



Appeal Decision

Site visit made on 14 June 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/P1940/W/21/3278774

Petherick Pastures, Bucks Hill, Sarratt WD4 9AE

- 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 Grahame Tomkins against the decision of Three Rivers District Council.
 - The application Ref 21/0542/FUL, dated 3 March 2021, was refused by notice dated 17 June 2021.
 - The development proposed is described as the erection of a 2no bedroomed single storey dwelling house with car parking and continued use of the existing vehicular access off Bucks Hill, as well as the provision of a turning space, and following the demolition of a number of buildings and a manege on the site, as well as additional soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2no bedroomed single storey dwelling house with car parking and continued use of the existing vehicular access off Bucks Hill, as well as the provision of a turning space, and following the demolition of a number of buildings and a manege on the site, as well as additional soft landscaping at Petherick Pastures, Sarratt WD4 9AE in accordance with the terms of the application, Ref 21/0542/FUL, dated 3 March 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and,
 - Whether appropriate provision is made for affordable housing.

Reasons

Inappropriate Development

3. Policy CP11 of the Three Rivers District Council Core Strategy 2011 (the CS) and Policy DM2 of the Three Rivers District Council Development Management Policies Local Development Document 2013 (the LDD) are, for the purposes of this appeal, broadly consistent with the Framework in so far as assessing new buildings within the Green Belt. Paragraph 149(g) of the Framework sets out that new buildings within the Green Belt are inappropriate unless they represent partial or complete redevelopment of previously developed land.

4. It is common ground between the main parties that the appeal site falls within previously developed land (PDL). While agricultural uses may have historically occurred to varying degrees, from what I saw on site and the evidence before me, I also conclude that the site falls within PDL.
5. Paragraph 149(g) also states that such redevelopment would not be inappropriate provided it would not have a greater impact on the openness of the Green Belt than the existing development.
6. As part of the appeal development, a significant number of buildings and structures would be removed. These include barns, stables and a workshop. Both main parties are agreed that this would amount to an approximate reduction in building footprint of 61% and a built volume reduction of approximately 51%.
7. I also note that the existing built form spreads significantly across the site. The appeal proposal would contain the development to one retained stable building and the proposed dwelling, both of which would occupy a similar location to the existing development albeit much reduced in overall spread, footprint and volume.
8. The proposed dwelling and retained stable would be single storey in height and any modest increase in height of the proposed dwelling over the existing buildings would be offset by the significant reductions in footprint and volume overall. Taken as a whole, I consider that the reduction in built form to be considerable when compared to the proposed development. The appeal development would not have a greater impact whether spatially or visually on the openness of the Green Belt than the existing development.
9. While views may be possible from parts of Bucks Hill and other nearby land, the dwelling would be single storey and sited in a broadly similar location to the existing stables. Additionally, the detailed design features including materials will give the dwelling a rural appearance in this location. While there would be some residential paraphernalia associated with the dwelling, the design and location of the development in combination with the overall reduction in volume, footprint and spread of development would offset any harm arising in this regard.
10. The proposed development would therefore have no greater impact on the openness of the Green Belt than the existing development and consequently would not be inappropriate development in the Green Belt. There would therefore be no conflict with Policy CP11 of the CS, Policy DM2 of the LDD or the Framework in this respect.

Affordable housing

11. Policy CP4 of the CS establishes that to increase the provision of affordable homes in the district and meet local housing need, small sites such as this appeal site should consider the use of commuted payments towards affordable housing provision off site. The appellant has submitted a unilateral undertaking with the appeal to make commuted payments and the Council has not objected to its content. I have also considered the unilateral undertaking and have taken it into account in reaching my findings.
12. The Council's Strategic Housing Market Assessment and Housing Needs Survey undertaken as part of the preparation of the CS identified an 'exceptionally

high' requirement for affordable housing in the district. On the evidence before me, including the Council's Affordable Housing Supplementary Planning Document 2011, it appears that the need for the contribution sought by the Council is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It therefore meets the tests in CIL Regulations 122 and the guidance in paragraph 57 of the Framework.

13. The proposed development would therefore make adequate provision toward affordable housing. There would therefore be no conflict with Policy CP4 of the CS or the Affordable Housing Supplementary Planning Document 2011 in this respect.

Other Matters

14. The development is well separated from neighbours and has been designed with a rural appearance. This would ensure that it would not adversely effect living conditions of neighbouring properties or the character and appearance of the area.
15. I note that there would be no proposed changes to the existing vehicular access. The Council confirm that the Highways Officer was consulted on the application, and they raised no objection. From the evidence before me, I do not consider the proposed dwelling would have a significant or detrimental impact on the local highway network when compared to the existing use.
16. A Preliminary Roost Appraisal accompanied the appeal which considers species and biodiversity interests. This report recommends mitigation and enhancement measures and I have imposed these below in the 'Schedule of Conditions'. I am satisfied this will ensure there will be no adverse impact on local habitats.
17. While concern about precedent has been raised, I have considered this appeal on its own individual circumstances as set out in my reasoning above. Any future planning applications would also be subject to similar individual assessment, on their own merits, at the time of submission.
18. In the absence of any substantive evidence to dismiss the appeal on any of the above grounds, the other matters raised do not outweigh my conclusions on the main issues.

