



Appeal Decision

Site visit made on 8 August 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2022

Appeal Ref: APP/N0410/W/21/3284352

**The Orchards Park, Pickford Drive, Orchards Residential Park, Wexham
SL3 6QD**

- 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 Redlane Sites Limited against the decision of Buckinghamshire Council.
 - The application Ref PL/20/4273/FA, dated 9 December 2020, was refused by notice dated 9 April 2021.
 - The development proposed is described as change of use of land for the siting of 4 residential park homes (3 relocated and 1 additional) to increase the number of residential park homes on site from 213 to 214.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's final comments included evidence relating to the sequential test for flood risk, which the Council had the opportunity to comment on and I have had regard to the comments received.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - Whether the proposal would be in a suitable location, with regard to flood risk; and
 - If it is inappropriate development, 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

4. The appeal site relates to a former paddock of Trenches Park which is located centrally within the Orchards Park, a residential mobile home park estate. The appeal site is largely vacant with the exception of a laundry building and integral water tower within the north-eastern corner of the site. It is bound by existing

park homes to the south and west, by Firs Drive to the east, and a vacant parcel of land to the north which is outside the appellant's land ownership. The site is within the Green Belt.

5. Paragraph 149 of the Framework states that the construction of new buildings is inappropriate development in the Green Belt, although a number of exceptions are set out. Saved Policy GB1 of the South Bucks District Local Plan 1999 (LP) also resists new buildings in the Green Belt unless falling within defined categories. The aim of this policy is broadly consistent with the Framework.
6. The main parties have referred to the exceptions under paragraph 149 c), e), f) and g) of the Framework. However, these relate to the construction of new buildings. In this context the term 'building' refers to any structure or erection. The appeal proposal relates to the change of use of land to accommodate park homes. The appellant refers to the proposals as 'mobile park homes' which are moveable structures. As the park homes are not 'buildings' the exceptions at paragraph 149 of the Framework are not applicable to this appeal.
7. Similar to Policy GB1 of the LP, the Framework identifies certain other forms of development which 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 under paragraph 150 e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). Openness has both spatial and visual aspects.
8. Aside from the existing laundry block, the site is currently open. The proposed park home within the north-eastern corner of the site would occupy a similar footprint to the existing laundry block and would therefore have little effect on Green Belt openness compared to the existing situation. However, the remaining three park homes would be sited on land that is currently open. The units would be of substantial size and could be expected to be in place for many years. Thus, they would have a degree of permanence. In those circumstances, the proposed park homes and associated parked vehicles and domestic paraphernalia, would result in the loss of Green Belt openness and conflict with the fundamental aim of keeping land permanently open.
9. The proposed development would be clearly visible from Firs Drive and from a number of the existing park homes. Whilst the development would be located on previously developed land (PDL) adjacent to existing park homes and would not be visible from outside Orchards Park, it would nevertheless result in a loss of spatial and visual openness.
10. The appellant says that it is reasonable to conclude, given the inclusion of Orchard Park within the Green Belt, that the Council must have formed the view that the park was not in conflict with the purposes of Green Belt. However, it is not the purpose of a s78 appeal to reassess the value or purpose of designated Green Belt.
11. For the above reasons, I conclude that the proposal would be inappropriate development in the Green Belt. Such development is, by definition, harmful and is contrary to the guidance in the Framework and saved Policy GB1 of the LP which seek to protect the Green Belt. The resultant harm should be given substantial weight in determining the appeal in accordance with paragraph 148 of the Framework.

Flood risk

12. The appeal site is within Flood Zone 2, which is defined by the Planning Practice Guidance (PPG) as having a medium probability of flooding. Annex 3 of the Framework sets out that caravans, mobile homes and park homes intended for permanent residential use are highly vulnerable in areas of flood risk.
13. The PPG advises that, in applying the sequential test, the aim is to steer new development to Flood Zone 1, these being areas with a low probability of flooding. Only where there are no reasonably available sites in Flood Zone 1 should sites in Flood Zone 2 be considered. If the sequential test demonstrates that it is not possible for development to be located in zones with a lower risk of flooding the exception test may have to be applied.
14. The Framework advises that proposals for a change of use will not require a sequential test except for any such proposal involving a change to a caravan, camping or chalet site or to a mobile home or park home site where sequential and exception tests should be applied as necessary.
15. I note the advice in the PPG that when applying the sequential test, a pragmatic approach on the availability of alternatives should be taken. It explains that when considering an application to extend an existing business it might be impractical to suggest that a more suitable site elsewhere may exist.
16. The proposal would operate as an extension to the existing park, with access obtained through the existing site. Taking into account a number of constraints, the appellant's evidence demonstrates that there are no sequentially preferable sites within the park. The proposed use could not be located elsewhere as it would be intrinsically connected to the existing business. I am therefore satisfied that the proposal passes the sequential test.
17. The proposal would contribute to an on-going demand for larger park homes aimed towards older people and it would support the existing rural business and the local economy. There is no dispute between the main parties that the development would be appropriately mitigated in accordance with Framework paragraph 167 and it would not result in an increase in flooding elsewhere. The development therefore passes the exception test of Framework paragraph 164.
18. For the above reasons, I conclude that the proposal would be in a suitable location, having regard to flood risk. It would not conflict with Policy CP13 of the South Bucks District Core Strategy 2011 and Framework paragraph 167 which, amongst other things, seek to steer new development to areas with the lowest risk of flooding.

Other considerations

19. The Framework is 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, is clearly outweighed by other considerations.
20. The proposal would be situated centrally within the park and would not extend its boundaries. The appellant considers that the site does not contribute significantly to the Green Belt and that the proposal would see the removal of the unattractive laundry building. However, I have found that the proposal would be inappropriate

development and would harm Green Belt openness. There is no substantive evidence before me to demonstrate that the appeal proposal is the only means of re-using the site or of achieving the removal of the laundry building. I give these matters little weight in my consideration of the appeal. The re-use of the site would be likely to prevent incidences of fly tipping and anti-social behaviour. This attracts limited weight in favour of the scheme.

21. The development would provide social and economic benefits in terms of creating new residential accommodation which would likely be adaptable, accessible and would contribute towards the provision of a range of homes for different needs in a relatively accessible location. It would be on PDL and an effective use of land, albeit that it would be inappropriate development. It would also create employment opportunities during the construction phase and thereafter through the maintenance of the park. Future residents would support the local economy by spending in the area and contribute to the sense of community within the park. The proposal would also make a small contribution towards the expansion of a rural business. Given the scale of the development, I give these matters limited weight in the proposal's favour.
22. I do not doubt that the proposed park homes would be relatively affordable, but there is no substantive evidence before me to demonstrate that they would fulfil a local housing need. Moreover, this has not been secured by an appropriate planning obligation, and financial matters such as these cannot be subject to a planning condition because it would fail the test of enforceability. This matter therefore carries limited weight in favour of the proposal.
23. Given the specific circumstances of the site, the acceptance of the proposal would not set a precedent for other forms of residential development within the Green Belt. However, that does not represent very special circumstances.
24. The development would not be out of character with its surroundings. However, this is a neutral matter. Interested parties raise a number of other matters including increased density and impacts on drainage, water pressure, the condition of the roads, parking pressure and highway safety. The Council have not raised objections to the proposal in relation to these matters and I have no reason to disagree with this assessment based on the evidence before me and my observations on site. However, the absence of harm and compliance with policies in respect of these matters would be neutral in the planning balance.

Planning Balance and Conclusion

25. I have found that the proposal would harm Green Belt openness and it would be inappropriate development in the Green Belt. The proposal would have no harmful effect with respect to flood risk. I have given only limited weight to the other considerations in favour of the proposal, and conclude that, taken together, they do not clearly outweigh the harm that the proposal would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
26. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR