



Appeal Decision

Site visit made on 31 July 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2023

Appeal Ref: APP/N0410/W/22/3311441

Land South of Huntswood Lane, Taplow SL6 0GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Pegasus Group against Buckinghamshire Council - South Area (South Bucks).
- The application Ref PL/21/3263/FA, is dated 13 August 2021.
- The development proposed is described as the 'erection of detached dwellinghouse following demolition of existing equestrian building'.

Decision

1. The appeal is allowed and planning permission is granted for the erection of detached dwellinghouse following demolition of existing equestrian building at Land South of Huntswood Lane, Taplow SL6 0GA in accordance with the terms of the application, Ref PL/21/3263/FA, dated 13 August 2021, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. A biodiversity net gain assessment¹ and ecological mitigation and enhancement strategy² has been submitted with this appeal. In addition, an amended Site Layout Plan is submitted, which includes detail of further land within the appellant's control. The additional submitted information does not include any alterations to the nature of the proposed scheme and therefore I am satisfied that interested parties would not be prejudiced by my considering this information.
3. A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 has been provided (S106 UU) as part of this appeal. It includes obligations relating to the Burnham Beeches Special Area of Conservation (SAC). This is considered later in this decision.
4. The Council have stated that this addresses one of the reasons for refusal and that they therefore do not wish to contest this reason.

Background and Main Issues

5. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref PL/21/3263/FA within the prescribed period. As such, there is no decision notice. However, the Council's appeal statement sets

¹ By Focus Environmental Consultants June 2022

² By Focus Environmental Consultants May 2022

out its concerns with the proposed development and includes the refusal reasons it would have provided had it made a formal decision.

6. The appeal site is located within an area of Green Belt. Accordingly, I consider the main issues are:
- Whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on Burnham Beeches SAC; and
 - If the development is inappropriate, whether the harm to the Green Belt by way 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 or not inappropriate development in the Green Belt

7. There is no dispute between the parties that the existing site, comprising an equestrian stable building set within a wider equestrian site, represents previously developed land.
8. Saved Policy GB1 of the South Bucks District Local Plan (1999) (LP) sets out that within the Green Belt, planning permission will not be granted for development other than some exceptions. There is no provision within this policy relating to previously developed land.
9. However, this policy, as the most important for determining the application, covering development in the Green Belt, is of some age (1999) and its provision is not consistent with the guidance set out in the Framework. In accordance with paragraph 219 of the Framework I therefore attach more weight within my decision to Green Belt national policy and it is therefore appropriate and necessary to consider the appeal in relation to the Framework in this regard.
10. The Framework states that the construction of new buildings is to be regarded as inappropriate development subject to the exceptions which are set out in paragraph 149. Paragraph 149 (g) which concerns the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). Such development is acceptable where it would not have a greater impact on the openness of the Green Belt than the existing development.
11. The Framework makes it clear that openness is an essential characteristic of the Green Belt. The courts have held that the openness of the Green Belt has a spatial aspect as well as a visual aspect.
12. The existing substantial equestrian stable building comprises a single storey barn with a shallow pitched roof. Hardstanding at the front of the building is used for parking with an existing access point leading from Huntswood Lane.

13. The proposed redevelopment would replace the existing single storey building with a two-storey flat roofed dwelling. The replacement building would be wider, but shorter, resulting in a smaller footprint. It would have an increased height, from 5.41 to 5.8m, but would have a reduction, in total volume, of 3.5%. Given the reduction in footprint and volume, I am satisfied that these measurements indicate that there would not be a spatial loss of openness.
14. Nevertheless, the proposal would result in a substantial increase in floorspace, due to the addition of a second storey. This is as a result of the increased eaves height, which, given the increased ridge height and roof form, would increase the bulk of the building at first floor level. Whilst the proposed material palette is mostly muted in colour, such as timber cladding boards and brick, there are elements of white render which, along with the additional first floor windows would also draw attention to this level of the building. However, given the distance of the building from public views, the additional bulk of the roof form would not be clearly perceptible or more prominent. The limited additional total height would not be significant, and the simple rectangular form and horizontal emphasis would limit its visual impact.
15. Whilst the dwelling would be re-oriented so that its wider elevation faces the access, views from this direction, at a significant distance, would be limited to immediately adjacent to the access.
16. As such, I am also satisfied that the new building would not have a greater visual impact upon openness. Openness would not therefore be reduced and I find that there is no conflict with paragraph 149 g) of the Framework.

Character and appearance

17. The proposed dwelling would be surrounded by existing open fields, retained for equestrian use. The wider site is broken up by tree lines and mature hedging. The dwelling would be served by the existing access, which runs some distance from Huntswood Lane to the north.
18. The wider site is surrounded by existing tree screening which runs along Huntswood Lane to the north and Cliveden Road to the west. To the east runs a public footpath, however this is some distance from the proposed dwelling and again, views would be mostly obscured by the tree line on this boundary. To the south is open land and another tree line. The existing structure is slightly unkempt, as is the wider immediate surroundings and vast amount of hardstanding. It does not contribute positively to the rural surroundings.
19. There lies one detached brick bungalow in the north-east corner of the wider site. There is nothing rural nor vernacular about its design, and no other dwellings are visible from the appeal site. Whilst the dwellings visible from the road are mostly traditional stone and tile properties, nearby is also the more modern partly flat roofed dwellings at Cliveden Gages.
20. As set out above, the proposed dwelling would incorporate a simple rectangular form redolent of agricultural structures, in addition to being finished in traditional materials such as brick, timber cladding and render. Whilst there is extensive glazing, this would not look out of place given the wider design. The overall contemporary design would not appear inappropriate given the mixed wider setting.

21. There are a number of dwellings in the locality set a considerable distance back from the highway, and in this context the proposed siting, would not appear incongruous. The wider site is broken up by mature hedgerows and tree lines, and the proposed residential curtilage is appropriate in scale.
22. In addition, I observed on site that there is extensive existing hardstanding, and the proposed parking area and patio areas immediately next to the dwelling would constitute a substantial reduction in this respect. There is also the additional benefit of further landscaping, and a condition would secure the planting of appropriate vegetation and trees.
23. The proposed dwelling would intergrade well into the rural character of the wider area. I find no conflict therefore with LP Policies EP3 and H9 and Policy CP8 of the South Bucks Core Strategy (2011), which, in accordance with the Framework and National Design Guide, requires development to be compatible with the character of the site and surrounding area.

Burnham Beeches Special Area of Conservation

24. The appeal site is located within the 500m to 5.6km zone of influence around the internationally designated Burnham Beeches SAC (BBSAC). The SAC is an area of beech forest which contains many ancient pollarded beech and oak trees which are the main features of important for nature conservation. Its conservation objectives seek to maintain and restore the woodland, thereby ensuring the site integrity is maintained. In order to avoid any harm to the woodland, suitable mitigation would be required for new housing within the zone of influence.
25. Natural England (NE) has advised that new housing within the zone of influence would, in combination with other plans and projects, have a significant effect on the protected sites through additional recreational pressures including dog walking which would be harmful to the BBSAC.
26. Accordingly, and when following a precautionary approach, the proposal for a new dwelling, in combination with other plans and projects, would be likely to have a significant adverse effect on the BBSAC. As such it is necessary to carry out an appropriate assessment (AA) as part of my decision.
27. The Council has adopted the Burnham Beeches SAC Mitigation Strategy (March 2020) (BBSAC Mitigation Strategy). This sets out that in order to avoid any such harmful effects, financial contributions from all net new development within the zone of influence towards a Strategic Access Management and Monitoring Strategy (SAMMS) at the BBSAC will be required.
28. The appellant has agreed to make a financial contribution to SAMMS. The submitted UU (dated 23 June 2023) secures a payment of £2,023.87 for this which would accord with the requirements for a single dwelling set out within the BBSAC Mitigation Strategy.
29. This approach is supported by NE who have confirmed that these mitigation measures would be effective in addressing the likely significant effects arising from the development of this site when considered in combination with other plans and projects. I have no reason to reach a different conclusion. The submitted S106 secures the mitigation set out above. Based on the foregoing, I am able to ascertain, as the competent authority undertaking the AA that

whilst the integrity of the SPA would be affected by the development, this could be overcome with the proposed mitigation.

30. The scheme would therefore comply with the Regulations.

Other Matters

31. I note that letters of objection have been submitted. With regards to the issue raised regarding impact on wildlife, biodiversity enhancement would be secured through appropriate conditions, as set out below.

32. There is sufficient room within the site for construction, and any traffic issues on the surrounding road network would be temporary for the period of construction.

Conditions

33. A list of suggested conditions has been provided and I have considered these in light of the Planning Practice Guidance (PPG) and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.

34. In addition to the standard time limit condition (condition No 1), and those stated above, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty (2). A condition ensuring that the external finish of the dwelling (3) is appropriate through the submission of a schedule of materials is necessary to ensure a high-quality finish. A similar condition (4) relating to the hardstanding is also necessary to ensure the character and appearance of the wider site is high-quality.

35. Conditions (5 and 6) relating to landscaping are also necessary to ensure the wider character of the site is retained.

36. A condition (7) securing biodiversity enhancement is necessary to ensure a net gain in biodiversity across the site. A condition (8) to ensure any protected species are protected during the proposed development by the submission of a method statement is also necessary. These two conditions are required to be pre-commencement to ensure that all details are appropriate, finalised and secured prior to development starting that could affect the existing biodiversity on site.

37. A condition to control any external lighting (9) is necessary and appropriate to control its impact on biodiversity. A condition to secure the parking and turning spaces (10) are secured is appropriate in order to ensure that occupants would have appropriate access to these facilities.

Conclusion

38. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: P20-3303_01_01 A, P20-3303_01_02, P20-3303_05_01, P20-3303_05_02, P20-3303_05_03, P20-3303_05_04, P20-3303_05_05, P20-3303_05_06, P20-3303_06A.
3. No construction shall take place above ground level until a schedule of materials to be used in the elevations and roof of the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details.
4. No development shall proceed above ground level until a specification of all finishing materials to be used in any hard surfacing of the application site is submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be constructed using the approved materials.
5. Notwithstanding any indications illustrated on drawings already submitted, prior to the occupation of the development a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. Details shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. No development shall take place (including any demolition, ground works, site clearance), until a scheme for the offsetting of biodiversity impacts at the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed offsetting scheme, as detailed in document Biodiversity Net Gain Assessment (Focus Environmental Consultants, 29/06/2022), shall provide for the creation and/or improvement of habitat/s of a value no less than 44.72 % habitat units and shall include:
 - a) Details of the offset requirements of the development, in accordance with a recognised biodiversity offsetting metric;

- b) The identification of a receptor site or sites which generates a minimum of 1.95 habitat unit;
- c) The provision of arrangements to secure the delivery of offsetting measures, including a timetable for delivery;
- d) A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of no less than 30 years from the commencement of the development. The management and monitoring plan is to include: - Description of all habitats to be created/enhanced with the scheme including expected management condition and total area; - Review of the ecological constraints; - Detailed designs and/or working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works; - Type and source of materials to be used, including species list for all proposed planting and abundance of species within any seed mix/planting scheme; - Identification of the persons responsible for implementing the works; - A timetable of ecological monitoring to assess the success of all habitat creation/enhancement. - A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The offsetting scheme shall thereafter be completed in accordance with the approved details.

- 8. No development shall take place (including any demolition, ground works, site clearance) until a method statement for nesting birds, badger, amphibians and reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the: a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from works. The works shall be carried out strictly in accordance with the approved and shall be retained in that manner thereafter.
- 9. Prior to the installation of any external lighting, a lighting scheme setting out the location, type, and illumination levels of external lighting shall be submitted to and approved in writing by the local planning authority and installed on the site in strict accordance with the approved details and retained as such.
- 10. Prior to the first occupation of the development, the parking and turning spaces shown on the approved plans shall be made available and thereafter kept available for that use.