



Appeal Decision

Site visit made on 30 September 2025 by T Morris BA (Hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/K0425/D/25/3369027

Brockenhurst, Sandpits Lane, Tylers Green, Buckinghamshire HP10 8HD

- 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 Richard Morris against the decision of Buckinghamshire Council.
 - The application Ref is 25/05940/FUL.
 - The development proposed is a first floor extension over the existing garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i) whether the proposal would be inappropriate development having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) the effect of the proposal on the openness of the green belt;
 - iii) the effect of the proposal on the character and appearance of the area;
 - iv) the effect of the proposal on protected species; and,
 - v) if the proposal would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development

4. The appeal site comprises a detached dwelling located in the green belt. Paragraph 154 of the Framework states that development in the green belt is inappropriate unless it meets certain exceptions. One such exception, at paragraph 154c), is for 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. The Framework defines an original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. The Framework does not define the specific meaning of disproportionate in relation to the paragraph 154c) exception. Policy DM43 of the Wycombe District Local Plan (LP) (2019) states that where the volume of the original dwelling is more than 720 cubic metres, the total volume of the resulting building following extension should be no more than 1080 cubic metres. It also states that where a dwelling is within a ribbon of development that presents a substantially built-up frontage, the resulting dwelling should not exceed the average volume of its two directly adjacent neighbours.
6. The Council's evidence indicates that the dwelling has already been extended several times. Their figures state that the volume of the original dwelling was approximately 810.50 cubic metres. They also state that when including the current proposal, the total volume of the dwelling would be approximately 1194 cubic metres. The appellant has not provided any figures to counter these. Therefore, from the evidence before me, the proposal would conflict with Policy DM43 as it would exceed the maximum 1080 cubic metre limit for an extended dwelling of this size.
7. Furthermore, the Council's figures include the volumes for the two directly adjacent neighbours, Fairlawn and Little Orchard. This indicates that the resulting dwelling at the appeal site would exceed the average volume of the neighbours. While the Council's figures are an approximate, the appellant has not provided any alternative figures. Furthermore, this seems consistent with my own observations on my site visit, whereby it was clear to me that the resulting dwelling would be significantly larger in terms of volume than Little Orchard, and also likely larger than Fairlawn. I therefore agree with the Council that following the extension, the resulting dwelling would exceed the average volume of the directly adjacent neighbours, in conflict with Policy DM43.
8. I therefore conclude that the proposal would be inappropriate development in the green belt, which is by definition, harmful to the green belt. In accordance with paragraph 153 of the Framework, I give substantial weight to the harm to the green belt.

Openness

9. Paragraph 142 of the Framework states 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. Openness has a spatial and a visual dimension.
10. Even though it would occupy the existing footprint of the dwelling, the first-floor extension would nevertheless increase its built form and mass. Consequently, it would inevitably reduce the openness of the green belt from a spatial perspective. Furthermore, from a visual perspective, the first-floor extension would increase the width and height of the dwelling above the existing garage. The resulting dwelling would therefore appear visually larger in the street scene. Consequently, the proposal would also result in a loss of the visual openness of the green belt.

11. For these reasons, I also conclude that the proposal would be harmful to the openness of the Green Belt, albeit the level of harm in this case would be moderate given the overall size, scale and siting of the proposed development and that it would not increase the footprint of the dwelling.

Character and appearance

12. The dwellings on Sandpits Lane are mostly large and are set within spacious plots. Even though some appear to have been extended, for the most part the dwellings still retain gaps to the side boundaries, even if it is just to one side. These gaps are important as they provide space between the dwellings and views of the trees in the surroundings, factors which contribute to an open character in the street scene. The host dwelling's side garage also provides a gap at the first-floor level. This allows for open space between it and Fairlawn, as well as views of the trees in the rear gardens. Overall, the spaciousness between the dwellings such as at the appeal site contributes positively to the character and appearance of the area.
13. I acknowledge that the design and materials of the first-floor extension would replicate that of the host dwelling. Even so, due to the width and height of the extension and its close proximity to the side boundary to Fairlawn, it would reduce the gap to the side boundary at the first-floor level. The resulting dwelling would therefore dominate the width of the plot and consequently, would unacceptably erode the spaciousness between the host dwelling and Fairlawn adjacent. The proposal would therefore undermine the open character of the street scene, to the detriment of the character and appearance of the area.
14. I appreciate that the dwellings on Sandpits Lane are generally large and that some have been extended. But as I have already identified, gaps between the dwellings are still predominant. While the appellant also refers to Fairlawn adjacent having eroded such gaps, I observed on my site visit that there is still a sizeable space from its side elevation to the side boundary with the appeal property, so much so that it still reflects the open character in the street scene. Consequently, the variety of dwellings on Sandpits Lane including Fairlawn do not justify the proposal in terms of its effects on the character and appearance of the area.
15. For these reasons, I therefore conclude that the proposal would result in harm to the character and appearance of the area. It would conflict with Policies DM35 and DM36 of the LP, which require that developments are of an appropriate character and that existing positive characteristics should be retained.

Protected species

16. Although the appeal site forms part of a built-up frontage, it is located in a semi-rural area. There are fields nearby which include grassland. There are also many trees in the area including at the boundaries of the fields and in the rear gardens of the dwellings. Accordingly, it is therefore reasonable to conclude that there could be protected species in the area, including bats as are identified by the Council.
17. The proposal involves works to the garage roof of the dwelling. Given the context of the site which I have outlined above, it is possible that bats could be nesting or roosting in the roof area of the garage. A preliminary roost assessment is therefore appropriate in this case but has not been provided. Consequently, there is insufficient information to rule out the possibility of bats being disturbed by the works. Therefore, I cannot be certain that the proposal would not result in

unacceptable harm to protected species. While the appellant suggests that this could be submitted by condition, this is not an acceptable solution as the planning permission would have already been granted.

18. Circular 06/2005¹ outlines that It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. It states that the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, none of which apply here.
19. In summary, there is insufficient information before me on which to conclude that harm to protected species would be avoided by the proposal. Whilst it is not conclusive that the proposal would be harmful to protected species, this issue adds to my concerns. The proposal would therefore conflict with Policy DM34 of the LP and Policy DM13 of the Adopted Delivery and Site Allocations Plan (2013) (ADSAP), which require that developments evidence a thorough understanding of the context and that proposals potentially affecting protected species should be accompanied by reports relevant to the impacts of the development.

Other considerations

20. Paragraph 153 of the Framework states that inappropriate development should not be approved except in very special circumstances, and 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. The recommendation now turns to the other considerations.
21. The appellant refers to the Council having approved the same proposal at the site². However, the decision was made on the previous application in November 2002, almost twenty-three years ago. The planning policy context was therefore different, including the Framework and the development plan. There is also little evidence before me that the 2002 proposal was ever implemented. Given these factors, I therefore afford the previous decision limited weight.
22. With regards to the application at Fairlawn³, I have not been provided with a copy of the approved plans. The Council's Officer Report also indicates that the proposal complied with green belt policies. It also notes that Fairlawn is smaller than the neighbouring properties and has not been extended previously. It also confirms that an adequate gap would be retained to the side boundary. All this leads me to conclude that the Fairlawn application is not the same as the appeal proposal. Consequently, this attracts limited weight in support of the appeal.
23. The appellant also highlights the lack of opportunity for amendments or discussion, including in relation to the volume figures that the Council have used to assess the proposal against green belt policies. However, the appellant has had the opportunity to provide alternative figures in their statement of case, but no such figures have been provided. In any case, concerns regarding the way in which the Council dealt with the application are not decisive on the recommendation which is based on the planning merits of the scheme.

¹ Circular 06/2005 - Biodiversity and Geological conservation – Statutory obligations and their impact within the planning system

² Application reference 02/07829/FUL

³ Application reference 23/07635

24. I also understand that the proposal is sought based on the needs of the appellant in terms of providing family sized accommodation. Even so, personal circumstances such as this seldom outweigh general planning considerations and I therefore give them limited weight.
25. The absence of the proposal's harm in terms of light, privacy and overbearing effects on outlook are neutral factors which do not weigh in favour of the scheme.
26. Even if the Council do not currently have a deliverable five-year housing land supply, the proposed development does not involve the provision of housing and there is no suggestion that there are no relevant development plan policies or that the ones which are most important are out of date. Therefore, the presumption in favour of sustainable development does not apply in this case.
27. The appellant also refers to the Council's lack of an adopted plan for the entire county, as well as to the emerging development plan for the area. However, I have not been provided with a copy of any emerging development plan, including any reference to new green belt policies, and I have no detailed information as to the current status of an emerging development plan. Accordingly, I have little reason to doubt that the current development plan is that which is referred to by the Council and includes the policies on which it made its decision. For these reasons, there is insufficient evidence before me to attribute any weight to an emerging development plan, and this matter does not alter my conclusions on the appeal overall.

Planning Balance and Overall Conclusion

28. The proposal would be inappropriate development in the green belt, which is by definition harmful, and it would also be harmful to the openness of the green belt. I give substantial weight to the harm to the green belt including to its openness. In addition, the proposal would be harmful in terms of its effects on the character and appearance of the area. Further harm would also arise due to the absence of information to conclude that the proposal would not be harmful to protected species. The totality of this harm would not be clearly outweighed by the other considerations. Therefore, very special circumstances do not exist.
29. In summary, given that the proposal would be harmful to the green belt, it would conflict with Policies CP8 and DM43 of the LP, which seek to protect the green belt from inappropriate development.
30. It would also be harmful to the character and appearance of the area in conflict with Policies DM35 and DM36 of the LP, which require that developments are of an appropriate character and that existing positive characteristics should be retained.
31. In terms of protected species, the proposal would conflict with Policy DM34 of the LP and Policy DM13 of the ADSAP, which require that developments evidence a thorough understanding of the context and that proposals potentially affecting protected species should be accompanied by reports relevant to the impacts of the development.

Conclusion and Recommendation

32. The proposed development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would alter this conclusion. I therefore recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

33. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR