension which, in conjunction with other developments, adds more than 50% to the floorspace of the dwelling will be regarded as being inappropriate.

4. This policy approach is consistent with the National Planning Policy Framework (the Framework), which regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this which, which are listed in paragraph 149 of the Framework.

5. Amongst other types of building, the list of not inappropriate types of development includes the erection of an extension to a dwelling. This is

providing that it does not result in a disproportionate addition to the original building.

6. The evidence before me is indicative that the dwelling has previously been extended a multiple number of times in the past. These, in conjunction with the appeal proposal, would result in a substantially larger and bulkier dwelling than what was originally constructed. This is owing to the many projecting elements that have since been constructed post the erection of the original dwelling.

7. In this instance, the combined new floor space of the dwelling once the proposed development has been added to existing extensions would be greater than 50% of the original house. Therefore, the dwelling would be substantially larger than originally constructed and therefore the proposal would result in a disproportionate addition to the dwelling.

8. This increase in floor space to the original dwelling would occur irrespective of the materials from which the extension would be constructed. The proposed extension would not encompass a significant portion of the appeal site's garden. However, the judgement as to whether the proposed development is not inappropriate within the Green Belt is based upon the change to the existing building. This contrasts to an assessment in respect of the coverage of the site.

9. I therefore conclude that the proposed development represents an inappropriate development in the Green Belt. The development, in this regard, would conflict with the requirements of Policies GB1 and GB10 of the Local Plan, and the Framework. Amongst other matters, these seek to avoid inappropriate development in the Green Belt; and that extensions are of a small scale in relation to the existing dwelling.

Effect on the openness of the Green Belt

10. The proposed development would be located at the rear of the dwelling within the properties garden. It would also be close to a number of outbuildings and the previously described extensions. The property features boundary treatments comprising walls and hedges.

11. Whilst the proposed development would be constructed from materials including glazing, the supporting structures would be relatively perceptible from some distance away and the extension would therefore have a discernible mass. In consequence, the proposed development would result in an appreciable increase in the overall level of built form.

12. In addition, owing to the predominantly glazed form of the proposed development views into the structure would be possible. This means that the various domestic activities that would potentially take place within the development would be perceptible. In consequence, the proposed development, in conjunction with other developments, would result in a demonstrable change in the character of the site.

13. In addition, the proposed development would be viewed alongside other extensions and outbuildings that are present in the appeal site. Taken together, these would represent a notable increase in the general overall level of development at the appeal site. In consequence, the cumulative effect of the proposed and existing buildings are such that there would be a change in the general character of the appeal site.

14. This means that the spatial sense of openness that is an intrinsic feature of the Green Belt would be eroded by the proposed development. In result, the proposed development would conflict with the general purposes of including land within the Green Belt. In particular, the proposed development would result in an increased urbanising effect within the surrounding area.

15. I acknowledge that the development would be, generally, screened by the existing built structures and the boundary treatments. Whilst this would result in the development not eroding the physical sense of openness within the Green Belt it would not overcome the previously described adverse effects.

16. It has been suggested that the extension is of a demountable construction. Although this might be the case, there is a likelihood that it would remain in situ for a considerable period of time. Therefore, the adverse effects would be readily apparent for a notable amount of time once constructed. In consequence, the character of the Green Belt would be eroded for a substantial period of time, which I am compelled to give weight to.

17. I therefore conclude that the proposed developments would have an adverse effect upon the openness of the Green Belt. The development, in this regard, would conflict with Policies GB1 and GB10 of the Local Plan, and the Framework. Amongst other matters, these seek to maintain the openness of the Green Belt; not adversely affect the character or amenities of the landscape; and not adversely affect the character or amenities of the Green Belt

Other considerations

18. The proposed development would result in improved living conditions for the occupiers of the proposed development. However, the development would not increase the level of recreation space at the property and as such any improvements in living conditions would be small in nature. I also note that there are other structures within the appellant's garden that could be utilised for recreation. I therefore give this matter a limited amount of weight.

19. There would be some economic benefits arising from the construction of the extension, however, any such benefits would be small scale, localised in impact, and of a time limited duration. I therefore give these a limited amount of weight.

Planning Balance and Conclusion

20. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.

21. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.

22. The other considerations I have identified individually and collectively carry a limited weight in favour of the proposal. As such the harm to the Green Belt is

not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.

23. The proposal would therefore have an adverse effect upon the openness of the Green Belt, the character and appearance of the site and the setting of the Listed Building. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR