
Appeal Decision

Site visit made on 15 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/X0415/W/21/3279497

Holly Hatch Cottage, Nags Head Lane, Great Missenden HP16 0HD

- 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 St Clair-Burton against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/21/1477/FA, dated 17 March 2021, was refused by notice dated 9 July 2021.
 - The development proposed is Demolition of existing conservatory and erection of a first floor side extension and two-storey and single storey front extension with new and altered dormer window to front and fenestration changes, with subdivision of the extended dwelling to form two three-bedrooms dwellings with altered access, parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing conservatory and erection of a first floor side extension and two-storey and single storey front extension with new and altered dormer window to front and fenestration changes, with subdivision of the extended dwelling to form two three-bedrooms dwellings with altered access, parking and amenity space, at Holly Hatch Cottage, Nags Head Lane, Great Missenden HP16 0HD, in accordance with the terms of application Ref: PL/21/1477/FA, dated 17 March 2021, and subject to the conditions in the attached schedule:

Main Issues

2. The main issues are:
 - i) whether the proposal represents inappropriate development within the Green Belt; and
 - ii) the effect on the character and appearance of the area.

Reasons

Inappropriate Development

3. 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.
4. 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. However, the Framework also identifies specific exceptions, and with regard to the development proposed, exception c) in Paragraph 149, and exception e) in Paragraph 150 are of relevance.

5. Exception c) relates 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 dwelling. Albeit relating to a different proposal, extensions of the nature proposed have already been approved by the Council. The Council are therefore satisfied that the extensions are not disproportionate, and based on the evidence before me, I have no reason to disagree.
6. Paragraph 150 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Exception e) states that this includes material changes in the use of land. The proposal would seek to subdivide the appeal site to provide two new dwellings. Although this would continue to remain as a residential use, in my view, the proposed intensification would represent a material change in use, and it is in such intensification where the Council's concerns manifest.
7. The proposal would by its very nature generate additional car parking spaces, as well as means of enclosure to facilitate the subdivision. In addition, the proposal would increase the likelihood for residential paraphernalia. However, the appeal site represents a large parcel of land, and the existing building is set substantially back from the highway, with access provided via a driveway which climbs the sloping site levels. Due to the set back from the road, the extent of the driveway, and existing provision of hardstanding, future alterations to subdivide the site would have very little effect on the overall site layout. The substantial space to the front of the site would remain and although hardstanding may be formalised somewhat, this would not materially alter the openness of the site.
8. To the rear of the site, the existing dwelling benefits from a generous private garden on sloping land. The proposal would see this space subdivided but due to the overall size of the site, and the existing presence of both the dwelling and its associated outbuildings, I am satisfied that such an alteration would be minor in the context of the broader site, and that it would consequently preserve existing levels of openness.
9. Accordingly, although the Council's concerns are understood, I am satisfied that the proposed development would accord with the exceptions identified above. Consequently, the proposal would not represent inappropriate development within the Green Belt. It would therefore comply with the Green Belt protection aims of the Framework, as well as Policies GB2 and GB10 of the Chiltern District Local Plan (1997) (Consolidated 2007 and 2011) (LP). Taken together, these establish the local requirements for development within the Green Belt.

Character and Appearance

10. The appeal site is located at the edge of the existing settlement. However, the existing building is substantially set back from the road and is also well-screened by established and mature landscaping. Accordingly, due to the siting of the building and the verdant surroundings, I find that the building is

not overly prominent in the street scene. The alterations proposed to the site layout would therefore have very little effect from a visual perspective.

11. The extensions have been deemed acceptable by the Council, and the changes to the front of the site would mainly formalise much of the existing site layout. As a consequence, in my judgement, the proposed sub-division would have very little effect on the established visual appearance of the site and its surroundings. On this basis, it would also conserve the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty.
12. Consequently, I conclude that the proposal would not harm the character and appearance of the surrounding area. It would therefore comply with Policy GB2 of the LP which provides the Council's approach to development in the Green Belt.

Conditions and Conclusion

13. Due to my findings set out above, conditions are necessary in the interests of clarity and precision to establish the time limit for the commencement of development, as well as to confirm the approved drawing numbers. In addition, to ensure a satisfactory appearance, a condition is necessary to control external materials, and condition 4 is necessary in the interests of highway safety. Finally, due to the scale of the proposed extension and conversion, permitted development rights could create two large dwellings. Accordingly, I am satisfied that a condition to remove permitted development rights is necessary to protect the openness of the Green Belt, and that the justification required by the Framework has been demonstrated in this regard.
14. Subject to these conditions, the appeal should be allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be implemented strictly in accordance with the following drawing numbers: P100; P103; 101.2-HH; and 203.2-HH.
- 3) The materials to be used in the external construction of the development hereby permitted shall match the size, colour and texture of those of the existing dwelling.
- 4) Prior to occupation of the development space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.
- 5) Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A - F inclusive of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.