



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: 2 April 2025

Appeal Ref: APP/K0425/D/24/3349792

2 The Stables, Downley Common, Downley, Buckinghamshire HP13 5YN

- 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 V Kelly against the decision of Buckinghamshire Council (Wycombe).
 - The application Ref is 23/08106/FUL.
 - The development proposed is erection of car port with green roof.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by Buckinghamshire Council against Mrs V Kelly. That application is the subject of a separate decision letter.

Preliminary Matter

3. During the course of the appeal, a new National Planning Policy Framework has been published (the Framework). The policies which are most relevant to this proposal have not been subject to any substantial changes and I am satisfied that no party has been prejudiced by my taking it into account.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and the relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area, including the Downley Common Conservation Area and the Chilterns National Landscape, and;
 - 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 proposed development.

Reasons

Whether Inappropriate

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. The appellant does not dispute that the original dwelling has a cubic volume of 316m³. The property also has an existing outbuilding to the rear of the site.
7. Policy DM43 of the Wycombe District Local Plan 2019 (WDLP) contains the Council's policy for extensions of dwellings in the Green Belt and section 2 of the policy refers specifically to proposals for outbuildings. 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.
8. There is dispute between the main parties surrounding the total volume of all existing and proposed outbuildings to the property. However, even if the appellant's lesser figure of 199m³ were used, this would very substantially exceed 25% of the volume of the original dwelling, in conflict with point 2a) of policy DM43. The total volume of all existing and proposed outbuildings on the property would far exceed 140m³, in breach of part 2b) of the policy. Even if the remaining parts of that policy were met, the proposal would not meet all the criteria, and would therefore be in conflict with the policy overall.
9. The appellant refers to the generous size of the appeal site. However this does not amount to a reason to alter the above judgement since both the Framework and the relevant local policy refer to size relative to the original building, rather than the plot.
10. Given the scale of the proposed building, and in combination with the existing outbuilding on the site, the proposal would constitute a disproportionate addition over and above the size of the original building. Accordingly, it would be inappropriate development in the Green Belt.

Openness of the Green Belt

11. Policy DM43 goes on to require development in the Green Belt to respect its open character. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect¹. Therefore, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.
12. The site lies at the northern side of a cluster of properties set among Downley Common, which is characterised by areas of woodland, interspersed with areas of grassland. The absence of development in the wider area contributes to the appreciation of the openness of the Green Belt. In contrast to the group of

¹ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

properties to the south, the appeal site comprises a larger, irregular shaped plot of open grassland. Despite its enclosing fencing and hedgerows, the openness of the plot is appreciated in localised views from the road and footpath, and contributes to the transition from the residential properties to the woodland beyond. I have no reason to reach a different view to the earlier Inspector² who found that the gaps between properties are features which contribute to the open character of the area and enable appreciation of the openness of the Green Belt.

13. Given the scale and footprint of the proposed car port, and as it would be positioned on part of the site which is currently free from built form, it would cause a notable reduction in the spatial aspect of the site's openness. Despite its low level, it is likely that the green roof of the building would be visible to some degree over the front boundary fence, and it would be visible in glimpses from the access to the driveway. I accept, however, that these visual effects would be localised and limited, and that its open sides would allow visibility through the car port. Nonetheless, the proposal would result in a reduction in both the spatial and visual aspects of the Green Belt's openness, in conflict with policy DM43.

Character and Appearance

14. The appeal site is within the Chilterns National Landscape (formerly Area of Outstanding Natural Beauty), and the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty as these areas, among others, have the highest status of protection in relation to these issues.
15. The site is also within the Downley Common Conservation Area (DCCA). Based on the information before me and findings of my site visit, its significance is derived from the informal layout of buildings around the Common and their traditional but varied design, which together form part of the rural setting of the settlement. The appeal site is one such property, and the open and verdant character of the site's garden contributes positively to the rural setting and edge of settlement location.
16. The proposed development would be positioned within the established and well defined garden area of an existing house, and it would appear as a domestic structure used in connection with the main house. Despite its forward position and substantial footprint, due to its low height and simple design, it would appear as an ancillary domestic structure and sit unobtrusively among the character of the site. Accordingly, it would preserve the character and appearance of the DCCA and would conserve the landscape and scenic beauty of the National Landscape and reinforce the character of this cluster of properties.
17. In reaching this view I have had regard to the findings of earlier Inspectors, in particular that who found the previously proposed flat roof garage would be out of keeping with the area³. Nonetheless I consider the proposal before me, by reason of its materials and design, would have notably different visual effects than the earlier scheme.
18. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on the character and appearance of the area, including the DCCA and the designated landscape. It would comply with policies DM30, DM31, DM32, DM35

² Appeal ref APP/K0425/D/22/3307290

³ Appeal ref APP/K0425/D/21/3274150

and DM36 of the WDLP which together relate to conservation of the historic environment, landscape character including the Chilterns Area of Outstanding Natural Beauty, and require high quality design which responds to its context. While acknowledging a degree of conflict with the Householder Planning and Design Guidance Supplementary Planning Document 2020, I do not find conflict with that document when read as a whole, nor the Chilterns Buildings Design Guide, which together require development to be sympathetic and respectful of its context.

Very Special Circumstances

19. 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.
20. The appellant asserts the proposal would avoid the visual intrusion of parked vehicles on the site. However, the effects of cars on the site are intermittent and would have less harmful effects on the openness of the Green Belt. In any event, given the open sided nature of the proposal, cars would not be concealed. As such this attracts very little weight as a benefit of the proposal. I note the appellant's comments regarding the scale and design of the proposal, and these factors have been taken into account in the above assessment.
21. The appellant refers to a storage building at Hillcot, however I do not have full details of that proposal or its size relative to the original building on that site. As such I cannot be satisfied that the circumstances are the same as this appeal. Where the proposal has been found to be acceptable in other respects, these matters are neutral and do not weigh in favour of the proposal.
22. Overall, there are not considerations of sufficient weight which would clearly outweigh the harm to the Green Belt, as set out in the Framework. As a consequence, the very special circumstances necessary to justify the proposed car port do not exist.

Conclusion

23. The proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR