



Appeal Decision

Site visit made on 7 June 2022 by Ms S Maur

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/K0425/D/22/3295149

Winterfold, Lee Road, Saunderton HP27 9NX

- 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 Huw Prothero against the decision of Buckinghamshire Council.
 - The application Ref 21/08500/FUL, dated 24 November 2021, was refused by notice dated 10 February 2022.
 - The development proposed is the erection of a maintenance and equipment store.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The appeal site is within the Green Belt and therefore the main issues are:
 - i. whether the proposal would be inappropriate development for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - ii. the effect of the proposal on the openness of the Green Belt; and
 - iii. if the proposal would be inappropriate development, whether the harm by reasons of inappropriateness, along with any other harm resulting from the proposal is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

4. The site where the store building is proposed is within the residential curtilage of Winterfold. The building would be close to Upper Icknield Way and sit between two residential properties. The area is rural in character, and it is located within the Green Belt. The site is within the boundaries of the Chilterns Area of Outstanding Natural Beauty (AONB). The site originally formed part of a working farm, with consent granted for the partial demolition of the existing agricultural buildings, the conversion of the barn into a dwelling, and the erection of a detached outbuilding in 2017.
5. The proposal includes the erection of a maintenance and equipment store which would be separated from the dwelling by some distance.

Whether inappropriate development in the Green Belt

6. Policy DM43 of the Wycombe District Local Plan 2019 (Local Plan) is separated into three sections with the second part specifically dealing with outbuildings. It has several criteria, with the Policy being clear that all elements must be met. Of particular relevance to this appeal, it requires that the erection of residential outbuildings will only be considered appropriate where the total volume of all existing and proposed outbuildings on the property would not exceed 25% of the volume of the original dwelling and that the total volume of all existing and proposed outbuildings should not exceed 140 cubic metres. Taking into account the existing outbuilding, there is evidence from both parties that confirm there would be a breach of these two elements of the Policy. The Council and appellant also agree that the other aspects of the Policy, related to the amount of curtilage taken up, the single storey nature of the building and its height, would be met.
7. The Local Plan was adopted in 2019. This would have followed an examination where consistency with national policy is a key consideration. While the Framework has been updated since this date, no substantive changes to Green Belt policy has taken place. It follows that Policy DM43 is consistent with the overarching aims of the Framework. In these particular circumstances, it is not open for an individual appeal decision to reconsider whether a recently adopted policy is consistent with national policy or is otherwise flawed.
8. The 25% volume test relates to the original dwelling. This dwelling was created through the conversion of pre-existing buildings. Any previous volume that existed before the demolition elements of the conversion scheme cannot be taken into account in applying the Policy. As all aspects of the second part of Policy DM43 would not be met the application of the Policy means that the proposed development would be inappropriate in the Green Belt.
9. The Framework directs that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. One of these 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. The Framework does not have an explicit exception related to detached residential outbuildings. However, in some circumstances, it may be appropriate to consider an outbuilding as an extension to the original building (a dwelling in this case).
10. The proposed store building would be separated from both the dwelling and existing outbuilding by a considerable distance. Although it would be located within the garden, it would be in an area that does not have a very close association with the dwelling itself. In this case the store building would not be a normal domestic adjunct. Therefore, in applying the Policy within the Framework, this proposal would not be the extension of a building and it would not fall within any of the other exceptions. It follows that the proposal would be inappropriate development in the Green Belt.

Openness

11. The proposal would be single storey and, individually, not particularly large. The impact on openness would therefore be modest. Nevertheless, this modest impact would still result in some harm to the Green Belt which needs to be taken into account. Previous buildings on the site, and the associated impact on

openness is not a significant factor as they now no longer have any impact on openness.

Other Considerations

12. Historically on the wider site, there has been more buildings than there is at present. As these no longer exist, they have no current impact on the Green Belt and so this matter attracts extremely limited weight. Applying the percentage test in Policy DM43 of the Local Plan, the appellant states that the existing and proposed outbuildings would only exceed the limit by 26 M³. This is relatively modest, but not negligible. Whether this degree of breaching the Policy limit, in itself, is disproportionate to the size of the original dwelling is not a relevant policy test in either the Local Plan or the Framework. The fact that the breach is relatively modest, and the compliance with some of the other aspects of Policy DM43, are factors that only attracts very limited weight.
13. The appellant indicates that the application of Policy DM43 would prohibit the construction of a dwelling and outbuilding in line with the design indicated in the Chiltern Design Guide. The primary aim of this document appears to relate to design matters affecting the AONB and not directly relevant to the interpretation or application of Green Belt policy. I therefore give this matter very limited weight.
14. The appellant has suggested entering into a legal agreement, to set aside the planning permission for one agricultural workers' dwelling that has not been constructed but that he suggests remains extant. The proposed outbuilding would be smaller than this dwelling. Given the respective scale and appearance of the two developments, it is accepted that, in comparing the two, the store building would result in an enhancement to the AONB. This would affect a very small part of the AONB and so the enhancement would be limited. The consents for the agricultural workers dwellings were granted in the 1960's and the second dwelling has not been constructed since. There is limited evidence that there is a realistic prospect that the second dwelling will be implemented. Therefore, I would give this fallback position limited weight. However, in this instance a legal agreement has not been submitted. Therefore, there is no mechanism to secure the rescinding of the permission as part of this appeal. Consequently, no weight can be given to this factor at this time.
15. The appellant has stated that the proposed outbuilding is required to store equipment such as a garden tractor, lawn mowers, wheelbarrows, garden machinery and garden tools. However, there is little evidence that this could not be accommodated elsewhere and therefore this is given limited weight.

Conclusion and Recommendation

16. I conclude that the proposal does amount to inappropriate development in the Green Belt. The Framework directs that inappropriate development is, by definition, harmful to the Green Belt. It goes on to explain that substantial weight should be afforded to any harm to the Green Belt and inappropriate development should not be approved, except in very special circumstances. The Framework advises that 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.

17. In addition to the harm by inappropriateness, there would be modest harm to openness. Even when taken together, the other considerations do not clearly outweigh this harm and therefore very special circumstances do not exist. Having regard to the above, the development would fail to accord with Policy CP8 of the Local Plan which seeks to protect to the Green Belt from inappropriate development. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR