
Appeal Decision

Site visit made on 1 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2022

Appeal Ref: APP/X0415/W/21/3277175

Bendrose Farm, White Lion Road, Little Chalfont HP7 9LJ

- 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 J Hance against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/20/3972/FA, dated 18 November 2020, was refused by notice dated 23 April 2021.
 - The development proposed is Demolition of all buildings and redevelopment to form 6 dwellinghouses, with associated hard and soft landscaping and highway improvements.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr J Hance against the decision of Buckinghamshire Council – East Area (Chiltern). This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - i) whether the proposal represents inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the surrounding area;
 - iv) whether the proposal makes adequate provision for car parking, and if not, the effect of any under provision; and
 - v) 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 required to justify the proposal.

Reasons

Inappropriate Development

4. The fundamental aim of Green Belt policy in the National Planning Policy Framework (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. An exception to this does relate to previously developed land, however, due to the established use of the site, the proposal would not benefit from this exception.
6. Consequently, based on the evidence before me, it is common ground that the proposal would represent inappropriate development within the Green Belt. This is a conclusion that I share, and accordingly, the proposal would fail to comply with the Green Belt protection aims of the Framework, as well as Policies CS1, CS4 and CS20 of the Core Strategy for Chiltern District (2011) (CS) and Policies GC1 and GB2 of the Chiltern District Local Plan (1997) (Consolidated 2007 and 2011) (LP). Taken together, these establish the spatial strategy for the district as well as the local requirements for development within the Green Belt.

Openness

7. The appeal site is currently occupied by a series of agricultural buildings, as well as a bungalow which is situated somewhat centrally on the site. The agricultural buildings vary in size and scale and in the evidence before me, they have been labelled buildings 1 – 6 on the existing site layout.
8. Building 1 is a barn of substantial appearance which has a long footprint that addresses much of the existing access track. Building 2 combines with the bungalow to create a small courtyard in the northern portion of the site, however the southern corner is more open, with space between the bungalow and Bendrose Cottages. There are two smaller buildings opposite building 1, but these are smaller in scale and set back from the access track. Accordingly, they have some space about them and do not provide the same enclosing presence as Building 1.
9. Due to the number of buildings on the appeal site, and the level of site coverage, the site cannot be described as open. It is an established cluster of agricultural buildings whereby the buildings frame much of the site. Accordingly, in its current form, the appeal site does not make a significant contribution to the openness of the Green Belt.
10. The proposal would see the demolition of all the buildings on the site, and their replacement with a residential development. The north-eastern end of the site would seek to provide a courtyard layout in a similar manner to the existing arrangement. However, the buildings would be two storeys in height and the level of enclosure provided would exceed that of the current layout. This is due to the height, number and location of the proposed dwellings which would generate a more imposing built form.
11. Building 1 would be replaced by two storey dwellings either side of the proposed access road. Although individually they would be smaller than the existing barn, the proposed layout would frame the access road in a manner that would contrast with the more spacious existing arrangement. Beyond these two houses, there would be a generous gap to plot 3, however, the siting

and size of plots 1 and 2 would demonstrably reduce the openness experienced along the access road.

12. For the reasons identified above therefore, in my judgement, the proposed layout would harm the level of openness currently afforded by the site. Although built form is abundantly present at the moment, the proposal would introduce a more intense form of development. Spaces and gaps would still remain between buildings, however, due to the size, height, and location of the proposed houses, the sense of space and openness upon the site would demonstrably reduce both visually and spatially.
13. Consequently, I conclude that the proposal would harm the openness of the Green Belt.

Character and Appearance

14. As identified above, the appeal site currently takes the form of a cluster of agricultural buildings. The site is accessed via a long driveway which runs through undeveloped land. Beyond the site to the east is a large factory premises which is very prominent from views within the appeal site. However, generally, the appeal site presents an agricultural appearance with a cluster of buildings that are varied in size and scale. Accordingly, the site has a distinct physical and visual link to the adjacent rural environment and makes a modest contribution to this established character.
15. The proposal would replace the agricultural buildings with six dwellings. These would be two storey structures finished in brick with black painted timber weatherboarding and plain clay tiles. The layout would see the creation of two dwellings either side of the main road through the site. This would create a somewhat formal gateway to the development, at odds with the more organic and spacious layout of the existing site. Moreover, upon entering the site, it would be the presence of four car parking spaces that would be most prominent, again in sharp contrast to the adjacent rural environment.
16. The driveway would then run between the garden spaces of plots 1, 2 and 3 before turning into a central courtyard. This arrangement would provide little by means of activity to the principal access, instead presenting a long and unrelieved frontage with little visual interest. The courtyard would benefit from much more activity and would be well framed by the proposed dwellings. However, this feature would be deep into the site and would feel removed from the main entrance.
17. Architecturally, the proposed dwellings would seek to pick up on the rural context through the use of weatherboarding, catslide roof arrangements, and roof features. However, despite this, I find that the overall layout to have a disjointed and suburban appearance that would be at odds with the immediate surroundings. Much of the access road would be dominated by car parking and extensive boundary treatments, and although landscaping could soften this arrangement, visually the road would lack interest and activity. The courtyard would provide an interesting space, but this would not be sufficient to outweigh the shortcomings that I have identified to the front of the site and along the proposed access road.
18. Consequently, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with

Policies GC1, GB2 and GB30 of the LP, Policy CS20 of the CS, as well as guidance within the National Design Guide. Taken together, these seek amongst other things, development which is designed to a high standard, and which would be well integrated into its rural setting.

Car Parking Provision

19. When assessed against local parking standards, the proposal would not provide sufficient parking on the site. Specifically, plots 1, 2, 4 and 5 would only have access to two parking spaces, whereas plots 3 and 6 would have access to both private garaging and a driveway.
20. The Council asserts that the under-provision would have the effect of cars being parked haphazardly within the site which would be to the detriment of the rural surroundings. I have no reason to dispute the local parking standards, and due to the location of the site, there would be limited opportunities for on-street parking, other than within the development itself. The layout of the site would be such that cars parking on the proposed road would exacerbate the concerns identified above, creating an environment intruded upon by the presence of parked cars. Accordingly, the under provision of spaces would cause further harm to the character and appearance of the area.
21. I note the proposed road improvements and the provision of passing areas, as well as the lack of any objection from the Highway Authority. However, the concerns identified do not relate to highway safety and consequently, these matters do not alter my findings.
22. Consequently, I conclude that the proposal would provide insufficient parking spaces for the development proposed, and that the effect of such under provision would be to the detriment of the character and appearance of the area. The proposal would therefore fail to comply with Policies GC3 and TR15 of the LP which taken together, seek parking areas that are conveniently located for the uses they serve, and which provide good standards of amenity for future occupiers.

Other Considerations

23. It is common ground between the parties that the Council cannot currently provide a five-year supply of deliverable housing sites. Accordingly, the appellant refers to the Government objective of significantly boosting the supply of homes, and the implications of engaging Paragraph 11 of the Framework. The presumption in favour of sustainable development will be returned to below, but the provision of housing in a situation whereby housing supply is currently falling short does attract significant weight.
24. My attention has also been brought to a previously granted prior approval that would establish five new dwellinghouses at the site. This approval is time-limited but the evidence before me suggests that there is currently no reason why it could not be renewed at a later date. It is the appellant's contention that the scheme proposed would have a beneficial impact on openness, however, for the reasons identified above, I do not share this conclusion. I also note that improvements to the access track may not be delivered through a prior approval conversion. Despite this, I do not consider this to be a substantial benefit of the proposed development and therefore this matter only attracts limited weight in favour of the appeal.

25. The prior approval does of course represent a fallback position but for the reasons identified above, I do not find that the proposal would represent a more favourable position. The fallback position therefore also attracts limited weight in favour of the proposal. Permission also exists for an extension to the existing bungalow, but for the same reasons as identified above, this matter also attracts limited weight.
26. Paragraph 148 of the Framework confirms that substantial weight should be 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.
27. I have found that the proposal would be harmful by reason of inappropriateness, and that it would also cause harm to the openness of the Green Belt as well as to the character and appearance of the surrounding area. When giving substantial weight to these matters, I am entirely satisfied that the other considerations that have been identified by the appellant do not clearly outweigh the harm. Consequently, the very special circumstances needed to justify the proposal do not exist.

Other Matters

28. As identified above, due to the housing land supply position of the Council, the presumption in favour of sustainable development, as set out within Paragraph 11 of the Framework is engaged. This states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
29. Footnote 7 of the Framework confirms that these policies include those relating to land within the Green Belt and as identified above, I am satisfied that when applying these policies, they provide a clear reason for refusing the development. Accordingly, the proposal should not benefit from the presumption in favour of sustainable development.

Conclusion

30. For the reasons identified, the appeal should be dismissed.

Martin Chandler

INSPECTOR