



Appeal Decision

Site visit made on 22 July 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/X0415/W/25/3363913

Maisie Cottage, Bottrells Lane, Chalfont St. Giles, Buckinghamshire HP8 4EQ

- 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 Sid Balaam against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/2607/FA.
 - The development proposed is conversion and extension of existing stable building to create a one bedroom dwelling served by the existing vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted including an updated Preliminary Ecological Appraisal (PEA) and this additional information could be construed as an attempt to evolve the proposed scheme. This would conflict with the guidance in the Procedural Guide: Planning appeals – England. However, as the Council have commented upon this PEA, that no other parties have made representations in relation to these matters, and that in any case, the appeal is to be dismissed; I am satisfied that there would be no unlawful procedural unfairness to any parties. Accordingly, I have taken account of the updated PEA here.

Main Issues

3. The main issues are:
 - 1) 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 policies including the effect of the proposal on the openness and purposes of the Green Belt and the effect upon the Chilterns National Landscape (CNL),
 - 2) the effect of the development on biodiversity, in particular the provision of biodiversity net gain, and
 - 3) whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Effect on Green Belt and CNL

4. The appeal site is washed over by the Metropolitan Green Belt wherein the Council will regard a proposal to re-use a non-residential building in the Green Belt

as residential accommodation as not inappropriate development subject to the provisions of policy GB11 of the Chiltern District Local Plan 1997 (CDLP). The policy is subject to a number of caveats including that the proposed residential use would not have a materially greater impact than the existing use on the openness of the Green Belt.

5. The Framework sets out, at paragraph 142, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 154 explains that development in the Green Belt is inappropriate unless certain exceptions apply. This includes paragraph 154 c) - 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 and 154 h) iv. - the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. There is some inconsistency between policy GB11 and the Framework with the older policies of the CDLP being somewhat more restrictive than those in the Framework. Nevertheless, the fundamental aim to preserve the characteristics of the Green Belt remain aligned.
7. The site is also within the CNL where development should conserve and enhance the landscape and scenic beauty of locations within it which have the highest status of protection in relation to these issues.
8. In this instance, there is no dispute between the parties that the building would constitute the re-use of a building that is of permanent and substantial construction and is capable of being converted. However, the proposed garden area is substantial. It extends from the existing building adjacent to the road into a field. This substantial area would be visible from the surrounding countryside and in longer views. The inevitable change in character to a residential purpose and in particular, the domestication of this area of land would be detrimental to the openness of the Green Belt and character and high scenic value of the NCL.
9. This is confirmed in the earlier appeal decision relating to the same (or at least similar) site¹ which was determined in August 2024. Indeed, the matter in contention relates to the treatment and extent of the garden area which, in relation to the previous proposal, the Inspector considered the construction of fencing, laying of hardstanding and the creation of a garden area in the form proposed would have a greater impact on the spatial aspect of openness of the Green Belt and would not conserve the scenic value of the CNL.
10. There is some disparity between the parties as to what was considered by the Inspector in this previous decision as amended plans were provided to the Council during the determination of that application. These plans, however, involved a change in the extent of the application site and were not consulted upon by the Council. Accordingly, the Inspector declined to consider these and assessed the proposal based on the originally provided plans. These plans included a quite tight residential curtilage drawn around the existing stable and incorporated a small garden area and driveway.

¹ APP/X0415/W/24/3336436

11. Nevertheless, that is not what is presently before me. The red edge of the application site has been enlarged in this proposal and includes a substantial proportion of the field that the stable sits in. The field extends into the countryside and would be visible in longer range views. The proposed hedging along the expanded boundaries would no doubt assist in concealing the residential use, especially when the hedge has had the opportunity to mature. Even so, I am unable to reconcile this extent of land being incorporated into the residential curtilage, the consequent impacts on the openness of the Green Belt in a visual and spatial dimension and effect on the CNL.
12. Accordingly, I conclude that the curtilage of the site and the extent of land it would cover would result in the domestication of this substantial portion of land. This would be harmful to the openness of the Green Belt in a spatial and visual dimension and would fail to conserve the high scenic value of the CNL. The proposal therefore conflicts with policies GB2, GB11 and LSQ1 CDLP, policy CS22 of the Core Strategy for Chiltern District (CSCD) 2011 and provisions of the Framework.

Biodiversity

13. The appeal was submitted with an updated PEA and this indicated low suitability to support badger and great crested newt and moderate suitability to support breeding birds. Therefore, subject to a condition requiring a Construction Environmental Management Plan, I am satisfied that the proposal would not have an adverse effect upon protected species.
14. Biodiversity Net Gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (the Act) (inserted by the Environment Act 2021 (the Environment Act)). Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the BNG objective is met.
15. The Council expressed concern that an updated BNG metric has not been provided. I note that the 4.0 calculation tool was used, and this has not been converted to the statutory biodiversity metric calculation tool for this submission. However, being mindful of the current status of the site and the relatively modest changes between these two tools insofar as they are applicable to this site, I am satisfied that there is sufficient detail provided as an adequate baseline for me to determine this appeal.
16. Indeed, the appellant has provided draft Biodiversity Gain Plans, including completed metrics of the post-development value of the onsite habitat, alongside the planning application. These details indicate an increase in BNG of 60.72% in habitat units and 50.72% in hedgerow units and this is well in excess of that required.
17. However, part of the site that is nominated for BNG is located off site. Whilst this falls within the blue edge of the site and is within the ownership of the appellant; guidance provided by the Department for Environment, Food & Rural Affairs states that off-site means outside the red line boundary of a developer's site. This includes any habitat within the blue line boundary. A planning obligation would therefore be required to deliver this, and one has not been provided.

18. Accordingly, on the basis of the information before me, whilst I have no reason to conclude that the mandatory BNG could not be provided in theory, there is no mechanism before me for this to be secured. Therefore, even though the development indicates a resultant overall increase in BNG, in the absence of delivery method, the proposal therefore cannot comply with policy CS24 of the CSCD and the terms of the Act and Environment Act.

Other considerations and very special circumstances

19. Paragraph 153 of the Framework explains that 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. No other considerations or very special circumstances have been explicitly put before me. I have however been mindful that there may be other matters to take into account. I must recognise that the proposal incorporates the provision of one additional dwelling although the benefits of this must be tempered by the future occupants being heavily reliant on the private car for access to day-to-day services and facilities. Therefore, the social and economic benefits would be reduced by this factor. I have taken into account other issues including there being no harm to the living conditions of neighbours or adverse effects on flooding. However, none of these matters, taken individually or cumulatively, clearly outweigh the harm to the Green Belt and NCL.

Other Matters

21. The appeal site lies within the zone of influence for the Hodgemoor Wood site of Special Scientific Interest (SSSI), a large area of semi-natural broadleaved wood which is also identified as an Ancient and Semi-Natural Woodland. The appeal scheme would result in a net increase in residential accommodation which could result in adverse impacts upon the integrity of the SSSI through increased recreational use.
22. As the competent decision-making authority, were I minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment on the implications of the appeal scheme upon the SSSI. However, as the appeal is to be dismissed, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this matter further.

Planning Balance and Conclusion

23. The Council has conceded that it cannot demonstrate a five year supply of deliverable housing land. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), this means granting planning permission.
24. However, the provisions of Footnote 7 to the Framework are engaged here as the site is within the Green Belt and NCL and both these designations provide a strong reason for refusing the development proposed. I have found that the proposal

would be harmful to the openness of the Green Belt and high scenic value of the NCL. Furthermore, mandatory BNG cannot be provided.

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR