



Appeal Decision

Site visit made on 12 November 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/X0415/W/25/3370630

Land Adjoining Amersham Farm, Amersham Road, Chalfont St Peter, Buckinghamshire SL9 0PX

- 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 James Smith against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/24/2311/FA.
 - The development proposed is the demolition of 3 equestrian buildings and the erection of a detached 4 bedroom residential house, change of use of equestrian land to provide associated garden along with improvements to the existing track.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of 3 equestrian buildings and the erection of a detached 4 bedroom residential house, change of use of equestrian land to provide associated garden along with improvements to the existing track at Land Adjoining Amersham Farm, Amersham Road, Chalfont St Peter, Buckinghamshire SL9 0PX in accordance with the terms of the application, Ref PL/24/2311/FA, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The appeal site is located within the Green Belt, the main issues are therefore:
 - whether the proposal is 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 proposal on the character and appearance of the area, specifically landscape character; and
 - whether the 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 necessary to justify the proposal.

Reasons

Whether inappropriate development

3. The Government attaches great importance to Green Belts. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of the listed exceptions apply. The Planning Statement submitted in support of the application contends that the proposal would satisfy the exception at paragraph

154 part g), which includes limited infilling or the partial or complete redevelopment of previously developed land (PDL) (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.

4. Saved Policy GB2 of the Chiltern District Local Plan, adopted September 1997 (CDLP) sets out that planning permission will be refused for inappropriate development in the Green Belt, but may be given for development falling within the specific exceptions listed. The Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Policy GB2 is not entirely consistent with the Framework insofar as it does not include reference to all types of development which may be considered not to be inappropriate or the very special circumstances which could justify otherwise inappropriate development in the Green Belt.
5. There is no dispute between the parties that the site is PDL, by virtue of its lawful use for equestrian purposes¹. While the definition of previously developed land in the Framework excludes land that is or was last occupied by agricultural or forestry buildings, it does not exclude land and buildings used for equestrian purposes. On the basis of the evidence before me, I have no reason to reach a different conclusion. Therefore, in determining whether the proposal would be an exception to inappropriate development, the second limb of part g) of paragraph 154 requires that the redevelopment of the land would not cause substantial harm to the openness of the Green Belt.
6. The Planning Practice Guidance (PPG) sets out that assessing the impact of a proposal on the openness of the Green Belt is a matter of planning judgement, and that openness is capable of having both spatial and visual aspects. It indicates other factors which may be taken into account, including the duration of the development and degree of activity likely to be generated.
7. The appeal site is part of an existing field, to the east of Amersham Road, which at the time of my site visit was being used for the grazing of horses. It is occupied by 3 relatively low profile, utilitarian buildings of a simple form, arranged in a row, in a discrete position at the edge of the field. Given the height, siting and design of the existing buildings and open nature of the wider site, the existing use of the site contributes to the openness of the Green Belt. The appeal proposal would see the demolition of the existing buildings and the construction of a detached dwelling, including and enhanced access drive, parking and garden.
8. The appeal submissions indicate that the proposal would result in a reduction in the combined volume of the existing buildings of 525 cubic metres. However, the new dwelling would be greater in height than the tallest of the buildings, and overall bulk. Furthermore, unlike the unimposing position of the existing buildings, the new dwelling would be sited perpendicular to the side boundaries of the site, so as to be more centrally located on the land. As a result, it would extend into part of the field which is currently free from built development. Therefore, in spatial

¹ Certificate of lawfulness for existing use of land and buildings for equestrian use granted 19th March 2024, LPA Ref: PL/23/3520/EU

terms, the proposal would have a greater effect on the openness of the Green Belt than the existing stables.

9. For these reasons, despite being set back from the road, the dwelling would be visible in views across the site, where it would appear more visually conspicuous than the existing buildings. Even with additional planting, which could be secured through a suitable planning condition, the proposed dwelling would have a greater visual presence than the existing development at the site. Nonetheless, the land is largely enclosed by mature trees and as such, while visually the presence of the new dwelling and associated domestic accoutrements would be more pronounced from localised vantage points, it would not be visually prominent in wider views of the Green Belt. Thus, while the proposed development would give rise to a loss of openness both spatially and visually, compared to the existing situation, the harm to the openness of the Green Belt would be limited and would fall below the threshold of substantial harm set out in part g) of paragraph 154 of the Framework.
10. Therefore, as the redevelopment of the previously developed land in this case would not cause substantial harm to the openness of the Green Belt, the proposal would not be inappropriate development. While the proposal would fail to accord with Policy GB2 of the CDLP, for the reasons set out, I attribute greater weight to the compliance with the Framework in this case, which would outweigh this conflict. Since I have concluded the proposal would not be inappropriate development, it is not necessary to have regard to considerations relevant to the application of very special circumstances.

