



Appeal Decision

Site visit made on 10 May 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2022

Appeal Ref: APP/J0405/D/22/3290143

The Crest House, Chivery, Aston Clinton HP23 6LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (Act) against a refusal to grant planning permission.
 - The appeal is made by Heather Painter against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/03499/APP, dated 2 September 2021, was refused by notice dated 27 October 2021.
 - The development proposed is described as, 'single storey rear extension and associated internal alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues 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 on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness

3. The construction of new buildings in the Green Belt are inappropriate development unless they meet one or more of the exceptions set out in paragraphs 149 and 150 of the Framework. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
4. The existing building is a single storey detached dwelling that has already been subject to a number of extensions. The Council considers that together with the existing extensions, the proposed single storey rear extension would amount to a 120% increase of the volume of the building above that of the original building. This is not disputed by the Appellant.

5. Policy S4 of the Vale of Aylesbury Local Plan 2013-2033 Adopted Plan September 2021 (VALP) supports certain small-scale development providing that their provision preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it. This includes extensions and alterations to buildings in the Green Belt that are not out of proportion with the original building, normally no more than 25-30% volume increase of the original building.
6. Since the proposal represents a significant increase of the volume of the original building, over that supported in VALP Policy S4, the proposal would conflict with this Policy.
7. Consequently, the proposal would constitute inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies. Therefore, it would conflict with VALP Policy S4 which relates to Green Belts.

Openness

8. Openness has a spatial as well as visual aspect. The proposal would introduce built development above ground where there is currently none. As such there would be an adverse impact on the spatial openness of the Green Belt. Moreover, given the above, the scheme would not assist in safeguarding the countryside from encroachment.
9. In terms of visual impact, the proposal would have a modest footprint and volume. Its roof would be set below the ridge of the host building and the small field to the rear of the property is lined by mature trees such that there would be limited effect on views across the Green Belt. Accordingly, the harm to the visual openness would be limited.
10. Consequently, the proposed development would have an adverse effect on the spatial openness of the Green Belt. Therefore, it would conflict with the Framework in this particular respect.

Other considerations

11. There is a dispute between the main parties as to whether the proposed development would meet the relevant criteria to constitute permitted development and benefit from planning permission such that it would constitute a fall-back position.
12. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission as claimed by the Appellant. If the Appellant wishes to ascertain whether the proposed development would be lawful, they may make an application under section 192 of the Act.
13. While I note the evidence regarding whether the proposal would constitute permitted development, the proposal does not benefit from a Certificate of Lawful Development. As such, there is not a greater than theoretical possibility of the proposal being implemented should this appeal fail. Accordingly, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

14. I note the appeal decisions referred to by the Appellant. While I note the comments of the Inspectors for those decisions, as well as the previous development at the appeal site and the development at Conifer Cottage, there is limited further information before me to enable a direct comparison to be made with this appeal which must be determined on its own merits.
15. I acknowledge the lack of harm with respect to the effect on neighbouring properties and the character and appearance of the surrounding area and the Chilterns Area of Outstanding Natural Beauty. However, any lack of harm in these respects would not carry weight in favour of the appeal.
16. While I also note that the scheme would improve living accommodation and suit modern living patterns, these are private benefits and have not altered my overall decision.

Conclusion

17. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
18. For the reasons given above the appeal should be dismissed.

R Sabu

INSPECTOR