



Appeal Decision

Site visit made on 1 February 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/X0415/W/21/3281062

Spring Cottage, Stoke Wood, Stoke Poges SL2 4AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr R Wall of Berkeley Property Services Limited against Buckinghamshire Council.
 - The application Ref PL/21/1343/OA is dated 1 April 2021.
 - The development proposed is construction of two detached dwellings.
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Decision

1. The appeal is dismissed, and planning permission refused.

Procedural Matters

2. The proposal was submitted in outline with all matters reserved. The quantum of development is clear from the description and plans relating to matters reserved for future consideration have been treated indicatively when determining the appeal.
3. The Council failed to give notice within the prescribed timescales but subsequently gave reasons under the appeal why they would have refused permission, informing the main issues in dispute.
4. The Secretary of State considered the proposal in accordance with Regulation 14 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017) (the EIA Regulations) and found that it was not EIA development. The appeal has been dealt with on this basis.
5. The site is within the zone of influence of the Burnham Beeches Special Area of Conservation (SAC). Accordingly, the proposal needs to be considered in the context of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). I have addressed the matter later in my decision.

Main Issues

6. The main issues are;
 - (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies and any effects on openness; and

- (b) whether any harm by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development in the Green Belt

7. The Metropolitan Green Belt (the Green Belt) washes over the site, where the Framework is clear that new buildings would be inappropriate development. To be regarded as not inappropriate development, buildings would need to satisfy one of the exceptions identified in the Framework. The first question in this case is whether the proposal would constitute limited infilling in a village under Paragraph 149 (e) of the Framework.
8. It is clear that the site is within Stoke Poges' administrative area and that there are a number of centrally located shops and services¹ within Stoke Poges sufficient to define it as a village. However, the village centre and the main built up area surrounding it are a significant distance to the south of the site.
9. They are separated by open countryside and there is little evidence of contiguous development between the village centre and the site. Consequently, the pattern of development is such that the site presents itself as not being in the village.
10. Factors such as the proximity of other scattered dwellings, which share a similar context that is separate from the village centre, residential speed limits and a public house do not change my assessment in this regard. Similarly, an ability to walk to the village centre would not overcome the separation in the pattern of development.
11. Whilst I note that other villages may be designated within the development plan, and the existence of other appeals, there will always be variation in local context, and it is not possible to make direct comparisons or rely on other appeal decisions in the absence of the detailed evidence and arguments presented to the inspector.
12. The relevant judgement² is clear that several factors are at play in deciding whether a site is in a village, such as the number of buildings or properties that are grouped together, their inter-relationship and spacing, the facilities and services available and the juxtaposition of the site with surrounding buildings and any open land beyond.
13. In this case, the situation on the ground shows the site is clearly separate from the main built up area of the village centre, principally due to intervening open countryside and lack of contiguous development. It is not reasonable to conclude that the site should be regarded as being part of the village for the purposes of considering infill development in the Green Belt.
14. Whether something is limited infilling will essentially be a question of fact and planning judgement having regard to the nature and size of the development itself, the location of the site and its relationship to other, existing development adjoining and adjacent to it.

¹ the village centre

² Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

15. In this context, the site is amongst other residential development where both dwellings could indicatively have a relatively close relationship with other dwellings either side, whilst sharing similar building lines. It is clear that the proposal would be infill development, and the net increase of a single dwelling could reasonably be considered limited.
16. Notwithstanding, this does not alter my findings on whether the site is in a village. Altogether, despite comprising limited infilling, the proposal would not be in a village and is therefore inappropriate development in the Green Belt under Paragraph 149 (e) of the Framework.

Openness

17. The site's location is sparsely developed and residential in character, with large dwellings on correspondingly large plots of land set within a countryside location. Consequently, the pattern of development and spatial context is one of openness.
18. The area is generally well landscaped, and this provides significant screening of buildings where views are limited from the highway and surrounds. Consequently, the visual context is also one of openness.
19. The proposal seeks to introduce two detached dwellings at the site, following the demolition of the existing dwelling and outbuilding. Clearly, even a limited net increase in dwellings at the site would intensify the built form and erode the openness of the Green Belt's spatial context.
20. Whilst I acknowledge that one of the dwellings would take a position similar to the existing outbuilding, a dwelling is not comparable in scale to an outbuilding and would intensify the built form.
21. Similarly, other outbuildings and extensions to the existing dwelling that have been presented as a fallback position would not be comparable in scale to an additional dwelling either.
22. For example, even if footprints were broadly comparable in combination, these other outbuildings would likely be dispersed throughout the site and the impact would not be as concentrated or significant compared to an additional dwelling.
23. Furthermore, an additional dwelling would bring with it the associated domestic paraphernalia including vehicles, fencing and boundary treatments, which among other things would contribute to the intensification of the site.
24. Taking all of the outbuildings, extensions, and fallback positions in combination, I am not persuaded that the proposal would avoid an in principle intensification of the site's built form.
25. It is clear that the significant screening provided by landscaping would mitigate the proposal and preserve the openness of the Green Belt's visual context. However, altogether the proposal would intensify the site's built form, harming the openness of the Green Belt's spatial context.
26. The lack of other harms, such as those relating to the purposes of the Green Belt, would not change these findings. It follows that harm to openness would also mean that the proposal would not satisfy Paragraph 149 (g) of the Framework, because it would have a greater impact on the Green Belt compared to existing development.

27. Overall, the proposal would harm the Green Belt by reason of inappropriateness and by reason of the effects on its openness. Paragraph 147 of the Framework makes clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework goes on to establish that substantial weight is given to any harm to the Green Belt.
28. Policies GB1 and GB3 of the South Bucks District Local Plan 1999 relate to a stricter boundary led approach to infilling, among other Green Belt provisions. These may not be entirely consistent with the Framework's approach, which allows an on the ground assessment of infilling. However, even if these policies carried limited weight under the appeal, it would not change my conclusions on whether the proposal is inappropriate development under the Framework.

Other Considerations and Very Special Circumstances

29. 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.
30. Even if the Council could not demonstrate a five year housing land supply and the shortfall was significant, the proposal would be limited in its contribution. Furthermore, the scale of socio-economic activity resulting from the construction of one additional dwelling and the extent to which land is being used effectively would be similarly limited.
31. Consequently, unlike the relevant appeals³ for major development, and whilst recognising the general principle that small and medium sized sites can be important for housing delivery in accordance with Paragraph 69 of the Framework, the benefits of additional housing in this particular case would be altogether limited.
32. In relation to the effects on the character and appearance of the area, an absence of harm or a reduced level of harm should not be counted as a positive consideration in support of the development, wherein the relevant judgement⁴ has established that the absence of a severe harm cannot reduce the harm by reason of inappropriateness.
33. Furthermore, given the nature of an outline proposal, the details of the design are not in front of me to determine that enhancement effects exist and would be significant in the balance.
34. It may be the case that factors put forward in support of a development do not need to be exceptional or out of the ordinary. However, given the very limited scale of the potential benefits put forward I cannot reasonably conclude that the cumulative effect would amount to very special circumstances.
35. Overall, I have found that the other considerations in this case would be limited and would not clearly outweigh the identified Green Belt harm which carries substantial weight. The very special circumstances necessary to justify the development do not exist.

³ APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926

⁴ R (Lee Valley Regional Park Authority) v Broxbourne BC [2015] EWHC 185 (Admin)

36. Consequently, whilst Policy GB1 and GB3 of the South Bucks District Local Plan 1999 may carry limited weight it is still the case that the proposal would fail to accord with Paragraphs 147, 148 and 149 of the Framework, which among other things seek to control inappropriate development in the Green Belt.
37. A shortfall in five year housing land supply would engage Paragraph 11 (d) of the Framework. However, my findings on the Green Belt and lack of very special circumstances mean that the application of policies in the Framework provides a clear reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development is not engaged.

Other Matters

38. The site is within the zone of influence of the Burnham Beeches SAC. However, as I am dismissing the appeal and refusing planning permission for other reasons, it is not necessary for me to make a finding on the potential likely significant effects.

Conclusion

39. For the reasons given above, the appeal is dismissed, and planning permission refused.

Liam Page

INSPECTOR