



Appeal Decision

Site visit made on 23 November 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal Ref: APP/K0425/W/20/3259852

The Mead, Green End Road, Radnage, HIGH WYCOMBE, HP14 4BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Old Regency Securities Limited against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 19/08032/OUT, dated 17 December 2019, was refused by notice dated 14 May 2020.
 - The development proposed is the erection of 1 dwelling with appearance, landscaping & scale reserved for later consideration.
 - This decision supersedes that issued on 23 June 2021. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal seeks outline planning permission, with all matters reserved except access and layout. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.

Main Issues

3. The main issues are:
 1. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2021) (the Framework) and any relevant development plan policies;
 2. Whether the appeal scheme's location would minimise the need for occupants of the development to travel;
 3. The effect of the proposal on the character and appearance of the area with particular regard to the effect on the Chilterns Area of Outstanding Natural Beauty (AONB); and
 4. Whether any 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

Whether the scheme is inappropriate development in the Green Belt

4. The appeal site lies within the Green Belt. The scheme proposes the construction of a dwelling on garden land associated with the host dwelling. The site is currently a lawn area with shrubs and trees.
5. Policy DM42 of the Wycombe District Local Plan (2019) (the LP) sets out that development in the Green Belt is inappropriate, subject to certain exceptions. One of these allows for development in the Green Belt where the Framework classifies it as not inappropriate, but only if it is subject to an exception listed in Policy DM42.
6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 149. These include limited infilling in villages.
7. The Framework does not provide a definition of infilling, however this is generally understood to mean the development of a relatively small gap between existing buildings. The village of Radnage is made up of linear development along roads. The appeal site lies within an area of such ribbon development and consequently within the village. The site forms a relatively small gap in development between the host dwelling and the neighbouring property. Therefore the proposal would form limited infilling in villages, in accordance with the Framework exception. The development would consequently not be inappropriate development in the Green Belt, having regard solely to the Framework. Nevertheless, it is also necessary to consider the proposed development with regard to Policy DM42 of the LP, including the exceptions and clarifications relating to development in the Green Belt contained therein.
8. The exception at paragraph (1) (b) (iv) of Policy DM42 contains two criteria, both of which must be fulfilled if a proposal is to accord with that section of the policy. The first provides for limited infilling only within the built-up villages identified on the Policies Map and in accordance with a definition provided within the policy's supporting text. The appeal site does not lie within one of the built-up villages identified on the Policies Map and consequently the proposal does not benefit from this exception.
9. The evidence does not suggest that the proposal forms a type of development listed in any of the other exceptions in Policy DM42, and it is necessary for it to comply with both criteria in paragraph (1) (b) (iv) of the policy in order to form development that would not be inappropriate in the Green Belt. Thus, irrespective of whether it complies with the second criterion of that paragraph, the development would be inappropriate development in the Green Belt according to Policy DM42.
10. In restricting infilling to certain locations the first criterion of Policy DM42 of the LP differs from the approach within the Framework, which allows for infilling in villages in the Green Belt irrespective of location. Nevertheless, paragraph 219 of the Framework advises that due weight should be given to existing policies, according to their degree of consistency with the Framework (the closer the policies in a plan to the policies in the Framework, the greater the weight that may be given). Thus, where differences in approach between development plan

and Framework policy arise, it does not automatically follow that a development plan policy is to be considered out-of-date. In such circumstances, it is instead necessary to determine a policy's degree of consistency with the Framework, in order to determine whether it is deemed to be out-of-date.

