



## Appeal Decision

Site visit made on 20 June 2023

**by S Harrington MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 June 2023**

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**Appeal Ref: APP/N0410/W/23/3314373**

**Wilton Park, Park Lane, Beaconsfield, Buckinghamshire HP9 2WH**

- 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 Matt Jackson, Inland Homes (Essex) Ltd against the decision of Buckinghamshire Council – South Area (South Bucks).
  - The application Ref PL/22/2697/FA, dated 8 July 2022, was refused by notice dated 19 October 2022.
  - The development proposed is conversion of existing building into a one bed dwelling. Alterations to the access, removal of hard standing and replaced with soft landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Following the decision of the Council, a signed Unilateral Undertaking(UU) has been received which commits to payment of contributions to Strategic Access Management and Monitoring schemes to mitigate additional recreational disturbance on the Burnham Beeches Special Area of Conservation. The Council have agreed that the UU would form sufficient mitigation, and therefore have requested to withdraw the second reason for refusal.

### Main Issues

3. The main issues are:-
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies and any effects on openness; and
  - whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

*Whether the proposal would be inappropriate development in the Green Belt*

4. The appeal site incorporates a modest single storey building and car parking area, which benefits from a temporary planning permission as a gatehouse (security/sales centre). The site is in close proximity to the Beaconsfield Eastern Relief Road and is located within Wilton Park which is a Major Developed Site (MDS) within the Green Belt.

5. Policy GB1 of the South Bucks District Local Plan 1999 (LP) relates to Green Belt and outlines that planning permission will not be granted for development in the Green Belt unless it fulfils certain criteria. One such criteria at GB1(h) is the re-use of buildings of permanent and substantial construction in accordance with policy GB2.
6. LP Policy GB2 establishes criteria for the reuse of a building in the Green Belt. GB2(a) requires that buildings to be re-used are of permanent and substantial construction, and at (c) the proposed new use does not detract from the open and undeveloped character of the Green Belt. Neither LP Policy GB1 nor Policy GB2 refer to very special circumstances. They are therefore inconsistent with the Framework, limiting the weight I afford them. The Framework is the most up to date expression of the national policy position on development in the Green Belt.
7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The Framework continues that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Although the Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149, the appellant submits that the proposal relates to the re-use of an existing building. The appellant therefore states that the proposal should be assessed against paragraph 150(d), which relates to the re-use of buildings, while also noting paragraph 149(c) states that the extension or alteration of a building in not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building.
9. Paragraph 150(d) effectively has 3 elements which must be met in order for the proposed re-use of a building to not constitute inappropriate development. These are that the buildings are of permanent and substantial construction; the development would preserve the openness of the Green Belt; and it would not conflict with the purposes of including land in the Green Belt.
10. I observed that the appeal building, which I am informed was constructed over 6 years ago, is clearly of substantial construction. However, the building only benefits from a temporary planning permission. The evidence indicates that the temporary planning permission was granted due to the building being required to enable the development of the MDS, and was temporary such that it would not result in a permanent loss of openness to the Green Belt. On this basis the Council considered that there were very special circumstances to outweigh the Green Belt harm.
11. Given that the building is subject to a temporary planning permission, and has to be removed following the temporary period, I do not find that it can be considered a permanent construction for the purposes of Framework paragraph 150(d).
12. The appellant states that the proposal would not prejudice any wider plans for development at Wilton Park given further applications will be required. I am mindful of the Wilton Park Development Brief Supplementary Planning

Document, and Wilton Park Masterplan (WPM) submitted as part of outline planning permission 17/01763/OUT.

13. Within the WPM, whilst noting it's illustrative nature, the appeal site is removed from residential development and is an open landscape area and carparking for adjoining green spaces. Notwithstanding, the permanent retention of the building as well as residential activity and domestic paraphernalia associated with a dwelling, would lead to the permanent loss of openness both spatially and visually and result in visual encroachment and urban sprawl. Therefore, even if I were to find that the building was of permanent construction, and noting the proposed removal of hardstanding and landscape improvements, the proposal would not preserve the openness of the Green Belt.
14. The proposal consequently does not meet the exceptions set out at either paragraph 149(c) or 150(d) of the Framework and constitutes inappropriate development in the Green Belt. The proposal therefore also conflicts with LP policy GB1.

#### *Other Considerations*

15. The proposal would amount to inappropriate development in the Green Belt. It would also result in harm to the openness of the Green Belt and conflict with the fundamental aim of Green Belt policy. In accordance with paragraph 148 of the Framework, substantial weight should be given to these harms.
16. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellant has put forward a number of other considerations in favour of the development.
17. The Council are unable to demonstrate a 5-year housing land supply of housing sites (5YHLS) and I have noted the position put forward within the appeal cases<sup>1</sup> cited by the appellant. The considerations weighing in favour of the appeal scheme includes the contribution of an additional dwelling. Having regard to the Council's shortfall in housing land supply but noting the limited scale of the proposal relating to a single dwelling, I attach moderate weight to the provision of an additional dwelling to housing supply.
18. The appellant also states that the proposal would not result in harm to the purposes of the Green Belt, as the proposal results in a re-use of an existing building and the site has always contained historic built form and can be considered previously developed land. Furthermore, the appellant has cited that the proposal would result in landscape improvements, thus improving the character and appearance of the area.
19. However, for the reasons I have previously discussed above, the appeal building is temporary and will be removed in accordance with a planning permission. Therefore, any benefits must be seen against the context of the temporary nature of the building and the resulting reduction in built form when it is removed. Therefore, I only afford limited weight to these matters
20. There is no dispute between the parties that the appeal site occupies a sustainable location with access to public transport and local shops and facilities. Residents of the new dwelling would contribute additional spending to

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<sup>1</sup> APP/N0410/W/22/3299849 & APP/X0415/W/22/3303868

those local services and facilities albeit given the scale of the scheme proposed for one additional dwelling, such benefits would be modest. Economic benefits arising during construction would be temporary and modest in scale and therefore I attribute this matter limited weight.

21. Even if it is the case as the appellant states that the proposal does not result in detrimental impact on the character and appearance of the area, neighbouring amenity, local highway network, ecology, or trees, these are ordinary requirements for new development, and they do not represent a positive benefit that weighs in favour of the development.

### **Other Matters**

22. I note the appellant state that no neighbour objections have been received. Even if there were no third-party objections to this development, my assessment of the effect of the development would be unchanged and a lack of objections is not a reason in itself to allow development that is unacceptable.
23. The Council's second reason for refusal relates to a failure to make an appropriate contribution towards mitigation measures required due to an additional recreational pressure the proposed development would place on the Burnham Beeches Special Area of Conservation. During the appeal process a signed UU has been received which commits to payment of contributions to Strategic Access Management and Monitoring schemes. If the appeal were to be allowed, I would need to undertake an Appropriate Assessment in accordance with the Habitats Regulations. However, as I am dismissing the appeal, I have not found it necessary to consider such matters any further.

### **Planning Balance and Conclusion**

24. Drawing all of these matters together, notwithstanding the moderate benefit afforded by the provision of an additional dwelling, I find that the other considerations in this case, either individually or cumulatively, do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, as a whole, I find that the very special circumstances do not exist to justify the development.
25. As previously stated, the Council are unable to demonstrate a 5YHLS as required by the Framework. In these circumstances, paragraph 11(d) indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
26. Footnote 7 identifies policies in the Framework that are relevant to this approach, one of which is land designated as Green Belt. I have found that very special circumstances do not exist such that, approving the proposal would be inconsistent with those policies of the Framework that relate to Green Belt. As such the tilted balance is not engaged.

27. For the above reasons, and taking into account all other matters raised, the appeal is dismissed.

*S Harrington MA MRTP*

INSPECTOR