Conditions

19. I have considered the conditions put forward by the Council against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity.
20. Planning permission is granted subject to the standard three-year time limit condition [1]. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty [2]. Tree protection is necessary to both protect the character and appearance of the area and in the interests of ecology [3]. It is also necessary for [3] to be a pre-commencement condition as tree protection measures are required to be in place for the duration of the development.

21. Agreement of landscaping [4], materials [5], boundary treatments [7], removal of some existing structures [9] and restriction of the stable block to remain ancillary to the approved dwelling [12] are necessary to protect the character and appearance of the area. In the interests of protected species, it is necessary to ensure that the development is carried out in accordance with relevant avoidance and mitigation measures proposed in the Roost Appraisal [6].
22. Energy saving measures are necessary [8] to ensure the development demonstrates the extent to which sustainability principles have been incorporated into the proposal. It is necessary to agree external lighting [11] in the interests of ecology and the character and appearance of the area. Retention of the bin store [13] is also necessary to ensure that satisfactory refuse and recycling provision is provided for future occupiers.
23. My overall findings on openness and harm to the Green Belt are predicated on the size of the proposed dwelling and the partial demolition of structures across the site. The retention of permitted development rights could create a situation where the demolished structures are simply rebuilt in the future and the dwelling is extended. This would consequently undermine the openness of the Green Belt to which the Framework attaches substantial weight. On this basis I consider condition 10 to be reasonable and necessary to protect the character and appearance of the area.
24. The applicant also suggests that the location of the development would restrict implementation of permitted development rights and a condition restricting these rights is not therefore necessary. However, I have not been provided with convincing evidence that this would be the case. In addition, condition 10 does not preclude the appellants right to make a future planning application for development. Such a future application would be judged on its merits at that point in time.

Conclusion

25. The proposal would not be inappropriate development in the Green Belt. The proposed development would also have no greater impact on the openness of the Green Belt than the existing development. As the proposal would not be inappropriate development in the Green Belt, and hence there would be no harm caused to it, it has not been necessary for me to take into account any other considerations which may amount to Very Special Circumstances.
26. The proposed development would also make adequate provision toward affordable housing. For the above reasons, having regard to the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal should succeed subject to the conditions in the attached schedule.

N Praine

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1915/01A, 1915/02C & 1915/03B.
3. No development shall commence (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority. The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.
4. Before any building operations above ground level hereby permitted are commenced, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme will include all hard surfaces and all hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the hereby permitted and retained as such. The soft landscaping scheme shall include details regarding the type of trees proposed, their initial planting height and density across the site and how the land will be restored following the removal of structures / buildings including manège and fencing as required per Condition 9. The soft landscaping scheme shall be carried out as approved before the end of the first planting and seeding season following first use or completion of the development, whichever is sooner. If any existing tree shown to be retained, or the proposed soft landscaping are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).
5. Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. Once approved, no external materials shall be used other than those approved.
6. Prior to the first occupation of the dwelling hereby permitted, the biodiversity mitigation set out at 'Enhancement Opportunities' of the Preliminary Roost assessment Emergence Survey prepared by Samsara Ecology dated May 2020 shall be implemented on site. Once implemented the mitigation measures shall be retained as such.

7. Prior to the first occupation of the dwelling hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first occupation in accordance with the approved details and shall be retained as such.
8. Prior to the first occupation of dwelling hereby permitted, plans and details of the energy saving measures shall be submitted to and approved in writing by the Local Planning Authority. The approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented prior to occupation of the development and retained as such.
9. Prior to the first occupation of the dwelling hereby permitted, all structures (including mobile home), buildings, manège and fencing shown to be removed on drawing number 1915/02C shall be demolished with all resultant materials permanently removed from the site.
10. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place within the residential curtilage of the new dwelling as shown on drawing number 1915/02C.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class E - buildings incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Part 2

Class A - a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

11. No external lighting shall be installed on the application site or affixed to any buildings on the application site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity (for those which do not comprise development in their own right). The lighting shall be installed in accordance with the approved details before the first occupation of the dwelling hereby permitted and retained as such.
12. The retained stable block (including the stable shown hatched in black on drawing number 1915/02C) shall not be used at any time other than for purposes ancillary to the residential use of the proposed dwelling (shown cross hatched in black on drawing number 1915/02C) and shall not be used as an independent dwelling or for commercial purposes at any time.

13. Prior to the first occupation of dwelling hereby permitted, the bin store/enclosure shall be built in accordance with drawing number 1915/02C and shall be kept permanently available for the occupiers of the house and retained as such.