



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: 17 June 2025

Appeal Ref: APP/X0415/W/24/3354596

Gylescroft House, Chesham Road, Bellingdon, Buckinghamshire HP5 2UR

- 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 O'Hare against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/1026/FA.
 - The development proposed is erection of a replacement C3 dwellinghouse following the demolition of the existing dwelling house, Gylescroft House. Landscaping and parking provision.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area, having particular regard to the location of the site within the Chilterns National Landscape; and
 - whether any harm by 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

3. The appeal site 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.
4. 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 154d) is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. 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, including (c) which relates to the replacement of an existing dwelling in line with other policies. The relevant linked policy is GB7 which indicates that to be acceptable the replacement dwelling should not be materially larger, taking account of permitted development. Considered together the provisions of these policies are consistent with the Framework.
6. The Framework does not define what might be considered as materially larger. Rather, it is a matter of planning judgement. From the evidence before me, the footprint of the replacement dwelling would be over 40% larger than the footprint of the existing dwelling, and the internal floor area and volume of the replacement dwelling would be over 50% larger than that of the existing dwelling.
7. Whilst quantitative measurements are useful to assess whether a building would be materially larger than the building that it would replace, whether a building is materially larger can also be influenced by other issues such as scale, bulk, massing and height. The proposed increase in ridge height which would be taller than the top of the front gables, would lead to an increase in the bulk and massing of the proposed replacement dwelling in comparison to the existing property.
8. I appreciate that the increased footprint may not appear substantial when considering the size of the dwelling in relation to the plot. Moreover, the replacement dwelling would be slightly narrower than the current dwelling which has a more staggered footprint, and there would be a reduction in the overall spread of development. However, the effect of the increase in ridge height and resultant increase in bulk and massing would, in my judgement, result in a replacement dwelling that is materially larger than the existing property.
9. As such, the development would not meet the exception of Paragraph 154d) of the Framework nor accord with LP Policies GB2 and GB7. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful.

Openness

10. The Framework emphasises that the essential characteristics of Green Belts are their openness and their permanence. Openness has spatial as well as visual aspects. The proposal would have a larger footprint, volume and floorspace than the existing house and would therefore have more of an impact on the openness of the Green Belt in spatial terms than the existing circumstances.
11. The proposal would fit comfortably within the substantial plot. Nevertheless, even taking into account that the proposal would be narrower than the existing property, and would reduce the spread of development, the increased height and bulk would make the replacement dwelling more visually prominent than the existing dwelling. The proposal would be set further back within the plot than the existing property, and additional landscaping between the proposed dwelling and the road would help to screen the development. Nonetheless the proposal would still be visible, at least in part from vantage points along Chesham Road. As such, the proposal would have greater visual impacts on the Green Belt than the existing circumstances.

12. Consequently, in both spatial and visual terms the proposal would have a greater impact on openness than the existing dwelling. The harm would, however, be both very localised and limited. Nonetheless, it would be contrary to the Framework which states that an essential characteristic of Green Belts is their openness.

Character and appearance

13. The appeal site is situated in an area which is rural in character, comprising sporadic linear development. There is no consistent or uniform pattern of development along Chesham Road, with properties of varying size, design and style in the vicinity. Despite the replacement property being positioned further back in the appeal site than the original dwelling, this would not disrupt a consistent front or rear building line. Whilst the proposal would be larger than the original dwelling, the original property is in itself a generous size, and the replacement dwelling would be comfortably accommodated within the generous plot. The proposal would therefore not be over dominant or discordant in the street scene.
14. Gylescroft House 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.
15. The proposal, whilst it would be materially larger, would be replacing existing built form at the appeal site. The proposal would be well screened, with limited visibility of the proposal within the wider NL. The visual and landscape effects would therefore be limited and localised, and the proposal would not undermine the landscape character or scenic qualities and beauty of the wider designation. Whilst the proposal would be taller than the existing dwelling, and therefore more visible when glimpsed within the landscape, it would not be significantly so regardless of its design features. Given the relative small-scale nature of the proposal and its limited visibility from public vantage points, along with increased landscaping, it would conserve and enhance the landscape and scenic beauty of the NL.
16. The proposal would therefore not harm the character and appearance of the area, having particular regard to the location of the site within the Chilterns NL. The proposal would not conflict with the general statutory duty or with Policies GC1 and LSQ1 of the LP and Policies CS20 and CS22 of the Core Strategy for Chiltern District (2011) which together seek to ensure that development is designed to a high standard, respects the character of the surrounding area and conserves and enhances the special landscape character and high scenic quality of the NL.

Other considerations

17. The proposed replacement dwelling would use locally sourced materials and would provide improved, sustainable living space which would replace a more haphazardly designed dwelling. It would be more spacious, exceeding the nationally described space standards, be better insulated and more energy efficient than the existing dwelling. I recognise the benefits of the improved accommodation for the appellants and the assistance in climate change mitigation, and I give these benefits moderate weight.

18. The proposal would provide new landscaping features and measures which would be beneficial to the appearance of the site and would benefit protected species and enhance biodiversity. However, given that the scheme relates only to a single dwelling, the extent to which these factors would be beneficial is limited and therefore carry limited weight.
19. The dwelling would not result in a loss of outlook, appear overbearing or have any issues in terms of neighbours' privacy. However, these are requirements of planning policy and weigh neither for or against the proposal. A letter of support for the proposal has been received, which is a neutral factor in my consideration.
20. The Council do not have a 5-year housing land supply. Notwithstanding that the proposal would not result in a net gain of housing, Paragraph 11(d)(i) of the Framework makes it clear that permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. As I have identified a conflict with the Green Belt policies of the Framework, this paragraph is not engaged.

Other Matters

21. I note that the appellant is aggrieved with the Council's handling of their case. However, this does not fall within the remit of this appeal. I have therefore given it no weight in my determination.

Green Belt Balance and Conclusion

22. The Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness, and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
23. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and harm to the openness of the Green Belt. I have not found harm to the character and appearance of the area. However, an absence of harm is a neutral factor that neither weighs for nor against the proposal.
24. Weighed against that are the other considerations set out above. However, for the reasons given I give moderate weight to the benefits of the improved accommodation for the appellants and the assistance in climate change mitigation, and limited weight to the landscaping and biodiversity gains.
25. Consequently, those other considerations would not, in their totality, clearly outweigh the harm that I have identified. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework and Policies GB2 and GB7 of the LP.
26. 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. As a result, the appeal should be dismissed.

L C Hughes INSPECTOR