11. Policy DM42 of the LP allows for development in the Green Belt where the Framework classifies it as not inappropriate, and only then includes additional locational criteria which seek to ensure that development occurs at sustainable locations. It is consequently a distinctive local policy which accords with the Framework aim to contribute to the achievement of sustainable development. Furthermore, there is nothing in the Framework to indicate that the approach of Policy DM42 is not a suitable policy response.
12. Moreover, the adopted August 2019 LP, including the exceptions set out in Policy DM42 of the LP, would have been found to be sound against the February 2019 version of the Framework. The relevant section concerning proposals affecting the Green Belt was unchanged in the subsequent July 2021 update of the Framework, which is the current document. There may have been particular circumstances during the LP examination process which justified a local policy that was not the same as national policy.
13. Therefore, for the above reasons, Policy DM42 (1) (b) (iv) has not been overtaken by changes to the corresponding section of the Framework, and I am satisfied that no inconsistency arises between that part of the policy and the 2021 Framework. Thus, paragraph (1) (b) (iv) of Policy DM42 of the LP is not out-of-date in accordance with the Framework, and the identified conflict with that policy attracts full weight in the determination of this appeal.
14. My conclusion, in determining whether the proposal would be inappropriate development in the countryside, differs from that within the earlier decision on this appeal. This is because, in that decision, the Framework was used to determine whether the proposal would be inappropriate development due to the weight given to support for the proposal identified elsewhere in the Framework. In this decision I have found the proposal to be inappropriate development in the Green Belt according to the development plan. I shall consider below whether other considerations (including those which attract support within the Framework) clearly outweigh this harm, and any other harm.
15. The proposal would not result in an isolated home in the countryside, within the meaning of paragraph 80 of the Framework, due to its location within the settlement of Radnage. Nevertheless, paragraph 80 does not imply that a dwelling has to be "isolated" in order for restrictive policies to apply. There may be other circumstances where development in the countryside should be avoided. Thus, although the proposed dwelling would not be "isolated" as defined, this does not result in compliance with development plan policies that seek to guide the location of development within the Green Belt. As a result of these considerations, the Court of Appeal judgment in *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 does not provide support for the proposal.
16. The LP supporting text sets out, at paragraph 4.32, that very limited development, such as rural exception housing, could benefit social and economic wellbeing in some smaller villages and hamlets. This aligns with the

provisions of Policy CP3 of the LP. The Framework states at paragraph 78 that planning policies and decisions in rural areas should be responsive to local circumstances and support housing developments that reflect local needs. However, there is nothing to suggest that either approach is intended to take precedence over Green Belt policies, one of the aims of which is to prevent urban sprawl by keeping land permanently open.

17. I therefore conclude that the scheme would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies.
18. The proposal consequently conflicts with Policy CP1 of the LP, which requires all new development to contribute to the achievement of the plan's objectives. Additional conflict exists with Policy CP8 of the LP, which sets out that the Council will protect the Green Belt identified on the Policies Map from inappropriate development. Further conflict exists with Policy DM42 of the LP, the aims of which are set out above.

Other Matters

Sustainable travel

19. Radnage is a small settlement which has a limited range of services and facilities which includes a primary school, two public houses and a church. Some limited potential employment opportunities within the village are referred to in support, and a community bus service may be accessed in the village. Both parties consider that the majority of trips arising from the scheme may be made by private car, and there is minimal evidence before me to suggest otherwise.
20. As a result of the above issues, only a limited range of services and facilities, employment opportunities and public transport is available within accessible walking or cycling distance of the appeal site. The lack of services and facilities within Radnage and the restricted availability of public transport would, in combination, be most likely to result in a reliance by occupants of the proposed development on travel by car. Whilst the LP refers to provision for alternative vehicle and fuel types in its supporting text, the evidence before me does not suggest that the use of these is currently so widespread as to form a likely consideration in determining this main issue.
21. Two appeal decisions¹ concerning the same site elsewhere in the area are referred to in support. The 2019 decision gave weight to the support of the proposed development for limited local and public transport services. This assessment contributed to its conclusion that the site was a suitable location for the proposed development. A later refusal of planning permission² at the same site by the Council did not raise concerns in respect of location. The 2020 decision subsequently found no reason to disagree with the conclusions of the previous inspector with regard to location.
22. Nevertheless, all three decisions concerned a proposal for four dwellings, and different policy considerations applied as the site did not lie in the Green Belt. Thus, whilst the potential for this appeal proposal to enhance and maintain the vitality of rural communities is considered further below, the other decisions do

¹ APP/K0425/W/19/3226658 (dated 20 August 2019) and APP/P0430/W/20/3256435 (dated 22 April 2020)

² Local Planning Authority Ref: 19/07695/FUL

not provide an example that should be followed even if harm results. Accordingly, they do not alter my conclusions regarding the current scheme.

