



Appeal Decision

Site visit made on 29 February 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/N0410/W/23/3323273

The Birches, Windmill Road, Fulmer, Bucks SL3 6HF

- 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 Gee Bafhtiar of GStar Property against the decision of Buckinghamshire Council.
 - The application Ref is PL/22/2445/FA.
 - The development proposed is described on the application form as the 'erection of a detached replacement house, retention of new access from Stoke Common Road and construction of a replacement garage.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework was published (December 2023). This does not materially change the planning policy context in respect of the main issues.
3. At the time of my site visit, some construction work was underway. Regardless of what has been constructed to date, my assessment is based on the plans before me.

Main Issues

4. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the impact on openness; and
 - if the development is inappropriate, 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 proposed development.

Reasons

Inappropriate development and openness

5. The appeal site comprises a parcel of land positioned at the junction of Stoke Common Road with Windmill Road. Access to the site is via Stoke Common

- Road. A previous dwelling on the site has been demolished. The site is located within the Green Belt.
6. National Green Belt policy in the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances.' There are, however, certain exceptions. One of those, at paragraph 154(c), is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building.
 7. The appellant sets out that the scheme could be considered an extension to part implemented scheme Ref 15/01724/FUL, which was for a replacement dwelling. However, it is clear from the plans submitted that the appeal scheme before me is entirely different in appearance, footprint and internal layout to that previously permitted scheme. As such, it cannot reasonably be concluded that the proposal would constitute an extension or alteration to that previous scheme. In my view, it forms an entirely new scheme. The comparison between the appeal proposal and nearby properties in respect of the area of site covered is not a yardstick for acceptability under this exception. Accordingly, I do not consider the scheme to meet the exception under paragraph 154(c).
 8. Another exception at paragraph 154(d) is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. I accept that the proposed development is in the same residential use as the previous building. However, the evidence before me clearly demonstrates that the proposed scheme would be materially larger than the previous building that existed on the site, and that previously consented. The original single-storey dwelling, according to the evidence before me, had a total floorspace of 89.67sqm and was single-storey, whereas the proposed dwelling would have a total floorspace of 905sqm and comprise two above-ground storeys.
 9. When compared with the previously permitted scheme, the proposal before me would have a greater height (0.7 metres at ridge level and 3.5 metres at eaves level) and overall bulk. That it would be of a lower height than some nearby properties and would, in part, be shielded by vegetation, does not alter this fact. The floorspace of the replacement garage would also be larger than the previously consented garage, irrespective of a change in roof profile. Therefore, whilst the proposed development would remain in the same use, it cannot reasonably be concluded that it is anything other than materially larger than the building it would replace. Based on the evidence before me, I do not consider the scheme to meet the exception under paragraph 154(d).
 10. I have also had reference to paragraph 154(e) which concerns limited infilling in villages. Ultimately, whether or not a proposed development constitutes limited infilling is a question of fact and planning judgement for the decision maker, having regard to the nature and amount of development, the location of the appeal site and its relationship to existing adjoining development. I do not consider the site to fall within a village in the traditional sense, having instead a semi-rural character, surrounded by sporadic development. In my view, Fulmer 'proper' lies to the north-east of the site. However, even were I to accept that the site fell within a village, and that the proposal was 'limited', comprising a single dwelling, the site does not form a small or obvious visual

gap between established continuous built form and could not reasonably be considered 'infilling'. Accordingly, I do not consider the scheme to meet the exception under paragraph 154(e).

11. Turning to the exception under paragraph 154(g), there is no dispute between the main parties that the site is previously developed land. However, it is also necessary to consider whether the proposed development would have a greater impact on the openness of the Green Belt compared with the existing development. In this respect, I accept that the previously consented scheme has been implemented and could be completed. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
12. I have no doubt that the scheme before me would be physically larger than the previously demolished dwelling, as a single-storey structure. This would undoubtedly have an impact on openness. In comparison with the implemented scheme¹, the proposed dwelling would appear as a prominent and solid two-storey structure with box-like proportions. The roof profile of the proposed development would have a significant visual massing, resulting in an uplift in volume and would be more prominent from the highway. This would all add to the effect on openness beyond a simplistic reliance on amount of ground covered or precise floorspace measurements.
13. This would be in comparison to the more pared back and modest appearance of the consented scheme, which offered relief in its detailed design through the inclusion of projecting gable features and dormer windows within the hipped (not flat) roofslope. It formed a 1-1.5 storey structure compared with a the 2-storey building proposed. Consequently, the proposed development would cause harm to the openness of the Green Belt, albeit this would be to a limited extent. This weighs against the proposal. Accordingly, I do not consider the scheme to meet the exception under paragraph 154(g).
14. For the foregoing reasons, as the proposed development would fail to preserve openness, it would be inappropriate development in the Green Belt (rather than an exception permissible under Framework paragraph 154). The proposed development would be contrary to the relevant provisions of Policies GB1 and GB3 of the South Bucks District Local Plan (LP, 1999). These policies, in summary, restrict inappropriate development in the Green Belt, unless where certain exceptions are met.

Other considerations

15. The Framework is clear that substantial weight should be given to any harm to the Green Belt. '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 development, is clearly outweighed by other considerations.
16. The appellant has set out that the area of the appeal site covered in built form would be less when compared with some nearby properties, including at the White House, Amberwood and mosque. However, I do not have any substantive detail before me of the geographical or planning context of those sites, in order to draw direct comparisons. In any case, the circumstances, and

¹ 15/01724/FUL

planning balance, at each individual site are different. Accordingly, I afford this consideration limited weight.

17. I do not doubt the appellant's desire to achieve a more energy efficient design or to retain or enhance ecology levels at the site. I also acknowledge that landscaping measures are proposed. However, these benefits are not wholly dependent on the scheme before me. I therefore afford them only limited weight.
18. I acknowledge that the design of the proposed development in character and appearance terms, notwithstanding the consideration of Green Belt matters, would be acceptable. I also accept that there is variation in design across the wider area, that the design of the proposed development has responded to the topography of the site and that there are no objections from a heritage perspective. However, these are not matters in dispute between the Council and appellant and I have no reason to disagree with those findings. I therefore afford these matters limited weight.
19. I note the letters of support received from some neighbours. However, these are neutral in my determination of the appeal. I afford this matter minimal weight.

Green Belt Balance

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be allowed except in very special circumstances. In addition, there are impacts on openness here. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
21. Cumulatively, I attach no more than limited weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt.
22. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. The proposed development would therefore not accord with the Green Belt aims of LP Policies GB1 and GB3, or the Framework, as set out above.

Conclusion

23. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

A Price

INSPECTOR