



Appeal Decision

Site visit made on 19 April 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/N0410/W/21/3283020

Land rear of 246 Swallow Street, Iver SL0 0HT

- 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 James Smith against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/20/3346/FA, dated 7 October 2020, was refused by notice dated 15 July 2021.
 - The development proposed is demolition of existing mobile home dwelling unit, loosebox stable and two outbuildings and erection of dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice. Although different to that on the application form, it is used on the appeal form and is more precise in terms of what existing buildings were included.
3. As part of their appeal submission, the appellant has submitted an amended site plan. This altered the mobile home and stable building from being shown within the blue edged area to the red edged area. These buildings were included in the description of development used by the Council on the decision notice and consultation. Therefore, third parties would not be prejudice by my taking this into account.

Main Issues

4. The main issues of the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies,
 - The effect of the proposed development on the character and appearance of the area; 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

5. The appeal site is located in the Green Belt. The Framework outlines that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
6. One of the exceptions to inappropriate development in the Green Belt is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would either not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
7. A further exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. Policy GB1 of the South Bucks District Local Plan (Local Plan) sets out exceptions where planning permission will be granted for development in the Green Belt but does not include any exception with regard to previously developed land. It refers to replacement dwellings in accordance with Policies GB11 of the Local Plan.
9. As neither party has provided a copy of Policy GB11 I am unable to assess the proposal against it. In any event, with regard to the replacement dwellings exception in the Framework, the proposal includes a stable building which is not residential and the caravan, that is of such a use, is materially smaller than the proposed dwelling. Consequently, the appeal scheme would not accord with this exception in the Framework.
10. The main parties are in agreement that the site is previously developed land. On the basis of the information before me, I have reached the same finding and my conclusions as to the effect on openness will determine whether the proposal is inappropriate development.
11. The information before me does not include the dimensions of the proposed dwelling. As such, even if I were to include the caravan and stable building, I cannot be certain the footprint or volume of the structures to be removed would be less than is proposed. Moreover, although no plans showing the height of the existing buildings are provided, from my observations, they are low level, and the proposed dwelling would be of a greater height.
12. Therefore, based on the evidence before me, even if I were satisfied that conditions removing permitted development rights and preventing replacements for the buildings to be removed could be imposed, the proposal would reduce spatial openness.
13. The existing structures are individually small. They are discreetly located adjacent to boundary treatments and other buildings which partly screen them. The proposed dwelling would be one larger block located centrally in an area currently without built form. This would result in it being more visually prominent and be more readily seen in views from the road and other properties. As such, it would result in greater visual harm to the Green Belt.

14. Consequently, in visual terms and spatial terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. Although the harm would be small, this would be contrary to the Framework where it states openness is an essential characteristic of the Green Belt.
15. There is no mechanism or clear evidence before me that the proposal would be for or secured as affordable housing in line with the definition in the Framework. As such, the proposal would not meet the requirements of the second part of paragraph 145g.
16. Therefore, the proposal would be inappropriate development in the Green Belt with regard to the Framework. It would also fail to accord with Policy GB1 of the Local Plan. However, as it is not wholly consistent with the Framework, I afford the conflict with this policy moderate weight.

Character and Appearance

17. There are buildings and structures to the rear of the linear frontage properties along this part of Swallow Street. Nonetheless, the predominant pattern of development is one of rows of ribbon development with properties orientated towards the road with a relatively consistent building line.
18. The existing structures at the appeal site are of limited visual quality. Nonetheless, other than the caravan, which is far smaller than the proposed dwelling, they are of equestrian or domestic appearance and being low level are viewed against boundary treatments and other buildings.
19. The proposed dwellings, although of a comparable scale and taking cues from some nearby properties in terms of materials and features, would be obviously residential in appearance and create a new plot to the rear of another. This would be uncharacteristic of the nearby development. As a result, the proposed dwelling, would be more conspicuous in partial views from the road and nearby properties.
20. As a result, the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policies EP3 and H9 of the Local Plan where they seek to ensure appropriate siting of buildings.

Other Considerations

21. Being for a replacement dwelling there would not be an additional contribution towards housing supply. Any economic benefits resulting from the construction period would be minimal and attracts limited weight.
22. Even if I were to agree that there are no concerns with parking, highway safety, flooding and built heritage, these would be neutral factors and would not weigh in favour of the scheme.
23. My attention has been drawn to similar schemes. The Inspector in the Bellswood Farm appeal referred to a net reduction in the amount of built form and hard surfacing. I do not have such comparative information for the proposal before me. Moreover, unlike this scheme, it was stated that the proposed dwelling would not be visible from public vantage points.
24. The development to the rear of 77 Swallow Street is some distance from the appeal site and would not be seen with it. In addition, as with the Potkin Lane

scheme, I do not have details of the comparative sizes of the existing and proposed buildings. Consequently, these other schemes are materially different to the one before me and attract limited weight.

25. The Council accept that they do not have an up-to-date 5 year housing land supply. However, the application of policies in the Framework that protect areas or assets of particular importance, in this case the harm to the Green Belt, provides a clear reason for refusing the development proposed. Therefore, in accordance with paragraph 11d)i of the Framework, the tilted balance in paragraph 11d)ii is not engaged.

Conclusion

26. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt and harm the character and appearance of the area. The other considerations in this case do not clearly outweigh the harm that I have identified. As such, the very special circumstances necessary to justify the development do not exist.
27. The proposal conflicts with the development plan when considered as a whole, national policy and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
28. Therefore, for the reasons given, and having taken into account all matters raised, I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR