



Appeal Decision

Site visit made on 27 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/K0425/D/24/3354088

Honor Oak Cottage, Honor End Lane, Great and Little Hampden, Prestwood, Buckinghamshire HP16 9QZ

- 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 and Mrs. R. Baldwin against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 24/06808/FUL.
 - The development proposed is a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage at Honor Oak Cottage, Honor End Lane, Great and Little Hampden, Prestwood, Buckinghamshire HP16 9QZ in accordance with the terms of the application, Ref 24/06808/FUL, subject to the conditions set out in the schedule below.

Preliminary Matters

2. The appeal includes an amended drawing which shows a reduced length of the proposed garage. Appeals guidance advises that if an appeal is made, the appeal process should not be used to evolve a scheme¹. Given the scale of the proposed change, it would not result in a development which is substantially different to that applied for. Nonetheless, to accept that drawing could give rise to procedural unfairness to those involved in the appeal, particularly the Council and its conservation specialist, and any interested third parties, who would be deprived of the opportunity to comment on the proposal if I were to accept the amended drawing. For this reason and having regard to the relevant case law², I have dealt with the appeal on the basis of the proposal which was considered by the Council and the drawings referenced on its decision notice.
3. Since the Council's refusal of the application, a new National Planning Policy Framework has been published (the Framework). Since the policies which are most relevant to the assessment of this appeal have not been subject to substantial changes I am satisfied that no party would be prejudiced by my taking it into account.

Main Issues

4. The main issues are:

¹ Para 16.1, Procedural Guide: Planning Appeals: England

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

- Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies, and;
- The effect of the proposal on the setting of the grade II listed building.

Reasons

Whether Inappropriate Development

5. The Framework, at paragraph 142 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework establishes that development in the Green Belt should be regarded as inappropriate, but lists exceptions in paragraph 154. 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.
6. One such exception to inappropriate development listed in paragraph 154 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. Section 2 of policy DM43 of the Wycombe District Local Plan 2019 (the WDLP) refers specifically to proposals for residential outbuildings in the Green Belt, and refers to matters including volume and height in responding to the requirements of the Framework. Based on the information before me, the appeal site is not within a built-up village identified on the Council's Policies Map, and the proposal would not accord with any made Neighbourhood Plan. Accordingly, the policy then sets out conditions which it states should all be met in order for a proposal to be considered appropriate development.
7. The figures used by the Council in its assessment against policy DM43 have not been disputed by the appellant. The Council state that the volume of the original building was 469m³, and the combination of the proposed garage and existing small shed would amount to approximately 123m³. I have no strong reason to doubt those figures or reach a different view. Accordingly the total volume of existing and proposed outbuildings on the site would exceed 25% of the volume of the original building and would be in breach of criteria 2a) of the policy. Despite this, based on the appellant's figures the proposed garage alone would constitute 113.94sqm and it is therefore only in combination with the existing small shed that the policy requirement is exceeded. The exceedance is also minor.
8. The Framework refers, in exception 154c), to size, which is capable of including other considerations beyond those listed in policy DM43. The proposed garage would include a low eaves level of approximately 2.5m and the plans show it would be partially nestled into the garden level with a small retaining wall. In visual terms the building would also be smaller and visually subordinate to the original building. The other criteria of policy DM43 section 2, which similarly assist in the assessment of 'size' would also be met. The existing small shed is also positioned close to the existing building, is tightly enclosed by bushes and has a modest footprint and height, typical of a domestic shed. On balance and in considering the combination of these particular factors, it can be concluded that the proposed garage would not result in disproportionate additions over and above the size of the original building.
9. Section 3 of policy DM43 requires respect for the open character of the Green Belt. Given the size of the garage, together with its proximity to the main building

and position within the enclosed garden space, it would adequately respect the open character of the Green Belt, having regard to both its visual and spatial aspects. The proposal would therefore comply with Section 3.

10. Overall, while acknowledging some conflict with policy DM43, the proposal is not inappropriate as defined by the Framework. The proposal would comply with Policy DP8 of the WDLP, which seeks to protect the Green Belt from inappropriate development. Accordingly, it is not necessary to consider further the effects of the proposal on openness, or on the purposes of the Green Belt.

Heritage Assets

11. Honor Oak Cottage is part of a grade II listed building. Therefore I am required to have special regard to the desirability of preserving the setting of the listed building, in line with the statutory duty established by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The listing description for East Cottage Honor End Farmhouse refers to the two houses dating from the late 16th century and acknowledges that they are much altered. I understand the building was formerly part of Honor End Farmhouse, and was subdivided into two semi-detached properties in 1955. I observed that the building has undergone extensions and alterations associated with its residential use, including those with a more contemporary appearance which extend the building to the west.
12. The appellant refers to the historic agricultural community in the Prestwood area and the development of associated farmyards and farmsteads over time, of which the appeal site was a part. As such, the building's distinctly rural and agricultural surroundings form a part of the way in which the building's significance is appreciated, and form an important part of its setting.
13. Today the building is also appreciated within its surrounding residential curtilage, which is clearly distinguishable from the surrounding countryside and defined by its mown gardens and domestic landscaping as well as other paraphernalia. Despite being positioned further west than any existing building, the proposed garage would be positioned within this established garden. Due to its low level height and design, it would read as a structure associated with the residential use of the site and be visually subordinate to the main building. It would be positioned behind the front elevation of the building and its irregular angle would respect that of other parts of the farmstead. The associated extended driveway would also read as part of the pattern of tracks which wrap between the buildings in this cluster of homes.
14. For these reasons in combination, the proposed garage would preserve the setting of the listed building and the way in which its significance is appreciated. The proposal would comply with policy DM31 of the WDLP as well as the objectives of the Framework insofar as they relate to the conservation of the historic environment.

Other Matters

15. A grade II listed Monument exists further north of the appeal site on the opposite side of Honor End Lane. I observed that this is positioned within the tranquil rural setting on the hillside and this contributes positively to the way in which the Monument is appreciated. Given its distance from the appeal site, together with the intervening road and structures, and the absence of viewpoints from where the

Monument and the proposed garage would be appreciated together, I do not consider the proposal would form a part of the setting of the Monument.

Conditions

16. A number of conditions have been referred to in the Council's officer report, and I have considered these in light of the Planning Practice Guidance. In addition to the standard time limit condition, a condition is necessary to ensure the development is carried out in accordance with the approved plans to provide certainty. For visual reasons, tree protection measures would be necessary, and these would need to be installed prior to commencement to ensure the effectiveness of those measures. Similarly for visual reasons, the details given for materials should be secured, and biodiversity enhancements should be secured in line with the policy requirement.

Conclusion

17. While there would be a degree of conflict with part of the development plan there are material considerations of sufficient weight, in particular the provisions of the Framework and the particular circumstances of the proposal, which are of sufficient weight to indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings: 'Location Plan', JFP-HL-10, 'Arboricultural Impact Assessment'.
- 3) No development shall commence, including any site clearance, until fencing has been installed to the site to protect the existing trees shown on the drawing titled 'Arboricultural Impact Assessment' July 2024, in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction: recommendations'. That fencing shall remain in situ until the construction of the new garage and driveway are complete.
- 4) The materials to be used in the external faces of the garage shall match those annotated on the approved drawings.
- 5) Not later than 6 months following the first use of the garage hereby permitted, biodiversity enhancements shall be installed to the site in accordance with details which have first been submitted to and approved in writing by the local planning authority.

End of Schedule