
Appeal Decision

Site visit made on 13 June 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/X0415/W/21/3280021

The Blue Ball, Asheridge Road, Asheridge HP5 2UX

- 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 Carl Slaughter against the decision of Buckinghamshire Council.
 - The application Ref PL/20/2827/FA, dated 27 August 2020, was refused by notice dated 8 July 2021.
 - The development proposed is change of use of land to seasonal caravan site for 5 caravans on gravelled pitches, creation of an access track, and conversion of stable to a facility building and 5 grassland pitches for caravans.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Mr Carl Slaughter against the decision of Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The planning application form describes the proposed development as a seasonal touring caravan site. The description I have used above best describes the development subject to the appeal in its entirety. Since it is shown on the decision notice and appeal form, my use thereof would not prejudice any party or their respective cases.
4. The appellant has provided an additional plan with the appeal, which shows the site in the context of the surrounding public footpaths. As this plan does not alter the proposal and provides confirmative information, no parties would be prejudiced by me taking it into account.

Main Issues

5. The main issues are:
 - i. Whether the development proposed is inappropriate development in the Green Belt;
 - ii. The effect of the development proposed on the openness of the Green Belt;

- iii. The effect of the development proposed on the character and appearance of the area, including the Chilterns Area of Outstanding Natural Beauty (the AONB);
- iv. The effect of the development proposed on the living conditions of the occupants of the adjoining properties, with particular regard to disturbance, and;
- v. 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

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 137). It goes on to state, at paragraph 147, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 150 of the Framework sets out that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes in the use of land, and the re-use of buildings provided that the buildings are of permanent and substantial construction.
7. Policies GB1 and GB2 of the Chiltern District Local Plan 1997 including alterations of 2001, consolidated in 2007 and 2011 (the LP) relate to the District's Green Belt and seek to resist inappropriate development but list developments for which permission may be granted. This includes changes in the use of land which maintain openness and do not conflict with the purposes of including land within the Green Belt. Policy T4 of the LP relates specifically to proposals for touring caravan sites and gives criteria where they will be accepted. This includes that they should not conflict with the purposes of including land in the Green Belt. The policies are therefore consistent with the Framework.
8. The appeal site is an open grassed paddock to the rear of The Blue Ball public house. It is bound by mature trees, hedgerows, and post and rail fencing. There are a small number of buildings and structures set against the north-western boundary, including stables, a storage container and a mobile home.
9. The proposal would involve the creation of five gravelled pitches on the land with associated access track and planting of new hedgerows enclosing the two southern site boundaries. I return to the matter of the converted stable block below. In addition to these permanent features, when occupied, the proposal would see the occupation of the site by caravans, vehicles and paraphernalia as may be required by the users of the site. These would be integral to the use of the land and would impact negatively upon the openness of the Green Belt.
10. While these would not be permanent fixtures, and would be limited to certain times of the year, they would, nonetheless, entail a notable reduction in the openness of the site when compared with the existing situation. While the

visibility of the structures would be limited, visibility is only one factor when considering openness and the proposal would result in a substantial decrease in the spatial aspect of the Green Belt's openness, irrespective of how visual the proposed development may be. Overall, the change of use of the land proposed would not preserve the openness of the Green Belt.

11. In addition, at the time of my site visit, the stable block which is proposed for conversion had been removed and a mobile home lay in its place. As such, no conversion of the stable block could take place. If a new building were to be constructed on the site to provide the toilets and showers shown, this would comprise the erection of a new building and reduce the Green Belt's openness further.
12. Since the appeal scheme would not preserve the openness of the Green Belt and would represent encroachment into the countryside, it would be inappropriate development. This would be harmful by definition. As such, it would conflict with Policies GB2 and T4 of the LP which among other things, require that development does not conflict with the purposes of including land in the Green Belt. There would also be conflict with the objectives of the Framework relating to the Green Belt as described above.
13. I do not, however, find conflict with Policy GB1 of the LP, which defines the extent of the Chiltern District's Green Belt rather than providing policies against which proposed development should be assessed.

Character and Appearance

14. The landscape surrounding the appeal site is characterised by a gently undulating landform comprising a patchwork of open fields bound by trees and hedgerows, interspersed by areas of woodland. There are a number of properties dispersed at varying intervals along Asheridge Road. There are public footpaths which run around the north-eastern and north-western sides of the site, which form part of a wider network connecting to Asheridge Road next to the car park.
15. At the time of my site visit, there was very little visibility of the appeal site from the public footpaths. This was due to the dense hedgerows and mature landscaping which form the two northern boundaries, as well as close boarded fencing adjacent to the car park and site access. During winter months when there is less foliage, views of the appeal site may be possible in glimpses through the hedgerow. However, at the times when the site would be most exposed there is unlikely to be any significant occupation of the site. Due to the surrounding landscaping, as well as other tree belts nearby, the proposed use of the land would not be perceivable in longer views to the north. In the absence of any substantive evidence to the contrary, I find the development proposed would not cause visual harm in views from the public footpaths or in far reaching views.
16. Caravans, vehicles and paraphernalia on the appeal site would be visible to some extent from Asheridge Road at the point of access and over the garden of the public house. However, they would be set back from the road and set behind the existing car park and other paraphernalia within the garden of the public house. In combination with the proposed landscaping, including hedging, I do not find the development would appear visually prominent or intrusive in

views from Asheridge Road, nor in views from the neighbouring properties or the public house itself.

17. In light of the number of caravan pitches proposed, which could be restricted by condition if the appeal scheme were otherwise acceptable, the development would not cause harm to the tranquillity or special qualities of the AONB. External lighting could also be subject to a condition. The proposals would support the economic and social well being of the AONB and support access to enable the enjoyment of the area, which are criteria referred to in Policy CS22 of the Core Strategy for Chiltern District 2011 (the CS).
18. The development proposed would not therefore cause harm to the character and appearance of the area, and would conserve the special landscape character of the AONB, and enhance access to it. The development would thus comply with Policies GC1 and LSQ1 of the LP which relate to design and require development to conserve and, where possible enhance, the AONB. The development would also comply with Policies CS20 and CS22 of the CS insofar as they require development to respect the character of the area and set out objectives for proposals in the Chilterns AONB.

Living Conditions

19. The nearest residential properties to the appeal site are 1 and 2 Blue Ball Cottages, fronting Asheridge Road. Their gardens extend to the rear, towards the appeal site.
20. While there would likely be some additional noise generated by the proposed use, given the distance between the site and those residential properties, the nature of the boundary treatments and the proximity of the existing public house and its extensive garden, any additional noise is unlikely to be significant. In addition, conditions could be used to control the number of caravans at any one time, limit the months of the use, and restrict the use of amplified sound.
21. Taking these factors into account, and in the absence of convincing evidence to the contrary, the development proposed would not cause unacceptable harm to the living conditions of the occupants of those nearest properties. The development would therefore comply with Policy GC3 of the LP which seeks to protect the living conditions of adjoining properties.

Other Considerations

22. The appellant states that the proposal would support the public house through bringing in additional revenue from site fees and increased sales of food and drink. Evidence of the likely additional income has been provided. In this respect the proposal would adhere to the aims of paragraph 84 of the Framework which seeks to support a prosperous rural economy. While this is the case, and while businesses such as the public house have suffered as a result of the global pandemic, I do not have substantive evidence before me to suggest that the future viability and operation of the public house would be reliant on this income. As such I ascribe this matter moderate weight.
23. The proposals would facilitate public access to the AONB and support rural tourism. As acknowledged by third party comments in support of the development, there would also be a benefit to other nearby businesses.

Together these are also a benefit of the proposals to which I attach moderate weight given the scale of the appeal scheme.

24. The appellant has put forward a fall-back position, where the appeal site could be occupied by up to five caravans using permitted development rights. I have no reason to doubt that there is a real prospect of this being implemented should the appeal be dismissed. While this would inevitably have an impact on the openness of the Green Belt, the use of the appeal site by five caravans would have a less harmful impact on the Green Belt than the appeal scheme, where ten pitches are proposed. While the appellant states the average number of caravans on the appeal site would likely be much less than ten, I must nonetheless consider the impacts of the development proposed in its entirety and should full occupation occur. As the fall-back position would result in less harm than the appeal scheme, I afford it minimal weight.
25. Third party comments have also outlined that the appeal scheme would not cause harm to highway safety through increased traffic movements. This is a neutral matter and does not carry weight in favour of the proposal. In the absence of details of changes of uses in neighbouring villages and the historic commercial uses of the site, I afford these matters only limited weight.

Other Matters

26. I have considered whether a condition restricting the use to a temporary period would be appropriate. However, even if the use were for a limited number of years, the extent of harm to the Green Belt during that period would not be reduced. For this reason I do not consider it would be appropriate.
27. The appeal site lies within the Ashridge Commons and Woods SSSI buffer. As I am dismissing the appeal on grounds relating to Green Belt, it is not necessary to address this in any further detail.

Conclusion

28. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
29. The appeal scheme would be inappropriate development and consequently be harmful to the Green Belt, and the Framework requires that substantial weight is given to this harm. While I have not found harm in respect of the other main issues, these are neutral matters and do not add weight in favour of the proposed development.
30. Taken together, and for the reasons I have set out, the other considerations in this case would not be worthy of sufficient weight to clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

31. The proposal would conflict with the development plan and the Framework. There are no material considerations, including approaches of the Framework, of sufficient weight, that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Shearing

INSPECTOR