
Appeal Decision

Site visit made on 9 September 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/K0425/W/25/3368259

Upper Warren Farm, Hampden Road, Hughenden Valley, Buckinghamshire HP16 0JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Kent against Buckinghamshire Council
 - The application Ref is 24/05759/FUL.
 - The development proposed is the conversion of existing buildings to form a four bedroom dwelling with garage / parking and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Kent against Buckinghamshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council has confirmed that, had it made a decision, the application would have been refused for 3 reasons. These putative reasons inform the main issues for this appeal.
4. During the appeal process the appellant submitted information relating to Biodiversity Net Gain (BNG). I am mindful that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council. I have therefore proceeded to determine the appeal on the basis of the planning application as originally submitted.
5. At my site visit I saw that the existing structures on the site were being used for storage of wine and vehicles.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework) including the effect upon the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area including its effect on the Chilterns National Landscape

- the effect of the proposal on biodiversity and green infrastructure; 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 or not the development would be inappropriate

7. The appeal site includes a single storey steel framed building, a smaller barn structure and an area of concrete hardstanding. The red line boundary also encompasses land to the north, east and south of the existing buildings and hardstanding which is set at a higher level than the rest of the site and which includes areas of mature trees and vegetation.
8. Development within the Green Belt is inappropriate with the exception of the types of development listed in paragraphs 154 and 155 of the Framework. The exception outlined in paragraph 154 h) iv. relates to the re-use of buildings that are of permanent and substantial construction, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
9. A structural survey report (RWA Consulting 6 December 2021) confirms that the main barn is of permanent and substantial construction. There is no information submitted regarding the smaller barn. In the Council's opinion the proposed conversion of the small barn to a garage would require less additional load to the existing frame and, as such, they do not raise any concerns about the construction of the smaller barn. Based on the information submitted and my site visit, I have no reason to take a different view. As such, the re-use of the existing buildings meets this part of the exception.
10. Nevertheless, paragraph 154 h) also requires that development preserves the openness of the Green Belt and not conflict with the purposes of including land within it. The Council identifies that the purpose of the Green Belt in this location is to assist in safeguarding the countryside from encroachment. Based on the information submitted and my observations on site, I have no reason to disagree.
11. The re-use of the existing buildings would not cause harm to the openness of the Green Belt in spatial or visual terms because they already exist. The submitted plans show a garden area in the location of the existing hardstanding, but as described above, the red line boundary also includes additional land. The Council's case is that the inclusion of this land would not comply with any of the Framework's exceptions.
12. Whilst the plans do not show any physical changes to this land, its inclusion in the red line boundary would effectively change its use to residential, meaning it could be used as outdoor space associated with the proposed dwelling. This would likely include the storage of domestic paraphernalia including items such as tables, chairs, washing lines and play equipment. The resultant domestication of the land would fail to preserve the openness of the Green Belt in spatial and visual terms.
13. The adverse impact on the openness of the Green Belt in visual and spatial terms would be primarily noticeable from adjacent properties. Additionally, the visual effect would be noticeable from public viewpoints on Hampden Road to the south. The

proposal would also, therefore, represent encroachment into the countryside. Thus, it would also conflict with the purposes of including the land within the Green Belt.

14. The appellant has drawn my attention to paragraph 154 g) of the Framework. However, this relates to proposals for limited infilling or the partial or complete redevelopment of previously developed land, which is not what this appeal proposal is for.
15. Policy DM45 of the Wycombe District Local Plan 2019 (the LP) permits the conversion of existing buildings in the Green Belt subject to compliance with 3 criteria. It is common ground between the main parties that the proposal meets the requirements of this policy. I have no reason to disagree, however, this consideration does not alter my conclusion on this main issue.
16. Taking all of the above into account, the proposal would have a harmful effect on the openness of the Green Belt and conflict with one of the Green Belt purposes. The proposal would, therefore, be inappropriate development. As such, it would conflict with LP Policies CP8 and DM42 which seek to protect the Green Belt from such development. Inappropriate development is, by definition, harmful to the Green Belt, and I attribute this substantial weight in the planning balance.