Character and appearance

11. The site falls in the Misbourne Lower Settled River Valley Landscape Character Area (LCA) as identified in the Buckinghamshire Landscape Character Assessment, 2011 (BLCA). The BLCA identifies the key characteristics of the area, which include a largely settled and developed landscape, with some pockets of rough grazing and pasture and paddocks interspersed, often close to the settlement edge. It indicates the landscape character comprises a heavily developed landscape, characterised by the A413 which runs along the valley floor, and is an enclosed and highly contained, compact landscape, dominated by the built form. The nature and appearance of the appeal site and its surroundings accord with these characteristics.
12. The proposed development would be residential in character, which would differ from the current rural character and appearance of the site. It would also be likely to increase the scale of activity on the site, over and above the existing use, including a degree of artificial illumination during the hours of darkness. However, given the modest scale of the development, for a single dwelling, any effects in these regards would be limited. Moreover, given the generally compact nature and relatively high degree of visual containment of the site, and height of the dwelling, it would not appear as unduly visually obtrusive in the wider landscape or be significantly at odds with the sporadic residential development within the immediate site context.
13. In addition, while there would be a loss of a small area of grazing land, the existing tree coverage to the site boundaries would be retained, as would the verdant, rural character of the wider site, including the most exposed front part. For these reasons, the proposed development would not detract from the enclosed and

highly contained landscape character of the LCA or harm the wider landscape setting of the area, including the lower chalk valley landscape.

14. The appeal site also falls within Chalfont Park, an eighteenth century landscape park and deer park at Chalfont Park House, which is included on the Council's Local Heritage List and is therefore a non-designated heritage asset (NDHA). The Framework sets out that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account and in weighing proposals that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. The description of the NDHA taken from the list sets out that the significance of the park derives from the level of survival of the complexity of the design, the connection with a variety of architects and landscape designers of national significance, and the adaptation of the design to the 'genius loci' (spirit of the place and its form). Due to the modest scale of the proposed development, its siting and resulting limited intervisibility between the appeal site and wider parkland, together with the presence of similar contemporary residential development in the immediate locality, the appeal proposal would not detract from the historic character of the designated landscape. As such, the proposal would not meaningfully affect the historic interest and significance of the NDHA.
16. In light of the foregoing considerations, I therefore conclude that the proposal would not harm the character and appearance of the area, specifically landscape character. In that regard it would not conflict with the combined aims of Policies GC1 and GB30 of the CDLP which support high quality design, and require, among other things that development should relate well to the characteristics of the site on which it is to be located and integrate into its rural setting and so conserve the scenic beauty and amenity of the landscape in the locality of the development. It would also accord with Policy CS20 of the Core Strategy for Chiltern District, adopted November 2011 (CS), which requires new development to be of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.

Other Matters

17. The Council's submissions indicate that, while land nearby, including the site access falls within an Area of Critical Drainage and is at risk of surface water flooding, the dwelling is located in Flood Zone 1 which is at the lowest risk of flooding. As such, subject to a condition to ensure the use of permeable materials in the construction of the access, driveway and parking areas, the Council has not objected to the proposal on the grounds that the development would be at risk of or exacerbate flooding in the area, including by virtue of its proximity to the watercourse. In the absence of any compelling evidence to the contrary, I am not persuaded otherwise.
18. Despite the proximity of the site to Chalfont St Peter, the need to cross Amersham Road and the absence of a dedicated footpath and streetlights, in part, would be likely to discourage journeys to access facilities within the settlement by means other than the private car. The proposal would therefore conflict with the aims of the Framework which seek to actively manage patterns of growth to promote sustainable transport modes. However, the weight to be attributed to the harm in

this regard is limited given the existing use of the land for the keeping of horses, as the number of additional vehicular trips generated by a single dwelling, over and above the current situation, is likely to be very modest, particularly if the property would be occupied by the owners of the horses.

19. Notwithstanding concern expressed regarding the scope of the appellant's Preliminary Ecological Appraisal, the Council has not raised an objection to the scheme in relation to the effects on protected species or biodiversity, subject to planning conditions. In the absence of any clear evidence to the contrary, I am not drawn to reach a different conclusion.
20. Chalfont Park House, a Grade II listed building, lies a short distance from the site. I am required to have special regard to the desirability of preserving the setting of the listed building. The development would be set back from the listed building, with the intervening vegetation and road, so there would be no significant intervisibility. I am therefore content the development would not adversely affect the setting nor the significance of the heritage asset.
21. It is not for me as part of this Section 78 appeal to determine the lawfulness or otherwise of the use of the land for equestrian purposes. Furthermore, the specific circumstances that apply in this case are unlikely to be repeated elsewhere, as such, the weight to be attached to concerns that the appeal proposal would set a precedent for future development is limited.
22. Regarding the site ownership certificate, the planning application included Certificate A, duly signed by the appellant. This indicates that on the 21 days prior to the date of the application, the appellant was the sole owner of the land to which the application/appeal relates. It is suggested by an interested party that part of the site is in a different ownership, and the correct notice has not been served. However, the appellant has confirmed that they are the sole owner of the land.
23. In addition, the Council has confirmed that the necessary publicity of the planning application was carried out, in the form of a site notice and letters to the occupiers of neighbouring properties.

