



Appeal Decision

Site visit made on 30 June 2025

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/N0410/W/24/3356912

Land West of Fir Cottage, Wooburn Common Road, Wooburn Green, High Wycombe HP10 0JR

- 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 Natasha Raja against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref is PL/24/2968/FA.
 - The development proposed is 5 bedroom dwelling with garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the issuing of the Council's decision, a signed Unilateral Undertaking (UU) has been received which commits to making a financial contribution to Strategic Access Management and Monitoring schemes to mitigate additional recreational disturbance on the Burnham Beeches Special Area of Conservation. The Council has agreed that the UU would form sufficient mitigation and therefore have states that it no longer wishes to pursue the third reason for refusal. Based on the information before me, I find no reason to conclude otherwise, and I have thus not considered this matter as a main issue.

Main Issues

3. The main issues relevant to this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan documents, including the effect of the proposal on the openness of the Green Belt
 - The effect of the proposal upon the living conditions of the occupiers of Fir Cottage with regard 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 required to justify the proposal.

Reasons

Whether Inappropriate Development and Openness

4. The appeal site is a large mostly rectangular parcel of land within the Green Belt. The appeal proposal is for a single dwelling re-using the existing vehicular access via Wooburn Common Road. The site is bound by trees and hedges and within it is a large area of hardstanding and are two connected buildings that are viewed as a single structure. Next to the appeal site is Fir Cottage, which is a large residential dwelling, however the appeal site is identified by the Council as in the open countryside.
5. Policy GB1 of the South Bucks District Local Plan (LP) identifies development that could be granted within the Green Belt. The appellant states that the appeal site is previously developed land and the proposal should be considered with regard to paragraph 154g) of the Framework which states that the limited infilling 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 would not constitute inappropriate development in the Green Belt. Policy GB1 of the LP does not include such an exception and as such it is inconsistent with the Framework. In these circumstances the Framework takes precedence over the LP.
6. Previously developed land is defined in the Framework as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It then goes on to states that previously developed land excludes land that is or was last occupied by agricultural or forestry buildings.
7. The appellant states that the appeal site was used as part of a mink farm but that the site is now redundant and based on the information before me it has not been used as a mink farm for a considerable period of time. However, redundant land can still be considered as previously developed land with regard to paragraph 154g).
8. A letter has been provided, dated 11 February 1953, which is addressed to Mink Farm Wooburn Common Road which, on the balance of probability, was addressed to the appeal site. This letter set out a request that had been made on behalf of a client for mink skin and whether they could offer anything against the above. There is also a demand note from a similar time from Wycombe Rural District Council for the rates payable at Mink Farm.
9. Section 336 of the Town and Country Planning Act 1990 (the Act) identifies that agriculture includes, amongst other matters, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land).
10. Statutory Declarations have been provided by the occupiers of Fir Cottage who bought the property in around 1973. They state that the previous occupiers of the dwelling informed them that they had previously used the appeal site for the production and distribution of mink fur but that the operation had moved site before that time. Reference has also been made concerning the possibility that live mink

were also kept on site. As defined in the Act the keeping of any creature kept for fur would be an agricultural use. The use of the buildings on site for the manufacturing and distribution of the mink fur would be incidental to agriculture and a normal activity for such a farmer engaged in a mink farm. Notwithstanding whether the use was lawful due to the age of the buildings on site, this would indicate that the mink farm was an agricultural use, and the development on site would not accord with the definition of previously developed land in the Framework.