Character and appearance

17. The site is located within the Chilterns National Landscape, formerly known as the Chilterns Area of Outstanding Natural Beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a statutory duty on relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes. This is reflected in LP Policy DM30 which has similar aims for the Chilterns National Landscape.
18. The National Landscape is a living landscape encompassing a variety of character areas and a range of settlement types. Its special qualities include the steep chalk escarpment with areas of flower-rich downland, broadleaved woodlands (especially beech), commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, globally rare chalk streams and a rich historic environment of hillforts and chalk figures. The existing mature trees and vegetation within the site contribute positively to this.
19. The site is in an area where there is sparse built development. Access to the site is via a driveway from Hampden Road. This driveway also provides access to Upper Warren Farmhouse and a wine retail premises which are located to the south west of the site. A further residential property, Warren Farmhouse is located to the south of the site. Beyond this cluster of buildings the area is characterised predominantly by undeveloped fields with boundaries defined by trees and hedgerows. The area therefore has a traditional open, rural character and appearance.
20. The conversion of the existing buildings would not have an adverse impact on the character and appearance of the area as their external appearance would have only limited alterations. Apart from the area labelled as 'gardens', the submitted plans do not show any changes to the wider areas of land included in the red line boundary.
21. However, as I have set out above, the inclusion of land to the north, east and south of the existing developed area within the red line boundary would change its use to residential. The resultant likely domestication of this land would detract from the

area's rural character and appearance and the natural beauty of the National Landscape. Nevertheless, the site is relatively small in the wider landscape, so the overall magnitude of harm would be limited. Moreover, retention of existing trees and hedgerows, along with appropriate boundary treatments, could be secured through suitably worded conditions, had the appeal been allowed.

22. I therefore find the proposal would cause limited harm to the character and appearance of the area and the natural beauty of the National Landscape. As such, there is conflict with LP Policies DM30 and DM32 which require development to conserve the Chilterns National Landscape and to protect and reinforce the key characteristics of the landscape.

Biodiversity and green infrastructure

23. The proposal is not subject to the mandatory BNG requirement under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 because the planning application was submitted prior to the mandatory requirement coming into effect for small sites. However, LP Policy DM34 requires all development to protect and enhance both biodiversity and green infrastructure features and networks both on and off site. It also requires the protection of retained trees through site layout and during construction.
24. An Ecology and Trees Checklist was submitted with the planning application. However, this does not represent evidence of an assessment of the site's biodiversity and green infrastructure context, nor how such features would be protected and enhanced. There is also little before me to demonstrate how the existing trees within the site would be protected.
25. Therefore, the proposal fails to adequately demonstrate that it would protect or enhance biodiversity or green infrastructure. Consequently, it would conflict with LP Policy DM34, as set out above.

Other Considerations

26. There would be some economic uplift in the local economy during the construction process and from the future spending of occupiers. However, the contribution of 1 dwelling to the housing supply, although positive, would be limited and as such those benefits only attract limited weight.
27. I appreciate that the proposal may otherwise be acceptable in terms of its impact on highways and flood risk and I acknowledge the appellant's commitment to integrate renewable technologies and provide electric vehicle charging. Nevertheless, these considerations do not outweigh the harm identified above. I also appreciate that no objections have been submitted. However, the lack of objection does not equate to a lack of harm.

Green Belt Balance and Conclusion

28. The proposal would constitute inappropriate development in the Green Belt, and it would harm openness, to which the Framework requires me to attach substantial weight. Furthermore, the proposal would not protect and enhance biodiversity and green infrastructure and I have found it would cause some harm to the character and appearance of the area and the natural beauty of the National Landscape. The limited benefits that would accrue from the provision of an additional dwelling is not a

consideration that clearly outweighs the harm arising from inappropriateness. The very special circumstances required to justify the proposal do not, therefore, exist.

29. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area and therefore the presumption in favour of sustainable development does not apply in this case.
30. The proposal conflicts with national policy set out in the Framework to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

A O'Neill

INSPECTOR