
Appeal Decision

Site visit made on 17 August 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2023

Appeal Ref: APP/X0415/W/22/3291484

Peterley Wood Farm, Peterley Lane, Prestwood HP16 0HH

- 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 Mrs Rosemary Hall against the decision of Buckinghamshire Council.
 - The application Ref PL/20/3487/FA, dated 30 October 2020, was refused by notice dated 05 August 2021.
 - The development proposed is erection of two number preplacement two storey dwellings and one number single storey dwelling and two number garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt and the purposes of including land within it;
 - If the proposal would be 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 it.

Reasons

Whether Inappropriate Development

3. The site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy GB2 of the Chiltern District Local Plan 1997 (including alterations 29 May 2001) Consolidated September 2007 and November 2011 (LP) sets out that most development in the Green Belt is inappropriate, apart from the listed exceptions at (a) to (f). Policy GB2(c) provides that, in accordance with LP Policy GB7, the replacement of an existing habitable dwelling will be acceptable in principle providing the new dwelling is not materially larger than that to be demolished.
4. The National Planning Policy Framework (the Framework), at paragraph 149, states that the construction of new buildings should be regarded as inappropriate in the Green Belt except in a limited number of clearly defined

circumstances. One exception to inappropriate development is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (paragraph 149d).

5. The appellant asserts that the proposal will result in 3 dwellings being replaced with 3 dwellings. The appellant's statement, however, refers to the triple garage building as having permission for the use of the first floor as ancillary residential accommodation rather than as a separate dwelling. There is no substantive evidence before me that confirms the lawful planning use of the first floor of the triple garage is as a separate dwelling. The single storey former farm office is subject to an application¹ under s191 of the Town and Country Planning Act 1990 to ascertain if the building has been converted and used for residential accommodation continuously since Spring 2011. At the time of the of the main parties' appeal submissions, that s191 application was still pending. There is no evidence before me to indicate whether or not a certificate of lawfulness has since been granted in relation to the former farm office building.
6. Notwithstanding the lack of clarity regarding the lawful use of the former farm office building, the main parties' state that it has a gross external area (GEA) floor space of 58 square metres (sq m). The single-storey dwelling proposed on the location of the former farm building would have a GEA floor space of approximately 123 sq m. The proposed dwelling on plot 3 would, therefore, be materially larger than the former farm office building it would replace.
7. The main parties' state that the triple garage has a GEA floor space of 188sq m. The proposed dwelling on plot 1 would have a GEA floor space of approximately 316 sq m (garage included), and the dwelling on plot 2 would have a GEA floor space of approximately 273 sq m (garage included). In addition to their significantly greater floor areas, the proposed dwellings on plots 1 and 2 would also be materially higher than the triple garage. As such, both the dwellings on plots 1 and 2 would be materially larger than the triple garage proposed for demolition.
8. Whilst the overall GEA floor space of the proposed dwellings may be less than the 3 buildings to be demolished, there is no provision within Framework paragraph 149d, or within Policy GB7, that allows multiple independent dwellings, or separate buildings, to be considered as a group when assessing the scale of each buildings' replacement building. As such, regardless of the number of existing lawful dwellinghouses to be demolished, given the replacement buildings would be materially larger than 2 of the buildings to be demolished, the proposal is contrary to LP Policy GB7 and Framework paragraph 149d.
9. Another exception to inappropriate development, cited at Framework paragraph 149g, is the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development. The council does not dispute that the site constitutes PDL and I see no reason to disagree. Furthermore, there is agreement between the main parties that the redevelopment would represent a reduction of 73 sq m GEA floor space, or a reduction by 9.3%. No details regarding the comparative volumes of the proposed development with existing buildings to be demolished has been provided. However, the effect on

¹ PL/19/4428/EU

openness cannot be judged upon floorspace alone. The assessment of openness requires a consideration of both spatial and visual aspects.

10. The dwelling on plot 1 would introduce built form to the north of the existing farmhouse. Whilst the majority of the footprint of this dwelling would be within the existing open garden area to the north of the farmhouse, a significant proportion would encroach into the adjacent paddock. The garden area of plot 1 would also include part of the adjacent paddock to the north. The buildings to be demolished are clustered closer to the access, existing mature trees, and other existing buildings, including Peterley House and Peterley Lodge. The plot 1 dwelling, in contrast, intrudes into an area of land that is more open, extending away from the existing cluster of buildings.
11. Public views of the proposed dwellings would be limited to glimpses from the public rights of way in the woodland to the west and north. Nevertheless, I observed some public views of plots 1 and 2 would be possible, particularly during the winter months. There would also be private views of the dwellings on plots 1 and 2 from adjacent fields and from Peterley House. The dwellings on plots 1 and 2 would be approximately 1m higher than the existing farmhouse to be demolished. The significantly higher eaves of these dwellings, in combination with the projection of the plot 1 dwelling into a more open area of land, means that their massing would be more conspicuous in views than the existing farmhouse and triple garage.
12. For the reasons above, the development would result in a loss of both spatial and visual openness in the context of the locality, representing a form of urban encroachment into the countryside. The development would not, therefore, accord with any of the exceptions to inappropriate development set out in Framework paragraph 149 or LP Policy GB2. Consequently, the development would be inappropriate development, harmful to the openness of the Green Belt and the purposes of including land within it.

Other Considerations

13. I note that an application² for a proposed 2 storey extension, with a GEA floor space of 24 sq m was pending at the time the appeal was submitted. I have not been provided with full details of that application and there is no evidence before me to indicate whether or not that permission has since been granted. As such, I afford only very limited weight to this consideration.
14. The Framework is clear that the use of PDL is encouraged subject to suitable opportunities existing. Due to the identified green belt policy conflict, the development cannot be viewed to represent a suitable opportunity to develop a PDL site and only limited weight is afforded to this policy consideration.
15. The Framework³ is clear that the Government's objective is to significantly boost the supply of homes to meet peoples' housing needs. The Council cannot demonstrate the relevant 5-year supply of deliverable housing. Given the small scale of the development, any contribution it may make to meeting the shortfall in housing supply is afforded limited weight. The proposal would also result in some economic benefits during its construction. The short-term nature of these benefits attracts only limited weight.

² PL/20/0719/FA

³ Framework Paragraph 60

Green Belt Balance

16. The Framework states that '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.
17. The development would be inappropriate development which is, by definition, harmful. There would be harm to the openness of the Green Belt and conflict with one of the purposes of including land within the Green Belt given the proposal fails to assist in safeguarding the countryside from encroachment. These matters attract substantial weight against the development. Having considered all matters in support of the development, they collectively would not clearly outweigh the identified harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning Balance and Conclusion

18. The appellant refers to development plan policies being out of date and the Council accepts that it cannot demonstrate the relevant 5-year supply of deliverable housing. In the absence of very special circumstances, in accordance with Framework paragraph 11d(i), the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed. As such the proposal would not be the sustainable development for which the Framework indicates a presumption in favour.
19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. Substantial weight is given to the identified conflicts with the development plan, and the Framework, relating to Green Belt harm. The weight given to other considerations in favour of the proposal noted above would not outweigh that identified harm.
20. The proposal would, therefore, conflict with the development plan, when read as a whole, and there are no other considerations, including the Framework, that outweigh this identified conflict.
21. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR