



Appeal Decisions

Site visit made on 18 June 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2024

Appeal A Ref: APP/K0425/W/23/3336052

Hawkins Farm, Frieth Road, Marlow, Buckinghamshire SL7 2QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Sheikh Mohamed against Buckinghamshire Council - West Area (Wycombe).
- The application Ref is 23/07109/FUL.
- The development proposed is described as a change of use of land from agricultural (sui generis) for use as a campsite (Class C1) with the erection of 2 x 3 bed safari canvas tents with integral WC and shower rooms set on wooden decking for use as eco-glamping.

Appeal B Ref: APP/K0425/W/23/3336053

Hawkins Farm, Frieth Road, Marlow, Buckinghamshire SL7 2QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Sheikh Mohamed against the decision of Buckinghamshire Council - West Area (Wycombe).
- The application Ref is 23/07113/FUL.
- The development proposed is described as construction of two storey detached triple garage and store with site management accommodation over.

Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed and rebranded as National Landscapes to reflect *"their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do"*. I have therefore replaced references to AONBs to National Landscapes.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.

5. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Therefore, in reaching my decision I have had regard to the Framework published in December 2023, and any reference to paragraph numbers are to this version.
6. The Council failed to give notice of its decisions within the prescribed periods. However, they have provided Statements of Case that indicate that they would have refused planning permission for both schemes had they retained the power to determine the appeals.
7. The Council stated that they would have refused **Appeal A**, as by reason of its exposed location and its associated facilities, the proposal would harm the open countryside contrary to its spatial strategy, and also failed to respect the special characteristics of the Chilterns National Landscape.
8. With regard to **Appeal B**, had the Council reached a decision on this scheme, they would have also refused permission as they considered that the proposal represented an unacceptable form of development in the countryside and also failed to respect the scenic beauty of the Chilterns National Landscape. The Council further indicated that the proposal did not represent a form of development that would be acceptable in the countryside, contrary to its spatial strategy.
9. The appellant had the opportunity to respond to the Council's reasons in their final comments for both schemes.

Main Issues

10. The main issues for both appeals are i) the effects of the developments on the character and appearance of the area, having particular regard to the location of the appeal site within the Chilterns National Landscape; and ii) whether the proposals represent suitable forms of development having regard to the Council's spatial strategy.

Reasons

Character and appearance

11. The appeal site is a substantial area of approximately 58 acres known as Hawkins Farm Estate. It consists of mainly open land, albeit there is a cluster of buildings towards the middle of the site, including some residential units. The site is in a predominately open location, with verdant agricultural fields generally bounded by hedgerows to the north, south and west. Opposite the site to the east is a ribbon of residential development, nevertheless, the location within the Chilterns National Landscape provides a significant rural feel to the overall area.
12. Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which has the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Policies CP10 and DM30 of the

Wycombe District Local Plan (WLP), adopted August 2019 also seek to conserve, protect and enhance the Chilterns National Landscape and avoid significant adverse impact on its natural beauty.

13. In respect to **Appeal A**, the safari canvas tents would be located to the north of the existing buildings at Hawkins Farm close to the northern boundary of the site. The proposed development would not be significant in scale, and it is acknowledged that the tents would be low-level and there would be limited views of the development from public vantage points given the intervening existing and proposed vegetation, along with the established green boundaries and the topography surrounding the site.
14. Nevertheless, the location of the tents is a significant distance away from the existing cluster of buildings that comprises Hawkins Farm, and in an area of open agricultural land, largely devoid of development given it contains no built structures. Whilst it is acknowledged that the canvas tents would have a transient nature and appearance, from the details before me there are other associated paraphernalia, such as the wooden clad shower/toilet facilities, wooden decking, bins, and an access track which would have a more permanent appearance within the area. Furthermore, the submitted details indicate that the units would provide further domestic functionality through the provision of a kitchen and dining area. As such these facilities would require further servicing arrangements such as water and electricity to be provided, indicating a degree of permanence within the surrounding landscape.
15. Both parties refer to a similar facility (Shillingridge) adjoining the site to the north. Planning permissions¹ have been granted for its use as a campsite despite also being located within the Chilterns National Landscape. The appellant indicates that the Council have allowed these and other camping sites within the Chilterns National Landscape, providing that they are discreet and respect the landscape. Following my site observations the campsite at Shillingridge is well-screened by existing green boundaries, with the units located in and amongst an existing cluster of built structures, thus limiting any impact on the open countryside location; unlike the proposed site.
16. The degree of separation from the buildings at Hawkins Farm would provide a development that is remote from the existing built form and therefore out of keeping within the area. Given the existing open and verdant setting the proposal would result in the introduction of an incongruous and discordant form of development within the locality. The development would compromise the open aspect of the landscape that defines the inherent character of the area and would result in an unacceptable built form on the scenic beauty of the Chilterns National Landscape.
17. As such, in respect to **Appeal A**, the proposed development would cause harm to the character and appearance of the area and would neither conserve nor enhance the countryside landscape and scenic beauty of the Chilterns National Landscape. The proposed development is therefore contrary to WLP Policies CP10, DM30, DM34, DM35 and DM37 which collectively require development proposals to positively contribute to the character of an area and conserve the natural environment, including the natural beauty of the National Landscape. Furthermore, the proposal would conflict with paragraph 182 of the Framework

¹ Buckinghamshire Council - West Area (Wycombe) Planning Refs: 17/0685/FUL & 22/07980/FUL

which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes.

18. With regard to **Appeal B**, the proposed two-storey detached triple garage, unlike the scheme subject to **Appeal A**, would be located adjoining the existing security lodge, and amongst the existing cluster of built development at Hawkins Farm. Whilst the surrounding landscape is predominantly rural, given its position amongst the existing buildings and structures², it appears as part of the more developed cluster, thus, its contribution to the open character of the Chilterns National Landscape and its wider setting is limited.
19. The scheme has been appropriately designed so as not to appear cramped within the site, and the use of traditional features would ensure it is not unsympathetic to the local character. In order to be respectful of the existing built form, conditions could be attached to secure suitable materials. As such, the proposal would assimilate appropriately within the existing cluster of development at Hawkins Farm.
20. Therefore, the proposal subject to **Appeal B** would at the very least conserve the landscape and natural scenic beauty, visual qualities and essential characteristics of the Chilterns National Landscape, and the character and appearance of the surrounding countryside. Consequently, in respect to **Appeal B** I conclude that the two-storey detached triple garage and store would be an acceptable development and would, therefore, comply with WLP Policies CP9, CP10, DM30, DM34, DM35 and DM37. Furthermore, the proposal would also accord with paragraph 182 of the Framework.
21. I also do not find conflict with WLP Policy DM20 which contains a closed list of matters that will be assessed in accordance with the NPPF, none of which are associated with either of these appeals.

Spatial Strategy

22. WLP Policy DM44 seeks to restrict development in the countryside, which is outside of the Green Belt, through the provision of limited circumstances when permission for development will be granted. In respect of **Appeal A**, the relevant criteria are 1.b) *Development for agriculture and forestry, outdoor sports and recreation, and for cemeteries where there is a genuine need*; and 1.c) *Additional buildings where these are required to support an existing rural enterprise or business located in the countryside, which are proportionate to the existing*.
23. There is no definition of outdoor sports and recreation within the policy or supporting text, however as camping is usually undertaken outdoors and would be widely accepted as a recreational activity, the proposal would meet with the first limb of DM44 1.b). However, the proposal fails to meet the second limb, as there is little substantive evidence before me, to establish that there is a genuine need for this type of camping or tourism within the area. Furthermore, given the modest nature of the proposal (2 x 3 bed tents) the proposal would only have a limited effect on recreational need, even if one was to be established.

² Including a recently granted replacement tennis court (with floodlights) and subterranean swimming pool located below, (planning ref: 24/05371/FUL).

24. Criterion 1.c) indicates that additional buildings would only be allowed where they would support an existing rural enterprise or business. The supporting text at paragraph 6.233 provides further guidance on the policy aims, which seeks to support rural enterprises and businesses located in the countryside, recognising that there may be a need for additional development that supports them. Although, this is on the proviso that there is no further significant impact on the countryside to ensure that the existing character is maintained. This accords with paragraphs 88 and 89 of the Framework which also supports a prosperous rural economy, and sustainable rural tourism developments which respect the character of the countryside.
25. Whilst it is acknowledged that camping would be a new venture at the site, the proposal could support the existing rural business through the diversification of the farms revenue stream and could provide additional tourism. However, given my findings in regard to the harm of the character and appearance of the countryside and the Chilterns National Landscape above, **Appeal A** would have a significant impact on the countryside and thus would not accord with criterion 1.c). Furthermore, whilst the appellant asserts that the diversification would help facilitate the continued use of the existing farm, no substantive evidence has been provided to demonstrate this, or to demonstrate that the farm needs to diversify to remain profitable.
26. In regard to **Appeal B**, criteria 1.c) and 1.j) are the most relevant to this appeal. With respect to criterion 1.c) the appellant highlights that the proposed development would provide additional site management facilities and parking for estate management vehicles to support the rural enterprise, and these are not unusual for an estate of this size. Whilst the proposal is separated from the main house, it is within the same plot under the same land ownership. The appellant further indicates that the use could be conditioned.
27. Be that as it may, I have insufficient evidence in respect to any specific details regarding the estate management, site requirements or day to day operations at the site, to be certain that the proposal is required to support the existing rural enterprise.
28. In respect to 1.j) redevelopment of previously developed land (PDL), the Framework defines PDL, as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. Limited evidence has been provided as to what the previous use of this area was, other than for the parking of various service and personal vehicles associated with the wider estate management, and why it should be considered as PDL.
29. From my site observations and from the limited evidence before me, the appeal site would not be considered PDL as whilst it would be located adjoining the existing security lodge, it would be on an area of land which appears devoid of any permanent structure. I acknowledge the site is within the curtilage of Hawkins Farm Estate, however in my view, the existing ground material and parking area do not constitute permanent structures and therefore does not meet the Framework's definition of PDL.
30. I therefore find that the proposals subject to **Appeal A** and **Appeal B** both fail to accord with the Council's spatial strategy for development in the countryside and conflicts with WLP Policy DM44.

Other Matters

31. I have taken into account the economic and social benefits from the proposals subject to both appeals, along with the benefits put forward by the appellant with regard to supporting the local rural economy, diversifying the farms revenue streams and supporting sustainable tourism. I have also accounted for the provision of additional screening planting to reduce the proposals visual impacts.
32. However, these benefits are limited by the scale of the proposals and do not outweigh my findings above in relation to the significant harmful effect on the character and appearance of the Chilterns National Landscape, or the conflict with the Council's spatial strategy in regard to acceptable forms of development in the countryside.
33. The appellant has also drawn my attention to other schemes which have been granted planning permission³ at Orchard View Farm and Brimmers Farm in respect to other camping site developments. Based on the limited information before me, it is evident that they turned on their own particular merits. I therefore give these examples limited weight, as I cannot be certain that they are directly comparable. In any event, each case must be judged on its own merits, and I must determine the appeal on the merits of the cases before me.
34. The appellant statements highlight the delay they have experienced during the application stage, hence the reason for their appeal against non-determination. Whilst I understand the appellant's frustration with the Council regarding their handling of the applications and their poor communication, they have nevertheless provided justified reasons had they refused the scheme within the required timescales as part of their Statements of Case. As such, I do not consider that the Council has acted unreasonably and there is no formal cost application before me. Therefore, I have not considered this matter further.

Conclusion

35. For the reasons set out above, the proposal conflicts with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that decisions should be made other than in accordance with it. Consequently, both **Appeal A** and **Appeal B** are dismissed.

Robert Naylor

INSPECTOR

³ Buckinghamshire Council - West Area (Wycombe) Planning Refs: 19/05840/FUL and 12/06341/FUL