



Appeal Decision

Site visit made on 7 March 2023

by A Hickey MA MTRPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/X0415/W/22/3298029

The Vache, Vache Lane, Chalfont St Giles HP8 4SD

- 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 Vache Management Services Ltd against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/21/3964/FA, dated 11 October 2021, was refused by notice dated 14 February 2022.
 - The development proposed is described as demolition of existing buildings and erection of a new dwelling (amendment to previously approved schemes)
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal 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 the effect of the development on the openness of the Green Belt; and
 - 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

Whether Inappropriate Development

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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.
4. Policy GB2 of the Saved Local Plan (Local Plan)¹ relates to development in the Green Belt and sets out the various forms of development which are not inappropriate within it. However, I find these exceptions are not wholly consistent with those listed at Framework Paragraph 149. Furthermore, Policy GB2 does not allow for other considerations as set out at Framework Paragraph

¹ Chiltern District Local Plan Written Statement – adopted September 1997, consolidated 2007 & 2011.

148. As a result, Policy GB2 is out-of-date and I do not afford it any significant weight in considering this appeal.
5. Paragraph 149 of the Framework sets out that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is not inappropriate in the Green Belt provided it would have no greater impact on the openness of the Green Belt than the existing development.
 6. The proposal involves the redevelopment of previously developed land. Taking account of paragraph 149 of the Framework, this type of development would not be inappropriate in the Green Belt, provided the proposal would have no greater impact on the openness of the Green Belt than the existing development.
 7. The Framework indicates that openness is an essential characteristic of the Green Belt. It has a spatial aspect as well as a visual aspect.
 8. I observed on my site visit how the existing appeal buildings are grouped together in close proximity with a covered timber structure. Except for the single-storey high-pitched roof building, the other buildings are of a much lower level in comparison. As a group, the buildings are modest in their scale and have a humble appearance, albeit currently in a poor state of repair.
 9. Public views of the site from Vache access road are restricted to those taken when approaching the site as it is located between a garaging and parking area to either side with sections of mature vegetation and trees. The appeal buildings are largely screened from this public view, except for the pitched roof of the taller building, by the boundary wall of the neighbouring garage and parking area to the west and mature vegetation, which helps the buildings blend into the landscape. The central area of the appeal site is open unmanaged grassland which allows views through the site to open land beyond, as some tree gaps exist. It is also possible to see into and through the appeal site from the north when looking back, as gaps within the trees and vegetation on the boundary edge exist.
 10. I accept the appellant's view that neither the Framework nor development plan policy stipulate a percentage threshold for development to be considered inappropriate. However, size is a factor not only of floorspace but will depend on the circumstances of the particular case. Additionally, I also note there is no Local Plan policy that allows for an extension of up to 50% of an original dwelling in the Green Belt and each proposal is to be judged on its own merits, as to whether it comprises a disproportionate increase to the original building.
 11. It is clear to me that the figures provided by the Council, which are not disputed by the appellant, indicate that the resultant built form within the appeal site would be considerably greater than that which currently exists. Whilst the proposed dwelling would be marginally lower than the existing tallest building to be demolished, the overall increase in footprint and volume of development at the site would quite clearly result in a more prominent building within the appeal site. Indeed, the erection of a new dwelling closer to the centre of the site will introduce substantial new built form in a mostly undeveloped and open part of the site, thereby increasing sprawl. This localised effect on openness, both spatially and visually, would have a greater impact on the openness of the Green Belt than the existing development.

12. For the above reasons the proposal would have a greater impact on the openness of the Green Belt than the existing development. It would therefore be an inappropriate form of development within the Green Belt, which, by definition, is harmful to the Green Belt. Whilst I have not afforded it any significant weight the proposed development would also conflict with Local Plan Policy GB2 given that none of the criteria listed would apply to it.

Other Considerations

13. In support of the appeal, the appellant refers me to potential fall-back positions in relation to development that could take place on the site if the appeal was subsequently turned down. These arise from an extant permission² and from that permission, a further extension could be erected under permitted development through the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
14. I accept that the fallback position for a dwelling in this location is available and a material consideration in the assessment of the proposal. Furthermore, I accept that there is a real possibility that it would be implemented should planning permission for the appeal scheme be refused. This would provide the appellant with the opportunity to undertake development that accords with the provisions of the GPDO.
15. However, for significant weight to be afforded to a fallback position, there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. In this instance, the appellant has identified in addition to the extant permission, the increase of the additional floor area would amount to 43% over and above the floor area of the approved dwelling. As I have identified above, size is a factor not only of floorspace, but will depend on the circumstances of the particular case, and may include built volume, height, width and footprint. In the absence of any details or plans to demonstrate what could be achieved under permitted development would be equally or more harmful to the Green Belt than the development proposed, I attach little weight to this fallback position. In any case, each scheme must be considered on its own merits.
16. The proposal would provide economic and social benefits through the construction of the development and the additional contributions of the occupiers to the local economy. The provision of one new dwelling would also contribute to the area's housing stock. Given the scale of the proposed development, these contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.
17. My attention has been drawn to appeals³ relating to the proposed erection of extensions within the Green Belt, and I have been provided with the Inspectors' decisions. However, from the limited information before me they appear to relate to different proposals than the appeal scheme, with the two decisions relating to two-storey additions to existing dwellings some distance from the appeal site. My attention has also been drawn to a recently approved application⁴ by the Council. Based on the limited information before me this scheme was for single-storey additions to an original two-storey property which

² Ref: PL/21/2958/FA

³ Ref: APP/N0410/D/13/2206394 and APP/N0410/D/13/2205519

⁴ Ref: PL/21/2497/FA

the Council considered would not be disproportionate additions and I see no reason to disagree. As such, I do not consider the examples are directly comparable to the appeal scheme before me, which I have assessed on its own merits. I therefore attach little weight to these considerations.

Other Matters

18. I have had regard to the appellant's comments regarding bringing forward the rear projection as part of the scheme now, as it is viewed as logical, efficient and sustainable. However, it would for the reasons set out, be inappropriate development within the Green Belt. Furthermore, it would not be suitable to insert an informative to advise that further additions are unlikely to be acceptable as each application is dealt with on its own merits.

Planning Balance and Overall Conclusion

19. The development conflicts with saved Local Plan Policy GB2. However, this policy is not wholly consistent with the Framework for the above reasons. As such, it cannot be afforded any significant weight and significant weight should be attached to the Framework in this regard.
20. The proposal would be inappropriate development in the Green Belt and would lead to a reduction in its openness. The Framework clearly sets out that inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. It also outlines that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I afford substantial weight to the harm to the Green Belt, in accordance with the Framework. This harm would not be clearly outweighed by the fallback position identified or the minor benefits of the proposal. As such, very special circumstances do not exist.
21. The most important development plan policy for determining this appeal GB2 is out-of-date, given its inconsistency with the Framework. Nonetheless, the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is an example of such an area/asset and the proposal is contrary to the relevant provisions of the Framework in regard to this.
22. For the reasons set out above, having had regard to the development plan and all other relevant material considerations raised, the appeal is dismissed.

A Hickey

INSPECTOR