



# Appeal Decision

Site visit made on 21 March 2024

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

---

**Appeal Ref: APP/X0415/D/23/3334258**

**274 Asheridge Road, Chesham, Buckinghamshire HP5 2QH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mrs Summerling against the decision of Buckinghamshire Council.
  - The application Ref is PL/23/1447/FA.
  - The development proposed is a detached annexe.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - i) 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;
  - ii) The effects on the openness of the Green Belt, and;
  - iii) 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*

3. The Framework, at paragraph 142 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development but lists exceptions in paragraph 154. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
4. Policy GB2 of the Chiltern District Local Plan<sup>1</sup> (the LP) contains the Council's policy for general development in the Green Belt and sets out types of development which are not inappropriate. This includes the limited extension,

---

<sup>1</sup> The Chiltern District Local Plan adopted 1 September 1997 including alterations adopted 29 May 2001 and consolidated September 2007 and November 2011

alteration or replacement of existing dwellings in accordance with other policies listed, which include policies GB13 and GB15, which are cited in the Officer's Report.

5. Policy GB13 of the LP relates specifically to proposals for self-contained residential annexes within the curtilage of a dwelling in the Green Belt, including those which may be occupied by a relative, as is the case here. It sets out criteria which should be met, including the need for such extensions to be subordinate to the size and scale of the original dwelling. The policy contains a definition of what should be considered the 'original' building, and also sets out criteria for annexes, including the need for them to be either an extension with access via an internal doorway, or within an existing outbuilding.
6. Case law has established that extensions should not be confined to physically attached structures but can include structures which are physically detached from the building. Therefore, the physical separation of the proposal from the main house would not prevent it from being considered as an extension.
7. However, there is not substantive evidence before me as to what constituted the 'original' dwelling, or its size, and whether it has been subsequently altered. The proposed building would have a footprint of 54sqm with a maximum height of 4m, which are not insubstantial dimensions. Given these factors together, it cannot be established that the proposal would be subordinate to the size and scale of the original dwelling. Neither would the proposal meet the remaining criteria set out in Policy GB13 and it cannot be found to be compliant with that policy when read as a whole.
8. Policy GB15 of the LP refers to non-habitable buildings within domestic curtilages which are separate to the main building. However, as the proposal is intended to provide habitable accommodation, it is not apparent that this policy is directly applicable here. Even if it was, for the same reasons set out above, it has not been satisfactorily demonstrated that the proposal would be both small and subordinate in scale to the original dwelling, as required.
9. For these reasons the proposal would conflict with policies GB2 and GB15 of the LP, and also policy GB13 contained in the Officer's Report. It would not conform to the exception to inappropriate development in the Framework given above.
10. No building currently exists in the place of the proposal, however, even if it were to be considered a replacement building for those which would be removed, the proposal would be materially larger than those it would replace, given the dimensions of those outbuildings set out by the Council. As such it would not conform to the exception in the Framework relating to replacement buildings. The proposal would be inappropriate development by definition.

### *Openness*

11. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect<sup>2</sup>. Therefore, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. A number of factors are capable of being relevant in its assessment.

---

<sup>2</sup> Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

12. The openness of the surrounding area is derived from the areas of predominantly open grassland which surround Asheridge Road. There are, however, other properties located sporadically along the road and also along the brow of the hill to the southwest. The proposal would be located within the residential garden and close to other residential paraphernalia including boundary treatments and domestic planting, and its location would limit its visual intrusion into the openness of the surrounding countryside. Nonetheless, the appellant accepts the proposal would be larger than the other existing outbuildings it would replace and as such it would decrease the spatial aspect of the site's openness through its size. As such, the proposal would cause some harm to the spatial aspects of the Green Belt's openness.

#### *Other Considerations*

13. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
14. The proposal would allow the appellant to remain living on the site with a degree of independence while her family reside in the main house and provide care as needed in response to her health conditions. However, it has not been demonstrated that other, less harmful, options have been considered or that the scale of the development is the minimum necessary to achieve this benefit. The proposal would provide an important benefit to the family to which I give considerable weight, however, this would not clearly outweigh the harm identified to the Green Belt, to which I must give substantial weight. As a consequence, the very special circumstances necessary to justify the development do not exist.

#### **Other Matters**

15. There are outbuildings of varying size to other properties in the surrounding area, including those in the garden of the attached property. However, I do not have substantive details of their circumstances and cannot be satisfied that they are the same as the appeal scheme.
16. No.274 and 276 Asheridge Road are Grade II listed properties with colour washed brickwork and some exposed timber framework surrounding modest sized casement windows. Their settings include their domestic gardens which extend to the sides, and which include a number of outbuildings and associated paraphernalia. By reason of its distance from the listed buildings together with its domestic appearance, the proposal would preserve their settings.

#### **Conclusion**

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

*C Shearing*

INSPECTOR