



Appeal Decision

Site visit made on 21 March 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2023

Appeal Ref: APP/N0410/W/22/3300021

Home Farm Barn, School Lane, Stoke Poges, SL2 4QA

- 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 Jack Cole against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/21/3871/FA, dated 1 October 2021, was refused by notice dated 13 December 2021.
 - The development proposed is the construction of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 the development plan;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - 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 necessary to justify proposal.

Reasons

Inappropriate development?

3. The essential characteristics of Green Belts are their openness and their permanence and thus the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The categories of development which may be regarded as not inappropriate in the Green Belt, are set out in Paragraph 149 of the Framework and include (e) limited infilling in villages.
4. The appeal site occupies a corner plot and lies within a small row of dwellings characterised by detached properties of varied scale and appearance, which occupy spacious plots. Access to the site is via a single, un-metalled private drive known as Keens Acre. The sporadic development pattern and expanse of

open countryside which lies to the south of the appeal site provides the appeal site and its setting with a semi-rural character and appearance.

5. Consistent with the Framework, Policy GB1 of the South Bucks District Local Plan 1999 (Local Plan) permits limited infilling in existing villages where this would be in accordance with Policy GB3. According to Local Plan Policy GB3, infilling is defined as the 'filling of small gaps within the settlement and would normally involve development in a gap in a continuously built-up frontage'. Reference is also made by the Council to the broader Collins and Cambridge Dictionary definitions which define infilling as the 'act of filling or closing gaps' and the 'development of new homes, business buildings on land between other buildings in already developed areas' respectively.
6. The proposed development, despite its orientation and position within the plot would, in my view amount to infilling in so far as it would largely fill the existing gap between Home Farm Barn and Jasmine Lodge. Furthermore, whilst not within a continuous built-up frontage, it would nevertheless form part of a short run of development located along Keens Acre. Consequently, the determinative Green Belt question in this appeal is whether the appeal proposal would lie within a village.
7. The Framework does not define or qualify 'village' for the purposes of applying Green Belt Policy. However, Local Plan Policy GB3 indicates that infilling should take place within the boundaries of the Green Belt settlements as defined on the Proposals Map. In this case, it is noted that the proposed development would not be located within the boundary of a Green Belt settlement for the purpose of the said policy. Nevertheless, case law¹ indicates that the location of a site relative to a settlement boundary in a development plan is not conclusive to determining whether the site is within a village or not. It is for the decision maker, as matter of judgement, to decide whether the site forms part of a village based on the site's physical characteristics, on the ground.
8. The built-up area of Stoke Poges predominantly lies on the western side of the main throughfare and comprises high density, linear development. Keens Acre, whilst within reasonable proximity of the main settlement is connected to the main road via School Lane, which is characterised by sporadic, low-density development and areas of open space, reinforcing the semi-rural character of this particular area. Keens Acre serves a limited number of dwellings and given that it is a no through route, it effectively creates an isolated pocket of dwellings. Together with the parcels of undeveloped, open green space which bound the site to the north and south land and contrasting development patterns, these characteristics provide both a physical separation and visual distinction between Keens Acre and the main settlement.
9. Therefore, whilst I do not dispute the village status of Stoke Poges or proximity of the site to the original village school, given my spatial and visual assessment, I am not persuaded that it would lie within the village of Stoke Poges for the purpose of applying Green Belt policy.
10. Thus, for the reasons given, I find that the proposed development would not satisfy the exemption set out a paragraph 149(e) of the Framework and would therefore amount to inappropriate development in the Green Belt. The proposal

¹ Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)

would therefore fail to meet the Green Belt protection aims of the Framework together with Local Plan Policy GB1.

Openness

11. Openness is an essential characteristic of the Green Belt and can be perceived both spatially and visually. The proposed two storey dwelling, parking area and domestic curtilage with associated paraphernalia would introduce additional footprint on to that is currently undeveloped which would be visible from the surrounding area including Keens Acre, neighbouring development and the wider countryside.
12. The Council's delegated report refers to a previous scheme on the site where it was argued by the appellant that, for the purposes of Green Belt policy, the proposal would amount to development on previously developed land (PDL). This point was accepted by the Council. Whilst the appellant's evidence does not attempt to argue PDL in this particular case, even if I were to conclude that the development constitutes development on PDL, it would not meet the exception at paragraph 149(g) on the account of its effect to openness.
13. For these reasons, I find that the proposed development would harm the openness of the Green Belt in both visual and spatial terms. The proposal would therefore be contrary to the purposes of Green Belt policy, as stated in Local Plan Policy GB1 and within the Framework, the key objectives of which is to keep land permanently open.

Character and appearance

14. The submitted drawing shows that the proposed dwelling would be located within proximity of the shared boundary with Home Farm Barn, and would front Keens Acre – a private drive, owned by the appellant.
15. The sprawling footprint and horizontal emphasis would be disproportionate to neighbouring dwellings, in particular Home Farm Barn. Therefore, within the context of its surroundings and given the prominent site location, I find that the proposal would be a bulky and dominant addition to the row. The convoluted building design including the two projecting gables together with the expanse of solid, unfenestrated walls would further increase the bulkiness of the proposed dwelling. Consequently, whilst acknowledging that the external finish would be generally in keeping with neighbouring properties, I find that the overall scale and appearance of the proposed dwelling would be discordant. Accordingly, the proposed development would read as an incongruous and obtrusive form of development.
16. It has been put to me by the appellant that there would only be a difference of 8cm between the ridge height of Home Farm Barn and the proposed dwelling given the difference in ground levels. Even if I were to accept the appellant's submission on this matter, it would not address my concerns in relation to the disproportionate width and depth or the bulkiness of the proposed building design.
17. Therefore, in concluding this matter, I find that the proposed development would harm the character and appearance of the area and therefore would conflict with Policy EP3 of the Local Plan and Policy C8 of the South Bucks District Core Strategy 2011 (the Strategy). Amongst other aspects, these policies seek to ensure that development proposals are of a high standard of

design and are in keeping with the scale of surrounding development thus positively contributing to local character and distinctiveness. The proposal would also be inconsistent with the design objectives of the Framework and National Design Guide.

Other considerations

18. It has been put to me by the appellant that the site is within walking distance of local shops, community services and employment bases and is well connected to larger settlements including Slough. It is also recognised that the proposal would support these facilities. Be that as it may, given the scale and nature of the scheme, the benefits would be limited.
19. I also recognise that the site is not located within proximity of a designated heritage asset or flood zone and would provide sufficient provision for parking, refuse storage and outdoor space within the site boundary. These however are neutral factors.

Other Matters

20. The appeal site lies within the Zone of Influence for the Burnham Beeches Special Area of Conservation (SAC), whose qualifying feature is the acid beech forest and its shrub layer, which together are rich in invertebrates and epiphytes. The Council's Strategic Access Management and Monitoring Strategy outlines that new housing development within 500 m to 5.6 km of the SAC has the potential to adversely affect the integrity of the designated site through increased recreational pressure. Mitigation measures are therefore required to make the development acceptable and avoid an adverse effect on the integrity of the designated site. I note that a legal agreement has been submitted in relation to this. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

Green Belt Balance and Conclusions

21. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful. For the reasons outlined, the appeal proposal constitutes inappropriate development in the Green Belt, which carries substantial weight and additional weight is given to the harm to the openness of the Green Belt.
22. In considering the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the limited benefits, the harm that would arise from the proposal is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist. Consequently, the proposal conflicts with the Green Belt protection aims of the Framework and with Policy GB1 of the Local Plan.
23. Therefore, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

H Wilkinson

INSPECTOR