



Appeal Decision

Site visit made on 15 November 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/X0415/W/22/3299461

**OS Field 3831, The Smallholding, Hawridge Common, Hawridge,
Buckinghamshire HP5 2UQ**

- 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 & Mrs D Mitchell against the decision of Buckinghamshire Council.
 - The application Ref PL/21/0368/FA, dated 29 January 2021, was refused by notice dated 23 December 2021.
 - The development proposed is conversion of existing agricultural building into a residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site lies within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (SAC). As part of its appeal submission, the Council has referred to the effect of the proposal of any new housing on the SAC and its constituent Sites of Special Scientific Interest. The advice of Natural England (NE) is that there could be a potential conflict between plans for new housing in the area around the SAC and the conservation objectives for its protected features.
3. This was not a matter to which the Council referred during its determination of the appeal application. I understand why the appellants consider it unreasonable for the Council to raise this as an additional concern at the appeal stage. However, this issue only arose after the application was determined, with NE's advice being dated 14 March 2022. As such, I must take this matter into account. The appellants have been able to comment on it, and I have assessed the issue further under Other Considerations, below.

Main Issues

4. 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) and any relevant development plan policies, including its effects on the openness of the Green Belt,
 - The effect of the proposal on the character and appearance of the area, including the Chilterns Area of Outstanding Natural Beauty (AONB) within which the site sits, and

- If the proposal 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

Inappropriate Development

5. Policy GB2 of the Chiltern District Local Plan, adopted September 1997¹ (CDLP) states that there is a general presumption against inappropriate development in the Green Belt. It does however specify certain categories of development that are not considered inappropriate, such as the change of use of permanent and substantial buildings in accordance with Policy GB11.
6. CDLP Policy GB11 states that the Council will not regard the re-use of a non-residential building in the Green Belt for residential accommodation as inappropriate development, subject to a number of requirements. These include that the building is of permanent and substantial construction, and that the amount of work required to make it suitable for residential use should not be so substantial as to be tantamount to the construction of a new building.
7. Paragraph 149 of the Framework makes clear that the construction of new buildings constitutes inappropriate development in the Green Belt. Paragraph 150 identifies exceptions to this including (relevant to this appeal) for the re-use of buildings (criteria d). This exception applies where, amongst other things, the building is of permanent and substantial construction and where the development preserves the openness of the Green Belt.
8. It has been put to me that CDLP Policies GB2 and GB11 make additional requirements to those of the Framework, and that this means the policies are not consistent with it and so are out-of-date. However, the Framework's exception 150(d) permits only the 're-use of buildings'. Inherent in this term is an assessment of the extent to which a proposal involves re-use, or whether it amounts to the erection of a new building, thus going beyond the Framework's exemption. Therefore, in requiring such an assessment, CDLP Policies GB2 and GB11 are not inconsistent with the Framework. As such, having regard to Framework paragraph 219, I give these policies full weight.
9. The building consists of light steel portal frames, with haphazard timber cladding to the ends, and a roof formed of corrugated asbestos sheeting on timber purlins. It sits within a smallholding with other agricultural buildings, containers, hard surfacing and an existing mobile home.
10. I have no reason to doubt the evidence in the Structural Report produced by the appellants' engineer, that the building in its current condition is stable, or that it has been in place for at least ten years. The structure is currently largely open, with only limited and damaged timber cladding to its sides. The proposed works would involve new walls, windows and doors, enclosing the ends with masonry, and steel bracing. The works would also involve the installation of internal stud or blockwork partitions and replacement of the roof covering.
11. Given the somewhat skeletal and minimalist form of the existing building, the proposal would require a large amount of alteration to it. Whilst in some

¹ including Adopted Alterations May 2001 and July 2004

circumstances a replacement roof may not require planning permission, there is no doubt that the works proposed here require consent. The submission of structural calculations is not a requirement of CDLP Policy GB11, but the Structural Report gives little detail regarding the loading capacity of the building. It is not conclusive regarding the structural capacity of the frames or the need for them to be strengthened further to achieve the proposal. Although the building could be insulated above slab level, details of the foundations are not known with any certainty.

12. It is therefore not clear whether the existing building could support the weight of the new walls, partitions, windows, doors and replacement roof without requiring new structural elements. I cannot be satisfied that the building is sufficiently robust enough without requiring further intervention. Given the large extent of work necessary to the building to undertake the proposal, and the uncertainties regarding its stability for the development, I cannot be confident that the works required would not be so substantial so as to be tantamount to the construction of a new building.
13. In terms of its impact on openness, the PPG² confirms that this has both visual and spatial elements. The proposal would not increase the size of the building, and the area for parked cars would utilise an existing hardstanding. Even so, spatially, the proposal would result in a more intensive use, with greater light emission at night than at present, and more frequent movement of people and parking of vehicles.
14. Visually, a public footpath runs through the smallholding. Some of the proposed changes would be screened from the footpath by existing vegetation or by a larger agricultural building that is located partially in front of the appeal building. Even so, from the footpath, I saw that the front elevation of the barn was clearly visible, as would be the effect of the proposal. I therefore consider that the proposal would cause harm, albeit relatively small, to the openness of the Green Belt. As such, its openness would not be preserved.
15. The Council has raised concerns that the proposal may necessitate a new barn to replace it, to continue the agricultural use of the smallholding, thus reducing the openness of the Green Belt. The Structural Report finds that the building is used as a winter cow shed and for storage, which accords with my observations on site. However, there are other buildings which may be able to accommodate this, and I have no substantive evidence that a further building would be required because of the proposal. Furthermore, a condition could be used to require planning permission for such buildings.
16. Nevertheless, for the reasons given above, I conclude that the development would not benefit from the exemption provided by CDLP policies GB2 and GB11, or by Framework paragraph 150(d). It would therefore be inappropriate development in the Green Belt having regard to the Framework and the relevant development plan policies, including the effect of the proposal on the openness of the Green Belt. As such, it would fail to comply with CDLP Policies GB2 and GB11, and the Framework as a whole.

² Reference ID: 64-001-20190722

Character and Appearance

17. The site lies within the AONB, and I understand it is within the 'Bellingdon Dipslope with Dry Valleys' Landscape Character Area within the Buckinghamshire Landscape Character Assessment 2011. A distinctive characteristic of this landscape is the lack of intrusive features. The building is already a feature in the countryside and has a simple, open design that forms part of the smallholding with its associated buildings and structures. Although there are dwellings not too far away, it is within a pastoral, rural location that reflects the natural beauty of its surroundings.
18. The proposal would significantly change the appearance of the building, from an essentially open structure to one that is enclosed. Moreover, the proposal includes windows and/or doors on three of its four sides. The narrow dimensions and horizontal emphasis of the windows mean that they appear domestically proportioned and so would not reflect the agricultural nature of the building. The additional cars parked to the front would only add to this domestic appearance.
19. A degree of domestication, including some light emission, is inherent in any proposed conversion of a barn to residential use, permitted by both the Development Plan and the Framework. The windows are modest in size, but even from normal use (including with blinds or curtains) their relatively large number, position and design would result in the building having a particularly domestic appearance. This would harmfully contrast with the building's simple form and the agrarian nature of its surroundings. Although the appellants may be able to illuminate the existing building, I have no reason to believe that this would realistically be to the same level as would result from residential use.
20. I have already found that a public footpath runs through the smallholding, from which the front elevation of the barn would be clearly visible. As a result, the harmful effects of the proposal that I identify above would have a detrimental and intrusive effect on the natural beauty of the surrounding landscape, including when viewed from the footpath.
21. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area, including the AONB. As such, it would conflict with Policy CS22 of the Core Strategy for Chiltern District, adopted November 2011, which requires that all proposals must conserve and enhance the special landscape character and distinctiveness of the AONB. The proposal would also conflict with Policy LSQ1 of the CDLP which makes similar requirements, including in respect of the design of any proposal.
22. For the same reasons, the proposal would also fail to comply with the Framework, which requires that great weight should be given to conserving and enhancing the natural beauty of the AONB. Similarly, it would also not meet the Chilterns Buildings Design Guide, February 2010, that proposals should not radically alter the appearance of a building to be converted.

Other Considerations

23. The SAC is protected pursuant to the Conservation of Habitats Regulations 2017 as amended. Had I found no harm in respect of the main issues, the competent authority (in this case myself) would need to have carried out a Habitats Regulations Assessment in respect of the potential effects of the

proposal on the SAC. However, as I have found against the appellants on other substantive grounds, this matter need not be considered any further in this case.

24. The appellant has referred me to previous decisions by the Council at Whielden Gate Farm³, 2 Blackwell Farm Cottages⁴ and Meadow Croft Farm⁵. I have some details of these cases, which appear comparable to the proposal and were supported with evidence from the same structural engineer as the current appeal.
25. I do not have full details of the reasoning behind the Council's decisions to grant planning permission in these cases, but they are an important material consideration, as is the need for consistency in decision-making. However, they must be set against the requirement to properly apply the policies of the Development Plan and the Framework. These set out a clear approach, against which I have found conflict. These decisions do not therefore lead me to alter my findings.
26. The site is adjacent to a Conservation Area (CA). There are also listed buildings close to the site entrance, at Boxtree Cottage, Gateway Cottage and Tudor Cottage, all Grade II listed. There is no dispute that the proposals would have no adverse effect on the character or appearance of the CA or harm the special architectural or historic interest of the listed buildings. Having considered the proposal and visited the site and its surroundings, I concur with that view. However, this does not alter my conclusion on the main issues.
27. The appellants have also expressed concerns regarding the handling of the application, a lack of communication by the Council during the application process, and the extended length of time taken to make the decision. Whilst this must have caused the appellants some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.

Planning Balance and Conclusion

28. I have found that the proposal would result in inappropriate development in the Green Belt and harm to the character and appearance of the area, including the AONB. No other considerations have been identified that would clearly outweigh this harm so as to amount to the very special circumstances required to justify the proposal.
29. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

³ LPA reference PL/20/3866/FA

⁴ LPA reference PL/21/1037/FA

⁵ LPA reference PL/21/1374/FA