23. The appeal scheme's location would consequently fail to minimise the need for occupants of the development to travel. Thus, it would result in limited environmental harm, and limited harm in achieving the Council's planned development strategy. As a result, the proposal conflicts with Policy CP1 of the LP, which states that the Council will require all new development to contribute towards delivering sustainable development by contributing to the achievement of the plan's objectives. Additional conflict exists with Policy CP3 of the LP, which states that rural exceptions affordable housing schemes, where the settlement has some local services, are suitable in a Tier 5 village such as Radnage. Further conflict exists with Policy CP12 of the LP, which states that the Council promotes mitigation and adaptation to climate change through, amongst other things, a development strategy that minimises the need to travel by directing development to locations with better services and facilities.
24. Additional conflict exists with Policy DM33 of the LP, which requires development to be located to provide access to jobs, services and facilities via sustainable transport modes. As noted in the supporting text to the policy, this requirement should be tailored to the scale and significance of the proposal. Accordingly, as the development would comprise a single dwelling, the conflict in respect of Policy DM33 would be limited.

Character and appearance

25. Turning to the proposal's effect on the character and appearance of the area, the appeal site lies within the AONB. The Framework sets out that AONBs have the highest status of protection in relation to landscape and scenic beauty, and that great weight is to be afforded to conserving and enhancing their landscape and scenic beauty.
26. The village of Radnage occupies a prominent hilltop position which is likely to allow for views of the linear residential development along Green End Road from the surrounding rolling open countryside. As a relatively small and well-treed area of residential garden, the site may contribute in a minor way to the area's verdant and rural appearance within views from the village. However, whether it makes any clear contribution within longer-range views across the landscape towards Radnage has not been established by the evidence before me.
27. The proposed development would result in a change in appearance from a spacious residential garden to one of built form and a parking area, with surrounding garden, within views from outside the site. The minor contribution to the area's verdant appearance within views from the surrounding village would consequently be reduced by a limited degree. Nevertheless, as one dwelling is proposed, the scheme would add to the existing linear development in this ridge-top settlement by only a minimal degree. As a result, the proposal would cause no unacceptable visual intrusion within the wider AONB landscape.
28. Furthermore, the site is well treed and this could be maintained or enhanced by the imposition of suitable conditions, securing a verdant appearance and an element of screening. Moreover, as an outline proposal, the development's appearance, landscaping and scale are matters reserved for future consideration. Determination of these matters could consequently ensure the

conservation and enhancement of the landscape and scenic beauty of the AONB, including a view of the hills on the other side of the valley which is currently available through a gate at the corner of the site. Given the size and form of the site and in view of these matters, a scheme could be achieved which would conserve and enhance the landscape and scenic beauty of the AONB, and would have an acceptable effect on the area's appearance.

29. Thus, the proposal would have an acceptable effect on the character and appearance of the area with particular regard to the effect on the Chilterns AONB, the landscape and scenic beauty of which attracts great weight as a consideration. As a result, the scheme complies with Policy CP1 of the LP, which requires all new development to contribute to the delivery of sustainable development by contributing to achieving the plan's objectives. Further compliance exists with Policy DM30 of the LP, which requires development within the Chilterns AONB to conserve and, where possible, enhance the natural beauty of the AONB. Additional compliance exists with Policy DM32 of the LP, which requires development to protect and reinforce the positive key characteristics of the receiving landscape. Further compliance exists with Policy DM35 of the LP, which requires development to evidence a thorough understanding of the qualities and character of its natural context and to demonstrate a positive response to this context.
30. In refusing permission on Green Belt and sustainability grounds the Council relies partially on Policy DM35 of the LP. This concerns placemaking and design quality. Development in the Green Belt and sustainability are not referred to within this policy, and I have identified no specific areas of conflict with the policy in respect of these reasons for refusal. Thus, whilst I have had regard to Policy DM35, it has not been determinative in respect of the Green Belt and sustainability main issues of the appeal.
31. Furthermore, Policy DM20 of the LP is cited in all three of the Council's reasons for refusal. This policy sets out matters which will be determined in accordance with the Framework. Nevertheless, as it does not refer to Green Belt considerations, the character and appearance of the area or locational matters, this policy has not been determinative with regard to any of the main issues of this appeal.
32. Policy CP9 of the LP is relied on in refusing permission on character and appearance and sustainability grounds. The policy sets out the means by which the Council will deliver a high-quality sense of place within the district. However, any identified conflict with any of those measures has not been demonstrated, and none is evident from the evidence before me. As a result, the policy has only minimal relevance to the main issues of this appeal.
33. In refusing permission on sustainability grounds the Council relies partially on Policy DM32 of the LP. Nevertheless, that policy concerns landscape character and settlement patterns, and I have identified no specific areas of conflict with the policy in respect of the final reason for refusal. Thus, the policy has not been determinative in respect of the sustainability main issue of this appeal.
34. Policy CP3 of the LP is relied on in refusing permission on both Green Belt and locational grounds, however its relevance to the Green Belt main issue has not been demonstrated and therefore it has not been determinative in this respect.

35. I note the appellant's concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined on its planning merits.
36. I have had regard to other matters raised, including concerns about the proposal's effect on outlook from an adjacent dwelling, trees and wildlife. However, as I am dismissing the appeal on the main issues for the reasons given, I have not pursued these matters further.

Other considerations and the Green Belt balance

37. I have found that the appeal proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. 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.
38. The development would contribute to the supply of homes in a location where development would enhance and maintain the vitality of rural communities. Economic benefits would arise from the construction work and from the occupation of the new house. Given the small scale of the development, these benefits attract minimal weight.
39. Although the Council does not raise highway safety concerns in respect of the proposal, this is a neutral matter which does not provide support. There is, additionally, minimal evidence that the suggested improvement to the site access would provide benefits in this regard.
40. Furthermore, there is minimal evidence to suggest that any increase in public transport provision is currently proposed for the village, so that the potential contribution of future occupants to demand for such services attracts minimal weight.
41. It is suggested that the appeal site forms previously developed land (PDL) and consequently that the proposal gains support from provisions within the Framework for the use of such land. Notwithstanding this, the Framework definition of PDL excludes land in built-up areas such as residential gardens. Thus, as the appeal site is a residential garden in a village and lies within a row of linear development which comprises a built-up area, it does not form PDL and the proposal consequently does not gain support from the Framework in that regard.
42. Whilst the Framework supports development that makes efficient use of land, this is subject to the need to take the availability and capacity of infrastructure and services into account, as well as the scope to promote sustainable travel modes that limit future car use. I have found that the lack of services and facilities within Radnage and the restricted availability of public transport would, in combination, be most likely to result in a reliance by occupants of the proposed development on travel by car. Therefore the proposal does not attract support from the Framework for its efficient use of land, even though sustainable transport solutions will vary between urban and rural areas.
43. Whilst the Framework encourages the achievement of good design, aspects of the appeal proposal's design including appearance and scale are reserved for

later consideration and so, although there is potential to achieve a well-designed development, only minimal weight can be attached to this matter due to the lack of certainty in this regard.

44. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Thus, the very special circumstances necessary to justify the development do not exist.

Conclusion

45. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR