



Appeal Decision

Site visit made on 17 August 2022

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/K0425/W/21/3286236

Crossview, Shootacre Lane, Princes Risborough HP27 9EH

- 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 R Hoyte against the decision of Buckinghamshire Council – Wycombe Area.
 - The application Ref 21/07457/FUL, dated 10 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is described as 'replacement dwelling house after demolition and removal of the existing dwelling.'
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are a) whether the proposed development would be inappropriate development in the Green Belt; b) the effect of the proposed development on the openness of the Green Belt; and c) if the proposed development would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate Development

3. Policy CP8 of the Local Plan¹ sets out how the Council will, amongst other things, protect the Green Belt from inappropriate development. This aim is reflected by the Framework² which explains that the construction of new buildings in the Green Belt would be inappropriate development, subject to a closed list of exceptions. Relevant to the appeal scheme, this includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Almost verbatim, this wording is reflected in Policy 7 of the Neighbourhood Plan³.
4. The existing building is a modest, hipped roof, three bedroom bungalow on a contained, roughly square footprint. The proposed dwelling would have an additional storey and a much more extensive land take. Whilst the additional storey would be contained within the roof space, the overall building would be

¹ Wycombe District Local Plan 2019

² The National Planning Policy Framework 2021

³ Bledlow-cum-Saunderton Neighbourhood Plan 2017

taller by more than a marginal extent. The hipped roof would be replaced by a gable and the footprint would have offshoots to the side and rear, increasing the sprawl of built form on the site. The replacement dwelling would also incorporate a substantial basement level. There can therefore be no debate that the replacement building would be materially larger than the one it would replace.

5. Policy DM43 of the Local Plan adds, in regard to the positive consideration of replacement dwellings, that such must satisfy one or more of a number of criteria. Most relevant to the appeal scheme are d) and e) which concern acceptable additional volume ranges dependent on the original building. This is slightly different to the Framework's approach albeit the policy does refer to both extensions and replacement buildings. Noting the how the Framework approaches extensions to buildings compared to the original rather than existing.
6. There is some disagreement over the volume of the existing building, for which there seems little ambiguity that it is, now that extensions to the side and rear have been removed, very close to or at its original in any event. Taking the more generous volume advanced by the appellant's evidence, criteria e) would be most relevant. This explains that, where the volume of the original dwelling is between 240 and 720 cubic metres, the total volume of the resulting building is no more than the volume of the original building plus 50%. By the appellant's own admission, the resulting dwelling would be more than 50% larger than the original which, as I have explained, is also very close to or at its existing volume.
7. With the above in mind, the proposed development would be inappropriate development for the purposes of the Framework and an unacceptable replacement dwelling for the purposes of and thus conflict with the Local Plan and the Neighbourhood Plan. Specifically, the Green Belt protection aims of Policies CP8, DM43 and 7 which I have set out above. As per paragraph 147 of the Framework, inappropriate development is, by definition, harmful to the Green Belt.

Openness

8. Openness is one of the essential characteristics of the Green Belt. It has been established that openness has both a spatial and visual aspect. The former can be taken to mean the absence of built form.
9. The significant additional land take and substance of the proposed replacement dwelling (including its basement level) would have an unavoidable reducing effect on the openness of the Green Belt from a spatial aspect. Given the additional height and sprawl of the building and how it would be forward in its plot and thus highly visible from the street scene, even taking into account the lack of obviousness of the basement level, there would also be a substantial reduction in the visual aspect of the Green Belt's openness.
10. Accordingly, the appeal scheme would conflict with the aims of section 13 of the Framework. This would be additional harm arising from the proposed development, as well as that caused by its inappropriateness.

Other Considerations

11. The appellant has provided details of two extant schemes for the alteration of the existing dwelling. The first, Council reference 21/05157/FUL, granted planning permission for the erection of two storey front and side extensions, the creation of a first floor, four dormer windows and a basement level. The second, Council reference 21/06561/CLP issued a Lawful Development Certificate (LDC) for a proposed single storey rear extension.
12. Having compared the two schemes, it would be eminently possible to implement them together. Given the appellant is seeking to erect a replacement dwelling to the broad effect of the proposals set out by the extant schemes, there seems more than a theoretical possibility they would be carried out in the event I dismissed the appeal. Notwithstanding the lesser test endorsed by Samuel Smith⁴.
13. That said, I would stop short of accepting the schemes as a valid fallback to the appeal scheme. Namely since the basement level on the appeal scheme would be more than marginally larger than the extant planning permission. It appears to also occupy the space below the LDC issued single storey rear extension. This space does not appear to have been accounted for in any comparisons and since it would be part of the replacement building as a whole, it would be as applicable to any comparison with the existing (original) building as any upward, sideward and rearward additional projections. In essence, this additional amount of building would result in a materially larger replacement building than even the perceived fallback, when that proposed as part of the appeal scheme would already be so.

Conclusion

14. The proposed development would give rise to multiple Green Belt harms in regard to the first two main issues. There would also be conflict with the development plan in the terms I have set out above. The Framework advances, in paragraph 148, that substantial weight should be given to any harm to the Green Belt. I also attach substantial weight to the conflict I have found with the development plan. The very special circumstances necessary to justify the proposed development in this light will not exist unless harms are clearly outweighed by other considerations.
15. I have considered the perceived fallback position and for the reasons I have given, I would ascribe it only limited weight. Thus, it would be unable to clearly outweigh the substantial weight I would attach to the above matters.
16. The proposed development would conflict with the development plan and there are no material considerations worthy of sufficient weight, including the provisions of the Framework, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

John Morrison

INSPECTOR

⁴ Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] JPL 1326