



Appeal Decision

Site visit made on 5 September 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 24th November 2023

Appeal Ref: APP/K0425/W/22/3307231

Huckenden Farm, Cadmore End Common Road, Wheeler End HP14 3ND

- 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 G Coupland against the decision of Buckinghamshire Council.
- The application Ref 20/08498/FUL, dated 23 December 2020, was refused by notice dated 22 July 2022.
- The development proposed is alteration and conversion of existing building to form one-bedroom unit with parking and amenity space.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council did not raise protected species as an issue within their delegated report or reasons for refusal. However, paragraph 99 of Circular 06/2005¹ states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The appeal site comprises likely habitat for protected species as identified within the Planning Practice Guidance and the parties have been given the opportunity to comment. Therefore, I have considered it as a main issue.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, including its effect on the openness of the Green Belt and the purposes of including land within it, having regard to local and national policy;
 - the effect of the proposal on protected species;
 - the effect of the proposal on the character and appearance of the area, having particular regard to the Chilterns Area of Outstanding Natural Beauty, the Cadmore End Common Conservation Area and the adjacent

¹ Circular 06/2005 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

grade II listed buildings, Huckenden Farmhouse and Huckenden Farm Barn; 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 necessary to justify development.

Reasons

Whether inappropriate development

4. The appeal site falls within land defined as Green Belt. It is within an enclave of residential development at Huckenden Farm and is accessed via a shared, gated drive. It is proposed to convert the appeal building into a one-bedroom unit. The garage doors would be replaced with solid wall panels, finished with matching horizontal timber cladding. A new front door on the north elevation and additional glazed screens in the south elevation would facilitate the conversion. The appellant indicates that the appeal site would be separated from the adjacent pond with a post and rail fence as seen elsewhere in the enclave of Huckenden Farm with a large garden provided to the south.
5. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are, however, not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, such as safeguarding the countryside from encroachment. One form of development which is not considered inappropriate, as described in paragraph 150d of the Framework, is the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. Policy DM45 of the Wycombe District Local Plan (August 2019) (WDLP) takes a more limiting approach, requiring, amongst other things, that buildings to be converted within the Green Belt are more than 10 years old.
7. The parties agree that the proposal would constitute the re-use of an existing building and that the building is of permanent and substantial construction. The building is reported to have been constructed between 2013 and 2014. No substantive evidence has been provided to indicate an exact completion date for the building and based on the evidence before me, I am unable to make a definitive conclusion on this matter. Nevertheless, the Framework does not set minimum age requirements for the re-use of buildings and the building is at least 9 years old.
8. The Council considers the appeal site to be agricultural land and that the change of use of the appeal site would result in the introduction of domestic paraphernalia which would reduce the openness of the Green Belt and encroach on the surrounding countryside, particularly given the large scale of the domestic curtilage proposed. Nevertheless, on inspection, it physically and visually relates most closely to the Huckenden Farm enclave of development and not the surrounding countryside.
9. It is enclosed from the surrounding countryside by mature hedges and although the proposed domestic curtilage is larger than some of the other domestic gardens within the enclave, it is in keeping with them with a mown lawn and fencing adjacent to the shared access drive. Further, the proposed

alterations would remain within the confines of the enclave and would not encroach on the surrounding countryside. As such, I am satisfied that the appeal site comprises land in residential use. This echoes the stance taken on the previous 2011 planning permission².

10. I note that alterations have taken place since the building was first constructed, including the addition of garage doors. However, even if the garage doors were not in place the building would appear as a substantial, permanent structure. The proposed conversion would not alter the existing massing of buildings on site and a suitably worded condition, restricting permitted development rights could ensure that the built form of the enclave would not be consolidated in future. Despite the scale of the proposed garden, any domestic paraphernalia, would be seen in relation to the existing domestic uses within the enclave of development. Further, the existing mature hedges effectively obscure the site from view. Consequently, the openness of the Green Belt would be preserved.
11. Therefore, I conclude that the proposal would not be inappropriate development in the Green Belt, including its effect on the openness of the Green Belt and the purposes of including land within it, having regard to local and national policy. As the exact age of the building is unknown, there would be a technical conflict with Policy DM45 of the WDLP where it requires that buildings to be converted in the Green Belt are over 10 years old. However, the proposal would accord with the Framework where it requires development within the Green Belt to not be inappropriate, preserve openness and not encroach on surrounding countryside.

Protected species

12. The appeal site comprises an area of grass surrounded by mature hedges and scattered woodland. Although man-made, there is a large, well established pond in close proximity to the site boundary.
13. The appellant asserts that as the appeal site has an established residential use and that the proposal would not disturb the surrounding habitats, protected species would not be affected. However, I have not been provided with any ecological surveys in relation to the proposal before me and having visited site, in the absence of substantive evidence to the contrary, I am satisfied that the site capable of supporting protected species locally.
14. In the absence of the required surveys, I am unable to determine the full effect of the appeal proposal on protected species. Whilst I note that the Council has suggested that the required surveys could be conditioned and that the Appellant is satisfied with this approach, I cannot be satisfied that any harm would be suitably mitigated.
15. The Circular makes clear that it is essential that the presence or otherwise of protected species, and the effect on them by a proposal, is established before planning permission is granted. This is to ensure that their presence is fully taken into account. It is not therefore appropriate for such a matter to be dealt with by condition. In the absence of this detail, I have insufficient information to assess the extent of the impact on this protected species and whether the need for or public benefits of the proposed development would outweigh the potential harm.

² Application Reference: 11/06124/FUL

16. Consequently, due to lack of information I am unable to determine the effect of the proposal on biodiversity or protected species. As such, I must take a precautionary approach and find the proposal would conflict with Policy DM34 which amongst other things requires developments to protect biodiversity.
17. The proposal would also be contrary to the Framework which states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. As the effect of the appeal proposal on protected species has not been established, I cannot determine that it would not lead to significant harm.

Character and appearance

18. The appeal site forms part of a larger group of attractive converted former farm buildings at Huckenden Farm, which lies within the Chilterns Area of Outstanding Natural Beauty (AONB) and the Cadmore End Common Conservation Area (CA).
19. There is open land to the north, east and west, predominantly in agricultural use with the land to the south comprising a wooded area. The extents of the wider group are clearly defined by large mature hedges which separate the dwellings from the wider countryside, whilst a combination of hard and soft boundary treatments have been used within the grouping to sub-divide the dwellings and their individual curtilages.
20. More broadly, the CA comprises a very loose collection of dwellings, scattered throughout and around the perimeter of a central common surrounded by dense woods. The CA is distinctly rural and derives significance from the dispersed grain of development comprising isolated groups of dwellings or individual cottages. Overall, the farm grouping contributes positively to the CA and the rural landscape and scenic beauty of the AONB.
21. Although the residential curtilage would be large in scale it would remain within the confines of the wider Huckenden Farm development as defined by the existing mature hedges and would not extend into the open countryside beyond. As the existing pattern of development would be maintained, I am satisfied that the character and appearance of the CA would be preserved.
22. Whilst domestic paraphernalia would likely be visible in the garden area, it would be in keeping with the existing domestic character of the wider enclave. Overall, the proposal would maintain the openness of the surrounding countryside and would not detract from the setting or landscape character of the area. The proposal would conserve the landscape and scenic beauty of the AONB, a consideration which I give great weight to.
23. The appeal site also forms part of the setting of the adjacent grade II listed buildings, Huckenden Farmhouse and Huckenden Farm Barn. The Farmhouse is a large brick and flint structure divided into four dwellings, while the timber weatherboarded barn is now one dwelling. Insofar as is relevant to this appeal, both buildings derive significance from their historic agricultural use and their architectural character and detailing.
24. The cumulative effect of previous successive applications has eroded the legibility of the farmstead and the setting of the listed buildings and hence their significance. The subdivision of the site by hard and soft boundary treatments

and the introduction of domestic paraphernalia has both contributed to this loss, resulting in a much more domestic atmosphere.

25. Notwithstanding the age of the appeal building, the proposal would sympathetically convert an existing structure utilising matching materials and would not introduce any additional built form into the cluster of dwellings or further subdivide the site. Moreover, the relatively open outlook from the listed buildings would be maintained. Consequently, the proposal would have a neutral effect and therefore the setting and hence the significance of the adjacent grade II listed buildings, Huckenden Farmhouse and Huckenden Farm Barn would be preserved.
26. Consequently, I conclude that the proposal would not harm the character and appearance of the area, having particular regard to the AONB, the CA and the grade II listed buildings, Huckenden Farmhouse and Huckenden Farm Barn. The proposal would accord with Policies CP11, DM30, DM31 and DM35 of the WDLP where, amongst other things, they collectively require development to demonstrate a positive response to its context whilst conserving the significance of listed buildings and conservation areas as well as the natural beauty of the Chilterns AONB.
27. In addition, the proposal would accord with the Framework which seeks to achieve well-designed places which conserve and enhance landscape and the scenic beauty of AONBs as well as historic environments.

Other Matters

28. Concerns have been raised regarding highway safety. However, I am satisfied that given the scale of the proposal the increase in vehicles would be limited. While the access drive is narrow in some areas, the speeds at which vehicles travel are low. The proposal would provide sufficient parking for itself and would not affect the parking provision of other dwellings in the area. Further, the highway authority has not raised concerns regarding the above issues and having visited site I see no reason to disagree. Similarly, I have no substantive evidence before me to suggest that the proposal would exacerbate any potential pressure on the existing water supply and septic tank or that suitable access to utilities would not be possible.
29. I note the concerns raised regarding the privacy of neighbouring occupiers. However, the proposal would be a sufficient distance from the adjacent property with intervening boundary treatments, such that privacy would not be unduly compromised. Further, due to the limited scale of the proposal, any disturbance caused by the construction would be minimal and short lived. I understand the concerns raised by residents of the Huckenden Farm enclave regarding the number of dwellings and the lack of garages on the wider site. However, the conversion of the building would not alter the availability of garages to the neighbouring properties compared to the existing situation, and I am satisfied that due to the small scale of the proposal the increase in occupiers on the site would be minimal. Further, I have no evidence before me to suggest that the development would be constructed other than approved, and if this was the case, it would be for the Council to consider what further action should be taken.

Conclusion

30. The proposal would convert an existing building, would preserve the openness of the Green Belt and would not encroach on the surrounding countryside. Consequently, it would not be inappropriate development within the Green Belt as defined by the Framework. It would not harm the character and appearance of the area, even having particular regard to the AONB, the CA and the adjacent grade II listed buildings. Overall, these matters are of substantial weight.
31. Notwithstanding the above, due to insufficient information, I am unable to determine the full effect of the appeal proposal on protected species, and this is an overriding consideration.
32. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR