



Appeal Decision

Site visit made on 27 May 2025

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/X0415/W/24/3358266

**Royal Standard of England Public House, Brindle Lane, Forty Green,
Buckinghamshire HP9 1XT**

- 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 Matthew O'Keeffe, Cavalier Inns Ltd against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/2840/FA.
 - The development proposed is erection of canopy roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the decision notice, as this more succinctly describes the proposal, but I have removed the term 'part retrospective', as this is not in itself development. I observed that the canopy roof had been erected, and I have determined the appeal on this basis.
3. Since the original determination of the planning application the Penn Parish Neighbourhood Plan 2022–40 (2025) (NP) has been made. This now forms part of the Development Plan and as such I have attached considerable weight to its policies. The NP identifies the appeal property as a non-designated heritage asset (NDHA) and I have taken this into account in my determination of the appeal.
4. The appellant has indicated that the proposal could be amended so that the parapet of the flat roof would have a brick/flint Dutch gable or similar feature, a balustrade and planters. However, I have not been provided with any plans accurately detailing these suggested changes. Moreover, The Procedural Guide: Planning Appeals - England¹ advises that amendments to a planning application to overcome a local planning authority's reasons for refusal should normally be made through a new planning application. The appeal process should not be used to evolve a scheme, as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage. I have therefore determined the appeal on the submitted plans.

¹ Procedural Guide: Planning Appeals – England (updated April 2025)

Main Issues

5. The main issues are:

- whether the 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 effect of the proposal on the openness of the Green Belt;
- the effect of the development on the character and appearance of the host property, having particular regard to the location of the site within the Chilterns National Landscape;
- whether the proposal would harm the living conditions of the occupiers of the neighbouring property to the east with regards to privacy; 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 necessary to justify the development.

Reasons

Inappropriate development

6. The appeal relates to a new canopy roof between an existing store area and the Royal Standard of England public house, which is located within the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Chiltern District Local Plan (LP), 1997, (including alterations adopted on 29 May 2001, consolidated September 2007 & November 2011) predates the Framework. Policy GB2 of the LP indicates that generally new development in a Green Belt is inappropriate but sets out the exceptional categories where permission may be given. The policy is more restrictive than the Framework, as its criteria relates to alterations and extensions to dwellings, rather than to all buildings, and it makes no reference to development on previously developed land, which may be considered not inappropriate development in the Green Belt in specific circumstances. I have therefore given it limited weight in my assessment.
8. Paragraph 154 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than in a few exceptions. One exception, at Paragraph 154c) 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.
9. The Framework does not define what might be considered a disproportionate addition, and it is therefore a matter of planning judgement. However, from the evidence before me, there have been previous permissions for extensions and outbuildings at the appeal property² which have resulted in the original building increasing in size.

² PL/21/0864/FA and PL/22/1700/VRC

10. Whilst the proposed structure is open sided, the solid roof would be a permanent addition and would introduce further built form to the original property, resulting in a tangible net increase to the size of the building. The scale of the proposed roof would, in combination with previous additions, exceed the original building by greater than half its original size, and the proposed extension would extend to over half the width of the public house. As such, in combination with the previous additions, the proposal would be disproportionate to the size of the original dwelling, and it would not meet the exception of Paragraph 154c).
11. A separate exception, at Paragraph 154g) permits limited infill or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
12. Previously developed land is defined in the Framework as 'land which is or was occupied by a permanent structure and any associated fixed surface infrastructure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)'. The site would not fall within the exclusions set out within the definition. Accordingly, the site would be previously developed land.
13. Consequently, whether the development causes substantial harm to the openness of the Green Belt will determine its conformity with the exception at Paragraph 154g) of the Framework.
14. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The proposal would introduce an element of built form in an area which would largely be devoid of structures. As such, the proposal would have an impact on the spatial openness of the Green Belt. Nevertheless, the proposed roof canopy would be a relatively slim structure, and whilst visible from various vantage points, the open sides would allow views through the structure that would moderate its impact. The proposed roof canopy would generally be visually contained between existing built form, which would limit the visual effect on the openness of the Green Belt.
15. Whilst there would be some harm to both spatial and visual openness resulting from the proposal, it would be minimal and localised in nature. It follows that the effect on the openness of the Green Belt would not reach the threshold of substantial harm under criterion 154g) and the proposal would therefore not be inappropriate development in the Green Belt. Consequently, the proposal would not conflict with the Green Belt objectives of the Framework.
16. Given my findings, it is not necessary to consider whether the proposal would meet the exception at Paragraph 155 relating to grey belt land. Moreover, as the proposal does not amount to inappropriate development in the Green Belt there is no requirement to assess if there are other considerations that amount to very special circumstances needed to justify the development.

Character and appearance

17. The public house is an attractive building within a rural setting, and is identified as a non-designated heritage asset (NDHA). I consider that its significance as an NDHA, as it relates to this appeal, lies both in its age, with a property at the site

first recorded in the mid nineteenth century, and its historic interest relating to its longstanding presence in the locality as a public house.

18. The Framework requires that the effect of a proposal on the significance of an NDHA should be taken into account in determining the application and states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
19. Both the Chilterns Buildings Design Guide (2010) and the NP stress that flat roofs should be avoided. The canopy would create a flat roof extension which the evidence indicates would be over half the width of the public house. The proposal would be unsympathetic to the scale and form of the original building, and appear as a somewhat incongruous, unsympathetic and visually jarring addition. Whilst the store below the canopy uses traditional Chiltern brick and local flint, the stark and utilitarian appearance of the canopy roof would be at odds with the traditional design and appearance of the host property. The canopy roof would appear as an anomalous, ill-placed addition that would not assimilate well, and would detract from the overall pleasing architectural features of the NDHA. On balance, I consider that the canopy roof would cause moderate harm to the significance of the NDHA and the positive contribution that it makes to the surrounding area.
20. The appeal site is located in the Chilterns National Landscape (NL). Section 245 of the Levelling-up and Regeneration Act 2023 places a duty upon me to seek to further the statutory purpose of the NLs, which is to conserve and enhance the landscape beauty of the area. The key characteristics of the NL include chalk escarpments, woodlands, commons, tranquil valleys, ancient routes, chalk streams, attractive villages, flower-rich downland and prehistoric features.
21. Whilst the proposed extension would introduce further built form, there would be limited visibility of the proposal within the wider NL. The visual and landscape effects would therefore be minimal and localised, and the proposal would not undermine the landscape character or scenic qualities and beauty of the wider designation. Given the relative small-scale nature of the proposal and its location amongst surrounding built form, it would not harm the landscape and scenic beauty of the NL.
22. In conclusion, the proposal would conserve the landscape and scenic beauty of the NL, in accordance with Policy LSQ1 of the LP and Policy CS22 of the Core Strategy for Chiltern District (2011) (CS), which seek to conserve and enhance the special landscape character of the NL. However, the proposal would, on balance, be harmful to the character and appearance of the NDHA. In that regard, it would fail to accord with the combined aims of Policy GC1 of the LP and Policy CS20 of the CS which seek to ensure that development is designed to a high standard and respects features which contribute to local distinctiveness.

Living conditions

23. Whilst the proposed canopy roof is not designed for public use and is a walkway to the staff accommodation, it has the potential to be used as a roof terrace, which would lead to overlooking and an unacceptable loss of privacy to the occupiers of the neighbouring property.
24. The Framework indicates that decision-takers should consider whether otherwise unacceptable development could be made acceptable through the use of

conditions, and I note that the appellant would be willing to accept a condition prohibiting use of the roof as a terrace or balcony. However, a door which directly opens out on to the roof canopy is already in situ, enabling easy access on to the roof. As such I consider that it would be difficult to effectively and consistently enforce such a condition and the possibility of the roof being used as a terrace or balcony therefore remains.

25. Boundary trees may help to shield views to some extent, but these are likely to provide less effective screening during the winter months. Whilst the appellant has indicated that planters could be placed on the canopy roof in order to enhance privacy, the presence of planters may be associated with amenity space, thereby encouraging the roof to be seen as a place to relax or congregate.
26. The proposal would therefore harm the living conditions of the neighbouring property to the east with regards to privacy. The proposal would conflict with Policy GC3 of the LP which seeks to ensure that developments protect the amenities enjoyed by the occupants of neighbouring properties.

Other Matters

27. Whilst the proposed roof canopy would allow for the coverage of a food preparation area, coverage during adverse weather conditions, and would replace an inadequate older structure, I have not been provided with substantive evidence that the proposal is the only way that these benefits could be achieved or that the canopy roof is required to meet hygiene or health and safety standards.
28. The public house is a valuable community asset which provides local employment. However, there is no substantive evidence before me to indicate that the canopy roof is necessary to safeguard jobs or ensure the viability of the business. The proposal would facilitate safe access to accommodation, but access was available before the roof was constructed and it has not been demonstrated that the canopy roof is the only way that access could be achieved.
29. The historic building has developed and evolved over many years, adapting to changing circumstances, but this does not signify that design which is not of a high quality should be permitted.
30. Tree planting and landscaping have taken place at the site, but there is little evidence that the proposal before me would contribute to the area's ecological value. While planters may contribute to biodiversity net gain, their provision would not be dependent on the construction of the canopy roof.

Conclusion

31. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
32. As a result, the appeal should be dismissed.

L C Hughes

INSPECTOR