Conditions

24. The conditions set out in the accompanying schedule are based on those suggested by the Council should the appeal be allowed. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the PPG. In addition to the standard condition controlling the timescale within which the development must commence, a condition is required to specify the relevant plans, in the interests of certainty. Conditions requiring details of the finished floor levels, external materials, soft landscaping, an Arboricultural Method Statement and Tree Protection Plan, and the implementation of the bin storage are necessary to ensure the appearance of the development is suitable. A condition to secure the implementation of the parking and manoeuvring space is necessary in the interests of highway safety.
25. In order to conserve and enhance protected and priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended) and in accordance with the Framework, conditions are necessary to agree a Construction Environmental

Management Plan (CEMP), compliance with the submitted Preliminary Ecological Appraisal, details of mitigation and enhancement measures, Habitat Management and Monitoring Plan (HMMP) and a lighting strategy. The Council's suggested CEMP, HMMP and lighting strategy conditions include a detailed list of requirements of what it would like to see submitted. This is not necessary in order to make the conditions precise or enforceable. I have, therefore, not included the lists and the parties can agree what is necessary to satisfy the conditions in light of the situation and guidance applicable at the time approval is sought.

26. Conditions relating to the protection of trees and the submission of a CEMP and HMMP are required to be pre-commencement as it is fundamental to have these details agreed before development starts on site.
27. In the interests of public safety, a condition is necessary to require the reporting of unexpected contamination. By virtue of the location of the site in an area of water stress, and in accordance with Policies CS4 and CS26 of the CS a condition is necessary to restrict water use. A condition to require the use of permeable materials in the construction of the access, driveway and parking areas is necessary to ensure the development does not exacerbate the risk of flooding.

Conclusion

28. In relation to the main issues, I have found that the proposal would not constitute inappropriate development in the Green Belt and would not give rise to harm to the character and appearance of the area. Furthermore, the implications for the promotion of sustainable transport in this case, would be modest. Consequently, the proposal would not conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.
29. For the reasons given above the appeal should be allowed.

E Worley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan, dwg no. GP/01/23, Block Plan, dwg no. GP/02/23 Rev A, Proposed Plans V02 Edition 29 May 2024 (including proposed elevations, proposed roof plan and proposed floor plans) and Proposed bin store, dwg no. GP/05/24.
- 3) Prior to the commencement of the construction of the dwelling hereby approved, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Such levels shall be shown in relation to a fixed datum point normally

located outside the application site. The development shall be constructed in accordance with the approved details.

- 4) Prior to the commencement of works above slab level, named types and details, of the facing materials and hard surface material to be used for the external construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter in perpetuity.
- 5) The scheme for parking, garaging and manoeuvring of vehicles shown on the approved plans shall be laid out prior to the first occupation of the dwelling hereby permitted. These areas shall be retained for such purposes thereafter in perpetuity.
- 6) Prior to the commencement of the development hereby approved, including demolition, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitats during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.
- 7) Prior to the commencement of the development hereby approved a Habitat Management and Monitoring Plan (HMMP), shall be prepared in accordance with the approved Biodiversity Gain Plan and/or landscape plans showing where the habitats will be. The development shall be undertaken and thereafter maintained in accordance with the approved HMMP.
- 8) Prior to the commencement of development above ground level, an ecological enhancements scheme, to include an integrated bat box and integrated swift box, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter in perpetuity.
- 9) Prior to the installation of any external lighting at the site, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details and retained as such thereafter in perpetuity.
- 10) The development shall be implemented in accordance with the recommendations set out in the Preliminary Ecological Appraisal by arbtech dated 9 January 2025.
- 11) Prior to the commencement of the development hereby approved an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. These documents shall clearly show the trees and hedges to be retained and those to be removed and shall give details of all work within the root protection areas of the retained trees and hedges within and around the site. They shall include details of protection measures for these trees and hedges during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within

the root protection areas of the trees and hedges, including plans and cross-sections where necessary. In particular, they shall give details of precautions to minimise damage to the trees surrounding the proposed house. The work shall then be carried out in accordance with this method statement and tree protection plan.

- 12) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 13) The dwellings hereby approved shall be constructed to meet, as a minimum, the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010.
- 14) No development above damp proof course of the new dwelling shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land and identify those to be retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 15) Prior to the first occupation of the dwelling hereby permitted, the proposed bin store shall be implemented in accordance with the details shown on dwg. no.s GP/04/24 and GP/05/24. The bin store shall be permanently retained and kept available for such purposes thereafter in perpetuity.
- 16) The new access, driveway and parking areas shall be constructed from permeable materials.

******* end of conditions *******