



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: 28 April 2022

Appeal Ref: APP/N0410/W/21/3284363

Silverwood, Parsonage Lane, Farnham Common SL2 3PA

- 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 M Elawadi against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/20/3914/FA, dated 30 July 2020, was refused by notice dated 14 May 2021.
 - The development proposed is construction of a replacement detached dwelling following demolition of all existing buildings.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of a replacement detached dwelling following demolition of all existing buildings at Silverwood, Parsonage Lane, Farnham Common SL2 3PA in accordance with the terms of the application, Ref PL/20/3914/FA, dated 30 July 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision, no confirmation has been provided that any change was agreed.
3. The appellant provided updated ecological information as part of their appeal. The Council have subsequently stated that the reason for refusal relating to biodiversity has been addressed. The updated information was submitted at the outset of the appeal and therefore the appeal parties would not be prejudice by my taking this into account. I have considered the appeal on this basis.

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 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

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 the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. No definition of materially larger is given in the Framework.
7. Policy GB1 of the Local Plan¹ sets out the exceptions where planning permission for new buildings in the Green Belt will be granted. This includes the replacement of existing dwellings provided they are in accordance with Policy GB11 of the Local Plan, other relevant plan policies along with being appropriate in terms of character, amenities and effects in nearby properties.
8. Policy GB11 relates specifically to rebuilding of dwellings in the Green Belt. Criteria include that the size of the replacement dwelling would be no greater than that of the original dwelling plus any extensions which would comply with the terms of policy GB10 or that of the existing dwelling if this would be larger than that permitted under that policy.
9. The Tandridge judgement² commented that the exception in the Framework for a replacement building should not be read as excluding more than one building. The appeal site is currently occupied by the dwelling and several other outbuildings that would be removed and replaced by the proposed dwelling.
10. The land slopes towards the location of the proposed dwelling and it would sit lower in the landscape than the existing one. Nonetheless, the height of the proposed dwelling would be greater than any of the existing buildings.
11. Part of the proposed dwelling would be below ground level. However, as established in Feather³, basements are a material consideration when calculating whether a replacement building is materially larger. Even taking the appellant's figures, the total floor space for the proposed dwelling would be greater than that of the existing dwelling and outbuildings.
12. Consequently, the size of the proposed dwelling would be materially larger than the one it would replace. Therefore, the appeal development would be inappropriate development in the Green Belt in the context of the Framework. It would also conflict with Policies GB1 and GB11 of the Local Plan. However, as these are not wholly consistent with the Framework, I afford the conflict with them moderate weight.
13. Policy EP3 of the Local Plan relates to character and appearance considerations. Therefore, it weighs neither for nor against the proposal in relation to this main issue.

¹ South Bucks District Local Plan

² Tandridge DC v SSCLG & Syrett [2015] EWHC 2503

³ Feather v Cheshire East Borough Council v Mr Christopher Wren and Mrs Susan Wren [2010] EWHC 1420 (Admin)

Effect on Openness

14. Openness in terms of the Green Belt has a spatial and visual aspect.
15. The existing buildings are low level, and many located near mature landscaping that helps to screen them. This and the position of the few nearby properties results in there being limited views of the existing buildings on the site. Nevertheless, there are some views through and over boundary vegetation of some existing buildings at the higher part of the site from the adjacent land and properties.
16. The proposal would consolidate the built form in one location whereas it is currently spread across the site. It would also position the dwelling down the slope, further from the adjacent properties. The basement, being below ground would have no harmful visual effect on openness. These factors would reduce the amount of built form that could be seen from outside the site and result in a minor increase in the visual openness of the Green Belt.
17. While further downslope than the existing dwelling, the proposed dwelling would be taller than, and be of far greater bulk and scale individually than any of the existing buildings at the site. It would also have a larger floor area, including the basement, than the existing buildings. Therefore, spatially the proposal would result in a small loss of spatial openness.
18. Consequently, although the proposal would have some benefit with regard to visual openness, it 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.

Other Considerations

19. A number of lawful development certificates and a prior approval have been issued for extensions and new detached outbuildings at the site⁴. Even if I were to agree with the Council that the use of the outbuildings is not what one might expect as part of a single dwellinghouse, the evidence before me indicates that the building of these additional elements would be financially viable. Given this and the appellant's confirmation of intent to build, and the presence of a number of buildings already spread across the site, there is a realistic prospect of the fallback position being implemented by them or future owners of the site.
20. The additions would all be single storey and of a similar appearance to the existing buildings. The existing outbuildings are mostly located near the edge of the site. However, the extensions to the dwelling would add considerable bulk to it and the new detached buildings would be of a considerable footprint. They would also further spread the built form over several levels of the sloping site. This would increase the sprawl of development at the site.
21. The total floor area of the built form with the fallback additions would be significantly greater than that of the proposed dwelling, even when including the basement. Although taller and individually of greater floor area than any individual existing building or the fallback ones, the built form would be consolidated in one place, further down the slope of the site and part of the

⁴ 17/01598/CLOPED, 17/01161/CLOPED, 17/01162/CLOPED and 17/01163/GPDE

- building would be below ground. It would also be less visible from neighbouring land than some of the existing buildings.
22. The fallback scheme would have a greater harmful effect on the spatial and visual openness of the Green Belt than the proposed scheme. Therefore, I give the fallback position considerable weight.
23. While several energy efficient measures are outlined, given the scale of the development and lack of information regarding the credentials of the existing dwelling, I give this limited weight. For the same reason, and that there are policy requirements for ecological enhancements I afford this small weight.
24. As the Council have done, I have found that the proposal would not harm the character and appearance of the area. As with the lack of public objection to the scheme or harm from other issues such as living conditions and highway safety, these are neutral factors.
25. The site falls within the 5.6km catchment zone for the SAC⁵ where development needs to be mitigated. The SAC is designated due to the quantity and quality of the decaying wood habitat found within ancient pollarded beech and oak trees found on former wood pasture as well as heathland and valley mire.
26. There is a reasonable likelihood that the SAC would be accessed for recreational purposes by future occupiers of the development. Nonetheless, as the proposal would be a replacement dwelling, it would not lead to increased activity at the SAC and would not be likely to have a significant adverse effect on the integrity of the SAC. This is a further neutral effect.
27. My attention has been drawn to other appeal decisions and permissions by the Council. I have assessed the scheme on its own individual merits. With regard to the Spring Cottage appeal, the Inspector commented that the fallback outbuildings in that instance would stand away from the existing dwelling. In the scheme before me they would be located close to the existing dwelling and other buildings creating a sprawling group. They also referred to the proposed dwelling being pronounced in views from the highway. As such, it is materially different to the scheme before me.
28. 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.
29. Notwithstanding this, there is a realistic fallback position which would be more harmful to the Green Belt and small benefits in terms of ecology and energy efficiency. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

Conditions

30. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.

⁵ Burnham Beeches Special Area of Conservation

31. To protect the character and appearance of the area conditions regarding the external materials and hard surfacing, as well as further landscape details and compliance with the arboricultural report are imposed. To prevent harm to ecology a construction method statement is required prior to the commencement of the development as it may have implications for the early parts of the works. For the same reasons compliance with the mitigation and enhancement plan is conditioned, although it has not been shown that the requirement for written confirmation of compliance is necessary.
32. Given the size of the site and that the very special circumstances for allowing the scheme relied in part on the removal of existing buildings, removing permitted development rights for extensions and additional buildings is necessary. For the same reason, conditions are imposed preventing the construction of further extensions or buildings at the site prior to the commencement of the development and a programme of demolition/restoration.
33. The provision of the parking and access layout is required to prevent highway safety concerns and bin storage to provide appropriate facilities.

Conclusion

34. Therefore, I conclude that the appeal is allowed subject to the conditions in the attached schedule.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20 SIV SL01 A – Location Plan; 17 SIV PE02 – Existing Plans and Elevations; 17 SIV SP08 Rev B – Site Plan as Existing; 20 SIV SP01 A – Proposed Site Plan; 20 SIV 01 B – Proposed Floor Plans; 20 SIV 02 – Proposed Reduced Elevations; Drawing: 20 SIV 03 – Proposed 3D Views; 20 SIV 04 – New Proposal Comparative Building Heights and Massing of Long Elevations; and 20 SIV 05 – New Proposal Section AA and BB.
- 3) No development shall commence until details of both hard and soft landscape works, based on Drawing: 0791.1.1 – Landscape Framework Plan have been submitted to and approved in writing by the local planning authority. These details shall include:
 - all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained,
 - planting plans,
 - written specification of planting and cultivation works to be undertaken,
 - schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate.
 - earthworks showing existing and proposed finished levels or contours,
 - means of enclosure and retaining structures; and
 - an implementation programme.

The landscaping works shall be carried out in accordance with the approved details.

Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) No development shall commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of reasonable avoidance measures for protected and notable species (nesting birds, amphibians, reptiles, badger and hedgehog). The development shall be carried out in accordance with the approved method statement.
- 5) Prior to any above ground works details / samples of the materials to be used in the construction of the external surfaces and hard surfacing of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 6) Prior to any above ground works any extensions or buildings constructed under Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and

- Country Planning (General Permitted Development) (England) Order, 2015 (as amended or any Order revoking and re-enacting that Order with or without modification) following the granting of this permission, and prior to the commencement of works the subject of this permission, shall be removed or demolished in their entirety.
- 7) Prior to any above ground works a programme of demolition and restoration shall be submitted to and agreed in writing by the local planning authority. The development shall be implemented in accordance with the agreed programme.
 - 8) Prior to the occupation of the dwelling hereby approved space shall be laid out within the site for parking for cars, loading and manoeuvring in accordance with the Drawing: 20 SIV SP01 A – Proposed Site Plan. Thereafter this area shall be permanently maintained for this purpose.
 - 9) Prior to the occupation of the dwelling hereby approved the bin storage area shall be provided in accordance with the Waste Management Plan and Drawing: 20 SIV SP01 A – Proposed Site Plan. Thereafter this area shall be permanently maintained for this purpose.
 - 10) Notwithstanding the provisions of Article 3 and Classes A, B, C, D & E of Part 1 of Schedule 2 the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to the dwellinghouse the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission.
 - 11) The development shall be carried out in accordance with the Ecological and Enhancement Plan within the Technical Note: Ecology Appendix 2: AA Environmental Limited, September 2021.
 - 12) The development shall be carried out in accordance with the Arboricultural Report Rev B -18-08-20 and Tree Protection Plan Rev C with protection measures retained throughout the duration of the works.