



Appeal Decision

Site visit made on 23 January 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2024

Appeal Ref: APP/N0410/W/23/3321235

5 Chapel Cottages, Chapel Lane, Stoke Poges, Buckinghamshire SL2 4QL

- 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 Donna May against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref PL/22/2802/FA, dated 17 August 2022, was refused by notice dated 2 December 2022.
 - The development proposed is the demolition of existing garage, outbuildings and garden structures and the erection of new single storey dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was updated in December 2023, during the consideration of the appeal. The Council and the appellant were given the opportunity to comment upon the revisions insofar as they relate to the appeal and I have taken any comments received into consideration in my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including any effect on openness having regard to the Framework and any relevant development plan policies.
 - Whether the 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. The essential characteristics of Green Belts are their openness and their permanence and thus the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework identifies that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out the categories of development which are exceptions to this

which includes 154(e) limited infilling in villages and 154(g) redevelopment of previously developed land.

5. Policy GB1 of the South Bucks District Local Plan 1999 (SBLP) permits limited infilling in existing villages where this would be in accordance with Policy GB3. Policy GB3 allows infilling within the boundaries of Green Belt settlements, which the policy then goes on to define. Stoke Poges is not listed as a settlement to which this Policy applies. Whilst it was referred to in the Council's reason for refusal, I do not consider it determinative. This is also acknowledged in the Council's evidence. In any event, it is a more restrictive approach than that set out in the Framework.
6. The appeal site comprises the garden belonging to 5 Chapel Cottages. The host building forms part of a cluster of buildings of varying ages to the north end of Chapel Lane, towards its junction with Hollybush Hill. The garden contains a garage with vehicular access from Chapel Lane, along with other garden outbuildings comprising two small sheds, a greenhouse and a large planting frame. The garden is physically separated from the house it serves, bordered on one side by a detached house known as Paddocks, and to the other by a driveway serving nos 6 and 7 Chapel Cottages. There are fields to the east and west of the appeal site.
7. The proposed single storey house would amount to limited infilling since it would largely fill an existing gap in the streetscape between the row of cottages known as Chapel Cottages, and the adjacent detached house 'Paddocks'. The determinative Green Belt issue is whether the appeal site lies within the village of Stoke Poges.
8. The Framework does not define the term village for the purposes of applying Green Belt policy. Court judgments¹ cited by the main parties indicate that it is necessary for the decision maker to consider factors in addition to any designated settlement boundaries, assessing the 'facts on the ground' to form a reasoned judgement as to whether the site is within a village.
9. There are several shops and services clustered along Bells Hill, which forms the village centre. Most of the built form of the village is to the west of Bells Hill and comprises suburban style development in a regular pattern. Hollybush Hill runs east from Bells Hill connecting the appeal site with the village centre. Built development along Hollybush Hill is higher density nearer Bells Hill, comprising a pub and suburban style housing. After its junction with School Lane, development along Hollybush Hill becomes more sporadic on the north side where there are extremely large plots with houses set back from the highway.
10. Significantly, on the south side of Hollybush Hill, there is a field separating the cluster of buildings on Chapel Lane from Hockley Lane and the eastern boundary of the secondary school, resulting in a greater sense of space in the landscape and a semi-rural character. Whilst the field tapers towards Hollybush Hill, it quickly opens out and is a highly visible feature enabling open landscape views to the south and providing a sense of separation between Chapel Lane and the more continuous development to the south side of Hollybush Hill running into the village centre.

¹ Julian Wood v SSCLG, Gravesham Borough Council (2015) EWCA Civ 195 and R (Tate) v Northumberland County Council (2017) EWHC 664

11. I note the appellant's view that there is a perception of development on either side of Hollybush Hill which links the appeal site with the village. Whilst this may be more so on the north side of Hollybush Hill, albeit to a limited degree, the field on the south side of Hollybush Hill as described above, provides a distinct break in development between Chapel Lane and the village centre.
12. The speed limit increases from 30mph to 40mph heading out of the village, close to the junction of Hollybush Hill and Chapel Lane. Chapel Lane itself is subject to the national speed limit and does not have any footway or street lighting. The footway to Hollybush Hill, present on both sides of the street nearer the village centre, stops on the north side, between its junction with School Lane and the 40mph sign. These features are indicative of Chapel Lane being somewhat separate from the village.
13. The bus stop outside the secondary school is served by two bus routes which link Stoke Poges with Chesham and Slough. There are also some bus stops for the same services on Bells Hill. I do not accept that the presence of this bus stop is indicative of the appeal site being within the village, since many other factors would also influence the location of bus stops, not least the presence of a secondary school. On my site visit I noted the presence of telegraph poles, some verges and some formal boundary treatments, but even when considering the cumulative effect of these indicators of residential development, it does not necessarily indicate that the appeal site is within the village.
14. My attention has been drawn to a planning permission granted for a two-storey extension to the school on School Lane in that it increases the perception of development and reduces spaciousness to the boundary when viewed from points along Hollybush Hill close to the appeal site. Given the distance from the appeal site, I do not find this directly relevant in determining whether the appeal site is situated within the village.
15. Taken together, the features described above provide a physical separation and visual distinction between Chapel Lane and the village. Even though the appeal site is located within a 10-minute walk of the main village services and is very close to the secondary school, given the factors set out above, I am not persuaded that it would lie within the village of Stoke Poges for the purpose of applying Green Belt policy. I therefore conclude that in relation to paragraph 154(e), the appeal proposal does not constitute limited infilling within a village.
16. I have also considered whether the proposal would accord with the exception set out at paragraph 154(g) of the Framework. This allows for the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
17. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually. The proposed dwelling is significantly larger in form and scale in comparison with the existing garage and outbuildings. It would result in the intensification of built form with associated residential paraphernalia and hardstanding to accommodate car parking to the front of the house.
18. I acknowledge that there would be limited views of the appeal site from the east. However, in views along Chapel Lane itself, and the more limited views

from Hockley Lane, the height and bulk of the proposal, albeit a single storey, would appreciably reduce the visual openness of this part of Chapel Lane. The proposal would result in harm to the openness of the Green Belt both spatially and visually.

19. As the proposal would have a greater impact on openness when compared to the existing garage and outbuildings, it does not constitute an exception to paragraph 154 which states that new buildings within the Green Belt should be regarded as inappropriate.

Other considerations

20. My attention has been drawn to 3 recent appeal decisions² in and around Stoke Poges, all of which consider whether the appeal site in question forms part of the village. In terms of Spring Cottage and Stoke Grange, these are located further from the village centre than the appeal site and I do not consider they are directly comparable. I attach limited weight to these appeals in my consideration.
21. Home Farm Barn, School Lane is more comparable in terms of its location relative to the village centre. Due to the pattern of development and green space adjacent, the Inspector found that the site, although close to the centre, did not form part of the village. I attach moderate weight to this decision given that there are some similarities with the appeal site in terms of proximity to the centre and degree of visual separation. In any event, I have determined the appeal on its own merits.
22. The Council do not consider that the proposals would be harmful to the character and appearance of the area, or that any harm would arise to the living conditions of nearby residents or to the highway. The evidence does not lead me to disagree with these conclusions. The absence of harm in these respects is a neutral factor which does not weigh for or against the proposal.
23. The appeal proposal would provide an additional dwelling and would align with the Framework in seeking to boost the supply of housing. Some socio-economic benefits would arise from the construction of an additional dwelling, as well as environmental benefits including the use of photovoltaic panels and biodiversity enhancements. These benefits, however, attract limited weight given the scale of development under consideration.
24. Whilst my attention is necessarily focussed upon the planning merits of the scheme before me, I acknowledge the family circumstances of the appellant, their local connections and need for the dwelling and I attach some, albeit limited, weight to these circumstances.
25. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is applicable. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area, and as I have found that the proposal would cause

² Ref APP/X0415/W/21/3281062 – Spring Cottage, Stoke Wood, Stoke Poges
Ref APP/N0410/W/22/3300021 – Home Farm Barn, School Lane, Stoke Poges
Ref APP/N0410/W/20/3261722 – Stoke Grange, Fir Tree Avenue, Stoke Poges

harm to the Green Belt, it does not benefit from the presumption in favour of sustainable development.

26. I have found that the proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to attach substantial weight. The limited benefits that would arise from the provision of an additional dwelling, along with the personal circumstances of the appellant, are not matters that clearly outweigh the harm arising from inappropriateness. The proposal therefore conflicts with the Green Belt protection aims of the Framework and with Policy GB1 of the SBLP. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

27. The appeal site lies within the Zone of Influence for the Burnham Beeches Special Area of Conservation (SAC), whose qualifying feature is the acid beech forest and its shrub layer, which together are rich in invertebrates and epiphytes. The Council's Strategic Access Management and Monitoring Strategy (SAMMS) states that new housing development within 500m to 5.6km of the SAC has the potential to adversely affect the integrity of the designated site through increased recreational pressure. Mitigation measures are therefore required to make the development acceptable and avoid adverse effects on the integrity of the SAC from the cumulative impacts of development. As I am dismissing the appeal for other reasons, I shall not pursue this matter further because it would not lead me to a different conclusion.

Conclusion

28. The appeal proposal conflicts with policy set out in the Framework and the development plan to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

L Francis

INSPECTOR