11. Whilst there is some evidence that individuals lived on the site for a period of time it is not clear, based on the information submitted, that planning permission was ever granted for that use.
12. Consequently, the proposal would not involve the redevelopment of previously developed land and thus would not comply with paragraph 154g) of the Framework.
13. Whilst the Officer's Report identifies that planning permission was granted for the erection of a garage and a new vehicular garage¹, it is not evident what use those garages were permitted to be used in connection with. Without evidence of this, it may be the case that these were used in connection with the mink farm. It is also not clear whether these buildings are those that remain on site or have since been demolished or collapsed.
14. Even if the site was considered to be previously developed land, paragraph 154g) states that it should be for development which would not cause substantial harm to the openness of the Green Belt. Whilst there may have been several buildings on the site, these have now been demolished or have collapsed apart from the two connected buildings. While there are the remains of another building which appears to have collapsed, very little of this building remains other than the footings and partially collapsed walls and timber frame.
15. The appellant has provided calculations comparing the size of the existing and proposed development. However, it is not evident if these relate to all the buildings, including those which have now collapsed or been demolished. The Council has disputed the calculations and based on what I saw on site which amounted to a single storey structure and given that what is proposed is a substantially sized two storey structure and a garage I am of the view that the comparative calculations likely included the buildings that have been demolished or have collapsed. Whilst there may have previously been substantially sized buildings on the site at one time, given that some of these buildings have been demolished or collapsed they no longer affect the openness of the Green Belt, other than with regard to any hardstanding, footings or the partially collapsed walls that have remained. The hardstanding on site covers a considerable area, however, this is at ground level and as such, it has very little effect upon the visual openness of the Green Belt in this location.
16. The existing buildings would appear to be solid structures, and this is supported by the evidence from the structural engineer. However, this is a single-storey structure with a flat roof and open sides located along a side boundary of the appeal site. Given its scale, it has not become blended into the landscape. However, while the existing development does partly enclose the openness of the

¹ Application Reference: WR/291/57

Green Belt, its enclosing effect is limited by its scale and siting. Similarly so for the partially collapsed building. The site is also next to a junction and while it is bound by trees and hedges there are views across the site from further afield. As such, the openness across most of the appeal site positively contributes towards both the visual and spatial aspect of the openness of the Green Belt.

17. Taking into account the existing built form on site, the substantially sized two-storey house and single-storey garage with pitched roofs would introduce new built form above ground level within the centre of the site. As a result, this development would be substantially more visually imposing than the existing structure. This larger and more prominently located building, situated on a junction, would consequently reduce the visual openness of the appeal site. While the scheme would also involve the removal of the large areas of existing hardstanding, the effect of this in terms of improving the openness of the Green Belt would be limited, given that this would be at ground level and this would not overcome the greater overall enclosing effect the scheme would have upon the visual openness of it.
18. While the scheme would involve the demolition of the existing structure, the proposed development would result in two buildings spread across the centre of the site and would occupy ground and air space that is currently devoid of built form. The removal of the existing structure and hardstanding area would remove built form within the Green Belt and thus this would remove the effect this would have upon the spatial aspect of openness. However, the scheme would introduce a greater amount of built form above ground level across the site than existing, and this would harm the spatial aspect of the openness of the Green Belt. As such, the removal of the hardstanding and the existing structure would not overcome the identified harm to the spatial openness from the proposed development.
19. Consequently, for the reasons given above, the scheme would cause substantial harm to the openness of the Green Belt. As a result, even if the appeal site was considered to be previously developed land, the scheme as proposed would not comply with paragraph 154g).
20. Paragraph 154d) of the Framework identifies that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces would also be not inappropriate development in the Green Belt. However, given that the existing structure on site is not in residential use, the replacement of it with the proposed dwelling would not comply with this exception either. Additionally, the proposed two-storey building and single-storey garage would have pitched roofs and would replace a single-storey structure with a flat roof and overall would be materially larger than the existing development.
21. Paragraph 155 of the Framework sets out that the development of homes in the Green Belt should also not be regarded as inappropriate where all of a number of criteria are met. Criteria a) requires that the development utilises grey belt land and grey belt land is defined in the Framework as land in the Green Belt comprising previously developed land, and/or any other land that, in either case, does not strongly contribute towards any of purposes a), b), or d) in paragraph 143 of the Framework. As concluded above, the appeal site is not previously developed land. Purpose a) is to check the unrestricted sprawl of large built-up areas, purpose b) is to prevent neighbouring towns from merging and d) to preserve the setting and special character of historic towns.

22. The Council identify that the appeal site was within General Area 58B within the Buckinghamshire Authorities, Buckinghamshire Green Belt Assessment, Report: Methodology and Assessment of General Areas. This report identified that the wider site scored strongly on purposes a) and b). However, since this document was published in 2016 the Planning Practice Guidance has been updated with regard to these purposes. This identified that villages should not be considered large built-up areas, and that purpose b) relates to towns and not villages. Given that the site is not next to a large built-up area or a town it does not strongly contribute to any of the three purposes.
23. The appellant has identified that the Council can only identify a 1.3-year land supply, and the Council acknowledge that it cannot demonstrate a 5-year housing land supply. As a result, there is a demonstrable unmet need for the type of development proposed as per criterion b).
24. Criterion c) requires that the development would be in a sustainable location, with particular regard to paragraphs 110 and 115 of the Framework. The Council state that the appeal site is located in the open countryside. The appellant, disputes that and states that the site is located within the settlement boundary of Berghers Hill and Wooburn Green. However, I have not been provided with substantive evidence that this is the case. The appeal site and Fir Cottage are separated from other development by open fields and woodland. There are groups of houses nearby, a day nursery and pre-school, a public house and other employment generating uses. However, this development, like the appeal site, is located sporadically with large open fields separating small pockets of development.
25. The Framework identifies that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, based on the submitted evidence, it is not evident that regular public transport is available nearby and as such it is not clear that sustainable transport modes would be prioritised by siting residential development in this location. While there are public rights of way nearby, it has not been substantiated that these are accessible from the appeal site or that they provide reliable and safe routes for all users throughout the year.
26. The nearby roads also generally do not have pavements or streetlighting and pedestrians would likely have to walk along the grass verge to access it. This would be unsafe, particularly for those with mobility issues and when in inclement weather. As such, there would not be suitable access to the site for all users. Given that there are very limited services and facilities nearby, the occupiers would likely be reliant on private car use to meet their day-to-day needs. Whilst the occupiers may be able to access services and facilities in Beaconsfield this is located approximately 10 minutes away by motor vehicle and taking the above circumstances into consideration, the appeal site is not a sustainable location for a new dwelling.
27. Development must comply with all of the criteria set out in Paragraph 155 of the Framework for development to be regarded as not inappropriate development and for the reasons given above, the appeal scheme would not comply with all of the criteria set out in Paragraph 155c).

28. Reference has been made to an application that was approved by the Council² within the Green Belt. Given the limited of information provided concerning this application, there are limited comparisons I can draw between that scheme and what is proposed. However, it would appear that the application related to the demolition and replacement of existing buildings and whether that would be not inappropriate development in the Green Belt would be assessed on a case-by-case basis, similar to the scheme before me.
29. Therefore, for the reasons given above, the proposal would not meet the exceptions set out in paragraph 154g), d) or 155 of the Framework and constitutes inappropriate development in the Green Belt and would thus conflict the Framework in this regard.

Living Conditions

30. The proposed dwelling would have its rear elevation facing towards the garden of Fir Cottage. Within the first storey of the appeal building would be a number of windows that would serve bedrooms. Fir Cottage has a substantially sized garden, and the rear elevation of the proposed dwelling would face towards the garden and some of the rear patio area, although this patio area would be at an oblique angle from the rear elevation of the proposed building. This patio area and much of the garden is also set back a considerable distance from the shared boundary of the two sites. As such, whilst the rear elevation would be around 10 metres from the shared boundary, the patio for Fir Cottage and the rear elevation of the house would also be located a similar distance from it as well. Additionally, along the shared boundary are trees and hedges that would partly screen views between the two dwellings.
31. The patio area is a part of the garden that is likely to be well used by the occupiers and is an area where privacy would be expected. While Fir Cottage is currently not overlooked by any buildings nearby, given the distances involved, as well as the oblique angle from the first-floor windows of the proposed dwelling to the patio area, what limited overlooking would occur would not significantly erode the privacy of the occupiers of Fir Cottage.
32. Therefore, the proposed development would not significantly harm the living conditions of the occupiers of Fir Cottage with regard to privacy. Consequently, the scheme would comply with Policy H9 of the LP insofar as it states that development for residential purposes will only be permitted where the proposal would not adversely affect the character or amenities of nearby properties or in the locality in general through a loss of privacy.

Other Considerations

33. The Framework states that substantial weight should be given to any harm to the Green Belt. 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.

² Application Reference: PL/19/2255/FA

34. The dwelling is proposed to deliver a self-build house. The benefits of custom or self-build housing are recognised by the Planning Practice Guidance finding that it helps to diversify the housing market and increase customer choice. The Framework also states that local planning authorities should seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing.
35. A section 106 obligation is likely to be the most appropriate method to secure matters relating to the ownership of the self-build house for a period of three years as well as bind the requirement to successors in title should the property be sold in the future. Whilst a UU has been submitted it would not secure these matters. Accordingly, the scheme would not secure a custom or self-build home and as such this would not weigh in favour of the scheme.
36. However, the proposal would deliver a single dwelling and in light of the Council's 5-year housing land supply position the proposal would make a modest contribution towards addressing this shortfall as well as make a modest contribution towards the Government's objective of significantly boosting the supply of homes.
37. The development would secure short and long-term economic benefits. The occupiers of the dwelling would also contribute towards the social fabric of the area. The scheme would incorporate landscaping and additional planting, as well as provide bird and bat boxes and hedgehog friendly gravel boards and hedgehog highway signage. The scheme would also incorporate energy efficiency measures into the development. Given the limited scale of the proposal, I attribute limited weight to these benefits in favour of it.
38. While the scale and appearance of the dwelling would not appear out of character, when considering the design of dwellings nearby, a lack of harm to the character and appearance of the area weighs neither for nor against the scheme. Furthermore, compliance with development plan policy with regard to living conditions would also weigh neither for nor against the development.
39. It has been identified that anti-social behaviour has been occurring on site; however, the benefits associated with addressing this could be achieved regardless of the outcome of this appeal. Consequently, this weighs neither for nor against the scheme. Similarly, while the demolition and removal of the existing development on site would improve the visual appearance of the site, this could be achieved regardless of the outcome of the appeal and weighs neither for nor against the appeal.
40. As noted above, LP Policy GB1 is, in part, inconsistent with the Framework. This means that the policies which are most important for determining the proposal are out of date. However, bullet (i) of paragraph 11d) clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including the Green Belt, provides a strong reason for refusing the development proposed. I give this matter very limited weight.

Other Matters

41. The Council's third reason for refusal relates to a failure to make an appropriate contribution towards mitigation measures required due to an additional recreational pressure the proposed development would place on the Burnham Beeches

Special Area of Conservation. During the appeal process a signed UU has been received which commits to payment of contributions to Strategic Access Management and Monitoring schemes. If the appeal were to be allowed, I would need to undertake an Appropriate Assessment in accordance with the Habitats Regulations. However, as I am dismissing the appeal, I have not found it necessary to consider such matters any further.

42. Concerns have been raised with regard to the behaviours and actions of the Council during the consideration of the application and appeal, as well as previous applications. However, I have only taken into consideration the circumstances of the case and the planning merits of it.
43. Whilst acknowledging that the neighbouring occupiers support the proposed scheme, a lack of objections is not a reason in itself to allow development that is unacceptable.

Green Belt Balance and Conclusion

44. The proposed development would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
45. Cumulatively I attribute modest weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt and the very special circumstances necessary to justify the development do not exist. By extension, Green Belt policy provides a strong reason for refusal within the terms of Framework paragraph 11d)i), and consequently no other material considerations in favour of the scheme justify allowing the appeal.
46. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR