



# Appeal Decision

Site visit made on 12 September 2023

**by Robert Naylor BSc (Hons) MPhil MRTPI**

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

**Decision date: 26 September 2023**

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**Appeal Ref: APP/N0410/D/22/3312151**

**9 Rixon Close, George Green, Wexham, Buckinghamshire SL3 6RH**

- 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 Jamie Anstiss against the decision of Buckinghamshire Council.
  - The application Ref PL/22/3194/FA, dated 11 September 2022, was refused by notice dated 28 November 2022.
  - The development proposed is the erection of garden shed and summer house within rear garden constructed upon a suitable base.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The address in the banner heading above has been taken from the application form, albeit that the reference to Buckinghamshire has been made after Wexham rather than preceding as shown on the application form.

## 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 (the Framework) and any relevant development plan policies and the effect on openness; and
  - 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 required to justify the proposal.

## Reasons

Whether inappropriate development

4. Saved Policy GB1 of the South Bucks District Local Plan (LP), adopted March 1999 highlights that new buildings or extensions will not usually be granted in the Green Belt, however it also sets out a number of exceptions. These include but are not limited to extension, alteration or replacement of existing dwellings. LP Policy GB10 sets out the relevant criteria against which extension to existing dwellings are to be assessed, to ensure that these are small scale and not disproportional.
5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework establishes that buildings and

other forms of development would be inappropriate unless they meet a listed number of exceptions. The extension or alteration of a building is subject to Paragraph 149 c) which states that these are an exception provided that it does not result in disproportionate additions over and above the size of the original building.

6. The term building<sup>1</sup> includes any '*structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building*'. In applying this definition walls, fences and gates could be regarded as 'buildings' for the purposes of the Framework. The unusual arrangement of the appeal site provides a rear garden which is separate from the main dwelling, with a significant degree of separation which does include extensive closed board fencing. Whilst it is acknowledged that the garden area would be ancillary to the main dwelling, the introduction of new development in an area of separate enclosed land, some distance from the host property could not reasonably be considered an extension or alteration to that building. As such the exception under paragraph 149 c) would not apply.
7. The appellant highlights that criterion b) of paragraph 149 is also pertinent to the appeal. This relates to '*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*' Any recreational purpose of the appeal site would be domestic in nature and associated strictly with the use as a residential house (C3), thus it could not reasonably be considered as an outdoor recreational use, given its ancillary nature to the existing C3 use.
8. Even if I was to consider that the proposal should be assessed under 149 b) it would need to meet with the second limb of this paragraph, in that the preservation of the openness and purposes of the Green Belt need to be considered. Openness can have both spatial and visual aspects and the proposal would introduce a new summer house into the garden area. Thus, the proposal would provide a larger quantum of built development than currently exists on site. Whilst modest, it would nevertheless have an adverse impact on the openness of the Green Belt in spatial terms.
9. With regard to the visual aspect, the garden area has limited public views given the existing closed board fencing and garage. Furthermore, the site itself is located in an established residential estate, which contrasts with the much less developed open spaces to the north and east of the area. Given this context and the screening from the existing boundary treatments I conclude in visual terms, that the appeal scheme would have no significant effect on the visual aspect of openness of the Green Belt.
10. Overall, whilst I find there would be no harm to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt. The exception under 149 b) would not apply and I therefore find that the proposal would be inappropriate development.

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<sup>1</sup> Section 336 of the Town and Country Planning Act 1990

### *Other considerations*

11. My attention has been drawn to planning permissions<sup>2</sup> referenced on other sites in relation to outbuildings. During my site observations I also noted several outbuildings and structures in the vicinity. I am not aware of the full circumstances and/or planning history associated with these cases, but it is evident from the limited details presented that they turned on their own particular merits. I therefore give these examples moderate weight, as I cannot be certain that these are directly comparable. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, what constitutes an exception under Green Belt policy needs to be determined in the light of the specific circumstances and context of each case.

### **Green Belt Balance and Conclusion**

12. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in limited harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
14. As explained above I give moderate weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. Thus, the proposal would not accord with LP Policy GB1 and the Framework.
15. The proposal would therefore conflict with the development plan taken as a whole and there are no other considerations that outweigh this. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Robert Naylor*

INSPECTOR

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<sup>2</sup> Buckinghamshire Council Planning Refs: 04/00929/FUL and 14/01691/FUL