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## Appeal Decision

Site visit made on 26 July 2022 by G Sibley MPLAN MRTPI

**Decision by Kenneth Stone BSc (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> September 2022**

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**Appeal Ref: APP/K0425/D/21/3284078**

**The Grange, Risborough Road, Great Kimble, Little Kimble, Aylesbury HP17 0XS**

- 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 Kevin Quinn against the decision of Buckinghamshire Council.
  - The application Ref 21/06502/FUL, dated 12 May 2021, was refused by notice dated 26 August 2021.
  - The development proposed is construction of single storey infill extension between main house and stable annexe, and replacement rear extension to stable annexe.
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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 Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) (Revised 2021) and any relevant development plan policies
  - the effect on the openness of the Green Belt
  - if the development is inappropriate, 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 required to justify the proposal.

### Reasons for the Recommendation

#### *Whether inappropriate development*

4. The Framework establishes that new buildings within the Green Belt are inappropriate development subject to a number of exceptions. This includes the exception in paragraph 149 c) for the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework defines 'original building' as a

building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. Policy DM43 (1) of the Wycombe District Local Plan (LP) (Adopted 2019) has several conditions that extensions of dwellings within the Green Belt must satisfy. One of these states that where the volume of the original dwelling is more than 720 cubic metres (m<sup>3</sup>), the total volume of the resulting building is no more than 1080m<sup>3</sup>. The Council state that the original building had a volume greater than 720m<sup>3</sup> and that the extensions to date have extended the dwelling beyond 1080m<sup>3</sup> and therefore the proposal conflicts with this element of the policy. The appellant has not disputed the Council's figures and therefore there is no substantive reason before me not to accept them. While the existing dwelling already exceeds this condition of Policy DM43, the policy also requires that in all cases development will also be required to respect the open character of the Green Belt and appear proportionate to the original dwelling, taking particular account of visual impact.
6. The planning history for the site states that the dwelling has been extended several times. These include an orangery, a two-storey extension as well as further alterations. The Council has provided floor plans which identify what is understood to be the original building as well as the extensions built to date. Where the two-storey extension was built is evident by the change in the colour of the bricks and the orangery is self-evident. The two-storey extension has added new built form over two storeys and has added a significant amount of additional bulk to the original dwelling, extending out from the flank wall of the house. The single storey orangery whilst smaller in scale than the two-storey extension is a moderate addition to the footprint of the building. Overall, the existing additions have created a much larger dwelling than the original building.
7. While the Council did determine that those extensions were not disproportionate additions over and above the size of the original dwelling, the development proposed was not before it at the time those decisions were made. Therefore, it did not consider whether those extensions, alongside this proposal, would result in disproportionate additions over and above the size of the original building. Those applications were also determined under a different development plan and the LP is now the adopted development plan and proposals must be determined in accordance with it, unless material considerations indicate otherwise.
8. The proposed link extension would be a single storey addition between two existing buildings. Nevertheless, this would introduce new built form into the Green Belt where there currently is none as well as connect the two buildings to create a larger single building.
9. Outbuildings can, in certain circumstances, form part of the dwelling and proposals for new outbuildings or extensions to them can be regarded as an extension to the original building in the Green Belt. There are several outbuildings around the site of which some at least are not considered to be part of the 'original building' by the Council. No substantive evidence has been presented to dispute the Council's position in this regard and I therefore accept it.
10. For sites such as this one, which are outside of a built-up village identified on the Policies Map or a Neighbourhood Plan, Policy DM43 (2) of the LP states that

any increase in the volume of residential outbuildings would be inappropriate development in the Green Belt, unless all of the specified conditions are met.

11. Condition 2b requires the total volume of all existing and proposed outbuildings on the property to not exceed 140m<sup>3</sup>. The Council state that the existing outbuildings on site are, combined, larger than 140m<sup>3</sup> and the appellant has not disputed the Council's figures. While I have not been provided with the volumetric size of these outbuildings, it is evident from what I saw on site, as well as shown on the Location Plan (Ref: 021-E-001 Rev A), these buildings, combined, would likely exceed 140m<sup>3</sup> in volume. Accordingly, there is no substantive evidence before me to dispute the Council's figures.
12. The extension to the rear of the annexe would replace an existing lean-to building to the rear of the annexe within the same footprint. However, this would be slightly taller than the existing lean-to and as such it would create a slightly larger building. Accordingly, the volume of the existing and proposed outbuildings on the property would exceed 140m<sup>3</sup> and the proposal would conflict with condition 2b of the policy.
13. The Appellant seeks to take the existing size of the house as a baseline position arguing that the previous extensions and additions have been permitted by the Council, even if under previous planning policies. It is contended that given the size of the house already exceeds the 1080m<sup>3</sup> in policy DM43 this policy should not be applied and that any additional extensions should be considered in the context of the existing property and their impact on the openness of the Green Belt which is considered in the context of both its spatial and visual impact. This would undermine the consideration and concept of cumulative additions affecting openness and recreate a new baseline after each permission were granted. The Framework refers to disproportionate increase in size to the original property and one potential way to judge this is by reference to Local Plan Policy. But this is not the only way. It is reasonable to consider the previous alterations and additions to the original property and how that property has evolved and to consider any further additions and reach a judgement as to whether those in combination with the previous additions result in disproportionate additions over and above the size of the original building.
14. The proposed additions to the dwelling and the annexe would be relatively limited in scale but when taking into consideration the large scale of the extensions that have already been built, and the visual effect of conjoining the two buildings to create one much larger dwelling, the proposals would result in disproportionate additions over and above the size of the original building. Consequently, the proposal would be inappropriate development in the Green Belt with regard to paragraph 149 c) of the Framework and LP Policy DM43.

#### *Openness of the Green Belt*

15. The site is located at the end of a long driveway and the site is bound by trees and hedgerows; however, there is a Public Right of Way (PRoW) next to the house and the proposed link extension would be clearly visible from it. The proposed extension to the rear of the annexe would be built within the footprint of the existing building and be screened by said building. The proposed link extension would be mostly glazed and modest in scale and the prominent use of glass would allow for some views through the building which would limit the visual impact of the proposal. However, the link extension would still increase

the size of the dwelling and would thus result in a moderate loss to the visual openness of the Green Belt.

16. The site of the proposed link building is currently free of built form and consequently, it makes a positive contribution to the spatial openness of the Green Belt. The proposal would be a solid building and as such it would have a demonstrably greater harmful effect upon the spatial openness of the Green Belt compared to the current open space between the two buildings.
17. As a result, the proposal would erode both the visual and spatial openness of the Green Belt contrary to one of the essential characteristics of Green Belts listed at paragraph 137 of the Framework, however only to a modest degree given the moderate scale and siting of the proposed extensions.

#### *Other considerations*

18. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and 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.
19. The extension to the annexe would provide an improved utility room and more useable living space. The link extension would provide a covered link between the buildings and improve the utility value of the side entrance to the house. These would be private benefits for the appellant and as such this attracts limited weight.
20. The site is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and great weight must be given to conserving and enhancing landscape and scenic beauty. The AONB in this location encompasses the open countryside with sporadically located dwellings set within spacious grounds, much like the appeal site.
21. The proposed link extension would be located away from the main elevation of the building and given the limited scale of it, it would, in isolation, be a subordinate addition to the house. Moreover, the link extension would be built from rhythmic timber and glass. The orangery as well as the existing outbuildings are built using timber and glazing and as a result, the design of the link extension would harmonise with these other additions and would appear subservient to the host dwelling.
22. The proposed extension to the annexe would be built within the existing footprint of the building and would only slightly increase the height of the annexe. This would also be built from rhythmic timber and glass which would harmonise with the appearance of the building.
23. Overall, the design of the proposals would not harm the character or appearance of the host dwelling and would not detract from the setting of the building within the AONB. Given the limited scale of the proposal as well as its design, the proposal would also conserve the landscape and scenic beauty of the AONB in this location. The Council also came to this conclusion and based on the submitted evidence I see no reason to disagree. However, this would be expected of any development within the AONB and carries neutral weight.

*Whether very special circumstances exist*

24. The proposed development would cause harm to the Green Belt by reason of inappropriateness and reduction in openness and I attach substantial weight to those harms.
25. The other considerations cited in support of the proposal do not either individually or cumulatively, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
26. Therefore, the proposal would conflict with LP Policy DM43, and Green Belt Policy set out in paragraphs 137 and 147-151 of the Framework.

**Conclusion and Recommendation**

27. Accordingly, the proposal would conflict with both local and national Green Belt policy. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*G Sibley*

APPEAL PLANNING OFFICER

**Inspector's Decision**

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

*Kenneth Stone*

INSPECTOR