



Appeal Decision

Site visit made on 6 February 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2023

Appeal Ref: APP/K0425/W/22/3301544

Westcroft, Hedsor Hill, Hedsor SL8 5JN

- 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 Lunnon against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 20/08243/FUL, dated 2 December 2020, was refused by notice dated 22 December 2021.
 - The development proposed is described as 'Change of use to Equestrian use and the provision of 8 double-stables; fenced manage and car parking area utilising existing access (resubmission of application 19/06507/FUL)'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw at my site visit that some hardstanding is in place and there is one double stable on site. I have considered the appeal on the basis that the development has partly taken place.
3. The above site address is taken from the appellants application form.
4. The appellants reference a draft S106 which would secure the removal of the existing structure on site. I have not been provided with a copy of this document and therefore I shall not consider this matter further.

Main Issues

5. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy, including the effect of the proposal on the openness and purpose of the Green Belt;
 - The effect of the design of the proposed development on the character and appearance of the area; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way 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

Whether Inappropriate Development

6. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. This includes 149 b), the provision of appropriate facilities for outdoor sport or outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 150 allows for engineering operations such as car parking areas within the Green Belt, again, provided they preserve its openness and do not conflict with the purposes of including land within it.
7. Apart from the hardstanding area and single stable building, which the Council set out do not benefit from planning permission, the site is an area of open grassland sited within the open countryside, enclosed by field boundaries defined by hedgerows, trees and fencing. A public footpath/bridleway runs to the north from the settlement along Hedsor Road to Hedsor Hill to the east.
8. The proposed stable building comprises 8 double stables with a footprint of some 29m x 10m. Additional development would include a manège measuring 70m x 35m and an extended hardcore parking area. In my opinion, the proposal, by virtue of its overall scale, would not preserve the openness of the appeal site. Whilst the provision of sport or outdoor recreation would invariably involve some built form or change in character¹, given the extent of its impact on the openness of the green belt, and its related purpose, it would result in a marked and significantly damaging loss of spatial openness.
9. In addition, the proposal would be visible from Hedsor Road to the north and particularly from the public footpath/bridleway that runs across the wider area. Whilst there is development to the south of the site, these buildings are located behind and obscured by hedgerow and trees. Moreover, the proposed development would not be functionally connected to any other buildings and it would be spatially isolated from any existing built development, thereby compounding the loss of openness.
10. Moreover, despite the intended hedgerow and tree planting, the proposed development would remain apparent from views from the north along the footpath, particularly near to Hedsor Hill road, especially in the early years before the planting becomes reasonably effective. As such, there would be an associated visual impact on openness.
11. The appeal proposal would conflict with the Green Belt purpose of safeguarding the countryside from encroachment and would result in a significant loss of openness. Consequently, I therefore conclude that the appeal proposal represents inappropriate development within the Green Belt and is contrary to paragraphs 149 and 150 of the Framework.

¹ As set out in *Ouseley J. in Europa Oil and Gas Limited v Secretary of State for Communities and Local Government* [2013] EWHC 2564 (Admin) and by the Court of Appeal in *R (Lee Valley Regional Park Authority) v Epping Forest DC per Lindblom LJ*, which are referenced by the appellant.

12. There is conflict with Policies CP8 and DM42 of the Wycombe District Local Plan (2019) (LP), which seek to protect the Green Belt from inappropriate development.
13. Paragraph 147 of the Framework says inappropriate development is harmful by definition and paragraph 148 identifies that substantial weight should be given to any harm to the Green Belt.

Character and appearance

14. As set out above, the appeal site is an area of open grassland sited within the open countryside, mostly confined by field boundaries defined by hedgerows, trees, with open fencing to the north. The buildings to the south are obscured by the trees around the south and western corner of the appeal site.
15. The appellants set out that the Wycombe District Landscape Character Assessment recognises this part of the countryside is already one which is influenced by equestrian and animal activity. This is not disputed by the Council. However, the appeal site is characterised by a lack of (permitted) built form which clearly sets it apart from the nearby settlement of Bourne End. Whilst the wider site is divided by timber post and rail fencing, views remain through it and the site retains an open, attractive, peaceful rural character.
16. The submitted Landscape and Visual Impact Appraisal² (LVIA) identifies the low visibility of the site. However, despite the appeal site being sited at a slightly lower level than Hedsor Road, I saw on my site visit that the site is readily visible from the road within Bourne End to the north. When progressing along the footpath from the settlement, given the enclosing vegetation, the eye is drawn in one direction towards the end of the site and the appeal site.
17. Whilst the proposed building would be sited to the south west and orientated so its side elevation faces north, from the footpath, when close to Hedsor Hill (identified as viewpoint 11 in the submitted LVIA) the width and overall scale of the building would form a focal point and contrast markedly with the otherwise undeveloped setting.
18. I acknowledge that landscapes evolve over time and the development would be viewed against the backdrop of boundary trees. However, given the scale of the proposed development, and its separation spatially and functionally from the nearest built form, it would encroach into the open undeveloped countryside and harm its intrinsic character and appearance.
19. The proposed planted hedging, even when established long term, would only reduce these detrimental effects to a limited degree and would not overcome this harm.
20. By virtue of its size, scale and siting, the design of the proposed development would be harmful to the rural character and appearance of the countryside. It would conflict with LP Policies DM32 (1), DM35 (2a) and CP9 (2) which sets out that development is required to be a high quality of design that protects and reinforces the positive key characteristics of the receiving landscape.

² Landscape and Visual Impact Appraisal, Karl Kropf, Built Form Resources Ltd, June 2022

Other Considerations

21. The appellants have drawn my attention to a number of other planning approvals for manège related development. The examples are located in different areas with different development and locational characteristics, in addition to site history, to the appeal scheme. As such, they are not directly comparable to the proposal before me. In any event, I am required to deal with this proposal on its own merits and such I accord them limited weight as possible material considerations in this case. I note the appellants comments regarding the consistency of the Council's decision making process, however these are not matters which are relevant to the consideration of the planning merits, or otherwise, of the appeal.
22. I understand that pre-application advice was sought from the Council. Such advice is given without prejudice. I have based my decision on the scheme evidence before me and my observations on site. With regards to previously submitted schemes, I have based my decision on the scheme before me.
23. The improvement to biodiversity on site, through additional hedgerow planting, given its minor scale, would attract limited weight in favour of the scheme.
24. The appellants refer to an established need for such a facility in the locality, and I note the letters of support received in this regard, in addition to the economic benefits of the development and contribution to the rural economy. Further, given the extent of the Green Belt within the area, such facilities are highly likely to be sited within the Green Belt. However, it does not follow that this particular site, with its existing landscape character and visibility, is suitable or appropriate for the scale of development proposed. As such, I afford moderate weight to the need for the facility, and given the scale of the proposal, moderate weight to the economic benefits.

Other Matters

25. The proposed development would be located near to a number of heritage assets, including the Grade II listed Hedsor House Registered Park and Garden, Lodge at Hedsor Priory Lodge, and the Church of St. Nicholas. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention should be paid to preserving listed buildings and their setting or any features of architectural or historic interest which they possess.
26. The listed buildings are set within their own grounds which would not be affected by the proposal and there would be a group of mature trees and Hedsor Hill road between the buildings and the appeal scheme. The Council considers that the proposal would have a neutral impact on the listed buildings and their setting, and I see no reason to disagree. As such, there is therefore no conflict with the above Act.
27. The Council state that the site is also located near to the Hedsor Road and Riversdale Conservation Area (CA). No detail is provided regarding the CA designation; however, it is evident that its significance lies with its special architectural and historic interest. Given the separation distance between the two, I am satisfied that the development would preserve the setting of the CA.

Conclusion

28. The proposal constitutes inappropriate development in the Green Belt and reduces openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. In addition, there would be harm to the character and appearance of the area, which is a matter that also attracts significant weight against the scheme. Even when taken together, I conclude that the other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the guidance contained in the Framework relating to Green Belts.
29. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR