



Appeal Decision

Site visit made on 23 May 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/N0410/W/22/3305771

Downlands Barn, Hitcham Lane, Burnham, SL1 7DP

- 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 Mr Oliver Curan against the decision of Buckinghamshire Council).
 - The application Ref PL/21/3669/OA, dated 17 September 2021, was refused by notice dated 18 March 2022.
 - The development proposed is outline application with all matters reserved except access and scale for the demolition of building with consent for residential conversion (PL/21/2248/PNAD) and equestrian stables and replacement with new dwelling and new stables
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration, except for access and scale. The proposal includes some indicative plans. I have had regard to these insofar as they depict how the development could be carried out.
3. The appellant's name as listed on the appeal form differs from the name on the application form. This has been confirmed by the person listed on the application form. This is reflected in the banner heading above.

Main Issues

4. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt, including the effect on the openness of the Green Belt;
 - Whether the proposal makes adequate contributions towards Strategic Access Management and Monitoring (SAMM); and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The site comprises a parcel of land which is situated in the Green Belt. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Development within the Green Belt is inappropriate with the exception of the types of development listed in paragraphs 149 and 150 of the Framework. The appellant states that the proposal meets one such exception set out in criterion g of paragraph 149, which allows limited infilling or the partial or complete redevelopment of previously developed land.
7. I note that in the appellant's view the site is previously developed land (PDL). However, Annex 2 of the Framework also clarifies that the definition of previously developed land excludes land that is or was last occupied by agricultural or forestry buildings. At my site visit I observed animals being stored on the field in which the barn is located. The consent for the conversion of the barn to residential use¹ also refers to the barn as an agricultural building. This consent does not appear to have been implemented and I have not been presented with any compelling evidence that the site is in any other use. Thus, the site and barn are in agricultural use and therefore the appeal site does not currently comprise PDL as defined by the Framework.
8. Even though I have found that the proposal would not relate to PDL, I acknowledge that the main parties have provided an assessment in accordance with the first part of Paragraph 149 g) which requires that redevelopment of PDL to not have a greater impact on the openness of the Green Belt than the existing development
9. The Framework (paragraph 133) indicates that openness is an essential characteristic of the Green Belt. The proposal would result in the erection of a dwelling and stable block in place of an existing barn. The appellant has stated that based on their indicative plans that the proposal would have a lower volume and floor area than the existing building. However, these plans also show that it would have a greater height. In this case the increased height of the proposed dwelling and the increase in the number of buildings would change the physical nature of the site, resulting in a more intensive form of development. Even though the increase in height between the existing building and the proposed dwelling would be around 0.5m, this would nevertheless reduce views through the site to the countryside beyond and erode the site and surrounding area's visual openness
10. Furthermore, the proposal would, based on the submitted details, and notwithstanding the marginally reduced floor area, inevitably spread the built form out across the site and introduce development to a part of the site where there was no built form previously, resulting in a clear encroachment into this

¹ PL/21/2248/PNAD

part of the countryside. The buildings, by virtue of their increased height and likely position within the site, would be experienced from the highway that runs to the south of the site where they would appear more prominent than the existing built form. In this regard the proposed buildings would reduce the openness of the site. The effects would be significant, and I attach substantial weight to this harm.

11. Even though the plans are indicative it has not been shown that any other form of development along the lines proposed could be carried out which would not have a greater impact on the openness of the Green Belt. On this basis, the proposal would be inappropriate development which would not preserve the openness of the Green Belt.
12. The second part of criterion g of paragraph 149, which relates to proposals which contribute to meeting an identified affordable housing need within the area, is not relevant as the appeal proposal relates to the erection of a market dwelling.
13. On the evidence before me no other exceptions would apply and thus the proposal would be inappropriate development in the Green Belt having regard to the Framework and to Policy GB1 of the South Bucks District Local Plan (1999) (LP) insofar as it is consistent with it. By definition inappropriate development is harmful, and, as advised by paragraph 147 of the Framework, should not be approved except in very special circumstances. In accordance with paragraph 148 of the Framework, I attach substantial weight to this harm.

SAMM contributions

14. The appeal site is within the 5.6km buffer zone of the Burnham Beaches Special Area of Conservation (SAC). In such circumstances the Burnham Beaches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document (2020) (SPD) requires that any additional residential development will need to provide a financial contribution towards SAMM.
15. The appellant has expressed a willingness to enter into a legal agreement to provide a contribution towards SAMM measures. However, I have not been provided with a copy of a completed legal agreement setting out the required payment towards these measures. In the absence of this, I cannot be satisfied that the financial contribution towards SAMM would be made and consequently, it has not been demonstrated that the proposal would not result in harm to the Burnham Beaches SAC.
16. In light of the above, the proposal conflicts with those aims of LP Core Policy 9 which, amongst other matters, seek to give priority to the conservation and enhancement of the Burnham Beeches SAC. I also find conflict with the SPD which has similar aims, and which seeks to ensure that proposals make contributions towards SAMM within the SAC buffer zone. I also find conflict with Section 15 of the Framework which requires that proposals should protect, enhance and compensate for harm to biodiversity.

Other considerations

17. The appellant has indicated that the conversion of the existing barn, which could be carried out as part of an existing consent,² would have a greater impact on the openness of the Green Belt than the appeal proposal and that the dwelling would represent a visual improvement compared to the existing barn. Furthermore, it is stated that extensions to the barn which could be carried out under permitted development rights would have a greater impact on the openness of the Green Belt than the appeal proposal.
18. There is no dispute between the main parties that this permission could be implemented and therefore represents a valid fallback position. Whilst I have not been provided with the details of the barn conversion, there is no particular evidence before me that it would also result in an increase in the height to the building and the spreading out of built form across the site. Furthermore, I have not been presented with any compelling evidence that there would be a realistic prospect that the barn could be extended under permitted development rights to the extent that has been suggested by the appellant. Therefore, if this consent were implemented, it would be less harmful to the openness of the Green Belt. I therefore give limited weight to that decision and any subsequent extensions to the barn following the implementation of this permission.
19. Furthermore, whilst noting that appearance is a reserved matter, it has not been shown that development along the lines proposed, which could include a dwelling of a traditional design which screens parked cars, would not have any greater impact on the openness of the Green Belt than the existing barn. Whilst I note the appellant's willingness to accept a condition restricting residential paraphernalia in the garden, this would not overcome the harm arising from the height and likely position of the proposed buildings on the openness of the Green Belt.
20. The submission states that the proposal would result in an enhancement of biodiversity. However, the proposal is not supported by any detail setting out how this would be achieved to give any substantial credence to.
21. I note that the appeal site is at low risk of flooding and that the existing site access would be retained. Whilst this may well be the case, it carries limited weight in the Green Belt balance.

Planning Balance and Conclusion

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts arising from the effect of the proposal on the Burnham Beaches Special Area of Conservation. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
23. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the limited benefits of the proposed scheme, the harm is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist. The

² Planning application reference PL/21/2248/PNAD

proposal would be contrary to Policies GB1 and 9 of the South Bucks District Local Plan, and the provisions of the Framework, as set out above.

24. Consequently, for the reasons given above, I conclude that the appeal does not succeed.

Nichola Robinson

INSPECTOR