



Appeal Decision

Site visit made on 25 March 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2024

Appeal Ref: APP/X0415/W/23/3333118

Dundridge Manor, Oak Lane, St Leonards, Buckinghamshire, HP23 6NN

- 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 Mr J Matthews of H G Matthews against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/23/1360/FA.
 - The development proposed is described as change of use of redundant agricultural grain storage barn to self storage facility and use of existing vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of redundant agricultural grain storage barn to self storage facility and use of existing vehicular access at Dundridge Manor, Oak Lane, St Leonards, Buckinghamshire, HP23 6NN in accordance with the terms of the application, Ref PL/23/1360/FA, subject to the conditions in the attached schedule.

Preliminary Matters

2. As part of the appellant's appeal submissions, an additional drawing was provided in relation to visibility splays¹. While not before the Council at the time of their decision, it was provided at the outset of the appeal. As such, the Council and other parties have had opportunity to comment on it and would not be prejudice by my taking it into account in my reasoning.
3. In their statement, the Council confirmed that the reason for refusal stated an incorrect compass direction. The appellant has had the opportunity to comment, and I have proceeded on this basis.
4. The National Planning Policy Framework (the Framework) was updated following the Council's decision. Where comments were received from the main parties on the latest Framework, I have taken them into account in my reasoning.
5. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. The legal designation and policy status of AONBs are unchanged. I have accordingly referred to the Chilterns AONB as the Chilterns National Landscape (CNL) in my decision.
6. The appeal site is located within the Green Belt. The Framework confirms that the Government attaches great importance to Green Belts. The identified

¹ Drawing ref: RSJP-DMF-001. Prepared by GT Brace CAD Services titled site entrance visibility splay plan (VSP)

fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Based on the plans before me and my observations on site, I see no reason to take a different view to the Council. Accordingly, the proposal is not inappropriate development in the Green Belt and does not conflict with policy as set out in the Framework on this matter.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the CNL.

Reasons

8. The site forms part of a farmstead associated with Dundridge Manor Farm. The appeal building is located some distance beyond the intended access leading from Oak Lane and is separated by an area of ancient woodland. The site access lies within a verdant setting of hedgerows, trees and open fields on either side of Oak Lane. Oak Lane is not particularly wide and is winding in places but it does allow sufficient space for vehicles to pass each other without stopping. Given the winding character of the road and proximity of boundary planting and vegetation, the lane has a strong rural feel that reflects its location within the wider countryside in the CNL.
9. At my site visit, which I appreciate is only a snapshot in time I observed Oak Lane to be likely trafficked with a small number of walkers on the road. The wide appeal site entrance allowed for views in both directions along Oak Lane. During this time, I also observed the proposed access was in use by several tractors and trailers travelling in both directions.
10. The appeal site is located within the CNL, where, as set out in paragraph 182 of the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty.
11. The site lies within the Lee and Buckland Common Undulating Plateau Landscape Character Area 15.1. Area 15.1's landscape character is described, in part, as being a rural and peaceful landscape, enclosed with tall hedgerows and hedge banks containing rural winding lanes and woodland forming a backdrop to most views. As a result, landscape sensitivities include changes to lanes enclosed by hedge banks and hedgerows. In order to strengthen these views, proposals should conserve and enhance the rural and peaceful character which includes rural lanes.
12. The Council have not raised any concerns with the proposed change of use of the building and I see no reason to take a different view. However, the Council's main concern relates to the likely intensification of the vehicular access onto Oak Lane and the extent of vegetation needed to provide the required visibility splays.
13. In support of these concerns, the Council, in their Statement of Case (SoC), have provided extracts from their GIS system identifying the Ancient Woodland boundary. The Council have also provided an image² overlaid with a visibility splay and an extract from the National Tree Map. However, none of the map extracts provided are to an identifiable scale and do not reflect the size and

² Figure 2 Enlargement showing visibility splay to NW taken from the Council's SoC dated 6 March 2024

width of the existing site access or the size and position of the planting/trees I observed during my visit.

14. The Council has stated that the visibility splays are incorrectly drawn on the VSP. However, I have no compelling evidence before me to suggest that the drawing is inaccurate or otherwise misleading. My attention has also been drawn to an image provided by the appellant as part of the VSP and a Google Street View image. Neither of these images provides any detailed measurements that demonstrate the required visibility splays cannot be achieved.
15. In view of the above, based on my observations on site and the detail shown on the VSP, and subject to the inclusion of a condition, the proposal would achieve the required visibility splay to access and egress the development without the need for the removal of a substantial amount of vegetation, including the hedge and trees, along Oak Lane.
16. For the reasons above, the proposed development would not harm the character and appearance of the area or CNL. Therefore, the proposal is in accordance with Policies GC1 and LSQ1 Chiltern District Local Plan and CS20 and CS22 of the Core Strategy for Chiltern District. Together these policies seek, amongst other things, new development of a high quality that relates well to its surroundings and conserves and enhances the natural beauty of the landscape. I also find no overall conflict with sections 12 and 15 of the Framework in relation to achieving well-designed and beautiful places and conserving and enhancing the natural environment.

Conditions

17. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
18. Conditions specifying plans and time limits are necessary in the interest of certainty. Conditions on access and visibility splays are necessary in the interest of highway safety.
19. In the interest of biodiversity, a condition to provide a bat/bird box is also necessary. I have also modified the suggested condition to remove the requirement to be on an appointment-only basis, as it would fail to meet the test for imposition on enforceability. However, in the interest of the tranquillity of the area, particularly outside of normal working hours, I have included a condition on hours of use.

Conclusion

20. For the reasons outlined above and having regard to the development plan as a whole and all other relevant material considerations, including the provisions of the Framework, the appeal is allowed.

A Hickey

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: Site Location Plan, Land Ownership Plan 31636, 31637 and 31697.
- 3) The development hereby approved shall not begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 58 metres along the edge of the carriageway to the left, and 51m to the right, measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
- 4) Prior to the access being brought into use for the development hereby approved, a 43m pedestrian inter-visibility splay shall be provided, the depth measured 1m back from the north-western edge of Footpath CSL/15/3. The area contained within the pedestrian visibility splays shall be kept clear of any obstruction 0.6m above ground level.
- 5) Prior to the first use of the development hereby approved, details of biodiversity features of one bat box or bird box, shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the use of the development and retained thereafter.
- 6) The use hereby permitted shall only take place between the following hours: 08:00 to 18:00 Monday to Friday, 08.00 to 13:00 Saturdays and at no time during Sundays, Bank or Public Holidays.
- 7) Access and egress to the development hereby permitted shall be taken at all times via the approved Widow Croft Access as shown on the approved site location plan.

End