



Appeal Decision

Site visit made on 24 February 2026

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2026

Appeal Ref: APP/X0415/W/25/3372329

118 Chilterns, Chalfont Road, Seer Green, Beaconsfield HP9 2QP

- 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 and Mrs Donovan against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/25/0765/FA.
 - The development proposed is replacement self-build dwelling and garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Mr John Donovan against Buckinghamshire Council – East Area. This application will be the subject of a separate decision.

Preliminary Matters

3. A Lawful Development Certificate (LDC) was granted in 2024 for single storey side and rear extensions, rear dormer window, and detached garage (PL/24/2189/SA). This decision is material in my consideration, and I shall return to it later in my decision.
4. The Council refused the application for two reasons as set out in the decision notice. The second of these reasons related to the lack of adequate survey information to assess the impacts of the proposed development on protected species in the form of common pipistrelle bats.
5. An additional Bat Emergence Survey Report (BESR) is submitted in support of the appeal. The Council has provided its ecologist's comments in relation to the second reason for refusal and the BESR. The ecologist has raised no objection subject to planning conditions following submission of the BESR and the Council has provided no further evidence in defence of the second reason for refusal. The main parties agree that the requirements of the BESR could be adequately dealt with by a condition if the appeal were to be allowed. Based on the evidence before me, I see no reason to disagree with this position. As this is no longer a matter in dispute between the main parties, I have not considered it as a main issue of the appeal.

Main Issues

6. The main issues are:

- Whether the appeal site comprises grey belt land and whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies, including the effect of the proposal on the openness of the Green Belt; 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

7. The appeal site is within the Buckinghamshire Green Belt. Paragraph 143 of the Framework sets out the purposes of the Green Belt which are; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
8. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework establishes that development in the Green Belt is inappropriate, unless it meets a listed exception. Policy GB2 of the Chiltern Local Plan 1997 (including alterations 29 May 2001) consolidated September 2007 and November 2011 (CLP) broadly conforms with national Green Belt policy, allowing the development of new buildings in the Green Belt in certain circumstances.

Replacement of a building

9. Paragraph 154(d), of the Framework, explains that the replacement of a building is not inappropriate development in the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces. The phrase 'materially larger' is not defined by the Framework or CLP. This is therefore ultimately a matter for the decision maker, with much depending on the individual circumstances of the proposal. However, the conclusion on this matter has not been arrived at purely on a mathematical calculation as a single factor as the test is primarily an objective one based on size, as referenced by the Framework.
10. The existing building is modest in size compared with the size of the plot. The proposed replacement dwelling would result in a substantial increase in the gross internal area, footprint, and volume. The figures provided by the Council are not contested by the appellant and indicate that the proposal would be larger than the building it replaces in volume and footprint terms. Taking into consideration the considerable scale increase of the resultant dwelling, the replacement building would be materially larger than the one it replaces and the exemption at paragraph 154(d) of the Framework is not met.

11. The appellant asserts that the replacement dwelling would not be materially larger than that granted under the LDC. However, the baseline for assessment established by the Framework relates to the existing building to be replaced rather than a hypothetical alternative scenario. This matter is considered later.
12. Policy GB7 of the CLP states that the replacement of an existing habitable dwelling will be acceptable in principle providing the new dwelling is not materially larger than that to be demolished after considering any extension that could have been built as "permitted development". However, Paragraph 154 of the Framework is clear that development is inappropriate if the new building is materially larger than the one it replaces. This raises a minor inconsistency between the CLP and the Framework, where paragraph 232 identifies that due weight should be applied to a development plan policy depending on its degree of consistency with the Framework. As such, I have afforded limited weight to the CLP's reference to accounting for Permitted Development additions when considering replacement buildings.

Previously developed land

13. Another exception at paragraph 154(g) of the Framework includes the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt. The definition of PDL in the Framework includes land that has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it. The Council considers that the appeal site is not PDL as the Framework identifies that PDL excludes land in built-up areas such as residential gardens.
14. The appeal site is an existing house within a row of dwellings and opposite a small gated residential development. The site is located outside of the Seer Green settlement boundary, which is separated from the enclave of development, which the appeal site forms part of, by open countryside. The site and its surroundings are not urban in character and represent a small cluster of loosely grouped development in the open countryside. On this basis, I do not consider that the site is in a built-up area and as such the exception to PDL set out above does not therefore apply.
15. The proposal relates to a replacement dwelling on virtually the same position on the site as the existing dwelling. A small area of the rear garden would also be used to accommodate the larger dwelling, garage, and increased driveway. However, apart from the existing dwelling, the site is predominantly grass with a large area of hardstanding to the frontage which is used as a driveway. In this case, only a small proportion of the appeal site has built development on it (namely the dwelling and any associated hardstanding). Nonetheless, even if the whole of the appeal site is classed as PDL, there remains a requirement to consider the impact of development on the openness of the Green Belt.

Openness

16. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and its essential characteristics are therefore its permanence and openness. Considerations of openness have both visual and spatial aspects.

17. I note that the proposed development would provide appropriate space between the development and the side boundaries of the site and that the space to the side adjacent to 116 Chalfont Road (116) would be increased. Two-storey built form exists on the neighbouring site at 116. However, I have already found that the proposed development would be materially larger than the existing dwelling and whilst the large rear garden would be retained, the proposal would introduce a dwelling that would be larger and taller in parts than the existing dwelling. The proposed dwelling would see significant built form with the volume of the existing dwelling subsumed and added to in the form of a larger footprint and volume of development. A larger hardstanding area for the driveway would be provided alongside a detached garage and store located to the front and side of the dwelling.
18. Whilst the existing dwelling is mostly screened from Chalfont Road by a dense hedgerow, the single storey elements of the existing dwelling are visible. However, the larger footprint and volume and the re-positioning of the dwelling would bring the proposal into more prominent views from Chalfont Road. The greater separation to the boundary with 116 would allow some views to the garden beyond. Nonetheless, the development would be prominent in both short and longer distance views, particularly when entering Seer Green along Chalfont Road where the existing development is of limited exposure. Overall, when spatial and visual effects are taken together, the proposed dwelling would convey substantial harm to the openness of the Green Belt.
19. Accordingly, the proposed development would not meet the exception set out in paragraph 154 (g) of the Framework.

Grey Belt

20. Paragraph 155 of the Framework sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where it utilises grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt; where it would meet a demonstrable unmet need; would be in a sustainable location; and (where applicable) meets the 'Golden Rules'. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising PDL and/or any other land that in either case does not contribute to any of the purposes (a), (b) or (d) in paragraph 143.
21. Purpose (a) is to check the unrestricted sprawl of built-up areas; purpose (b) is to prevent neighbouring towns merging into one another; and purpose (d) is to preserve the setting and special character of historic towns. The appeal site is already subject to development in the form of an existing dwelling and is located within an enclave of existing residential development that is not located within or adjacent to a historic town. On this basis, the appeal site does not strongly contribute to Green Belt purposes (a), (b) or (d) and would be classed as 'Grey Belt' land.
22. However, for the proposed development to be considered as not inappropriate within the Green Belt, all the criteria outlined within Paragraph 155 of the Framework are required to be met. Whilst the site would utilise 'Grey Belt' land and would relate to the provision of housing, the proposal would not increase the housing supply of the area, as the type of development is a replacement dwelling.

23. The appellant has identified that the Council is failing to meet its required five-year housing land supply. The Council is silent on this matter, and no further evidence is before me regarding the Council's current housing land supply. Nonetheless, even if a shortfall in housing land supply exists, the proposed replacement dwelling, whilst relating to the provision of housing, would not contribute to the Council's housing supply. Replacement dwellings are also not driven by an identified need. Consequently, the proposal would fail in the requirement to meet a demonstrable unmet need for the type of development proposed, in conflict with Paragraph 155(b). Therefore, this provision indicates that the proposal should be regarded as inappropriate development.

Summary

24. Consequently, the proposed development does not meet any of the exceptions listed in paragraphs 154 and 155 of the Framework.
25. The development would therefore be inappropriate development within the Green Belt and would result in substantial harm to the openness of the Green Belt.

Other considerations

Fallback

26. The appellant has secured a fallback position in the form of a LDC using permitted development rights to theoretically increase the overall size of the existing dwelling including a detached outbuilding. Whilst this is a material consideration in the assessment of the proposal, for significant weight to be afforded to the fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
27. No evidence is before me that the appellant would not implement the works associated with the LDC if no further consent was forthcoming. As such, the first test is met. With respect to harm effects, the fallback would see significant extensions to the side, rear and roof of the existing dwelling alongside a detached outbuilding to the side. This would result in an increase in footprint and volume when compared to the appeal proposal. However, the fallback would be a different design to the appeal scheme which would, in contrast, not increase the height of the dwelling despite the inclusion of dormer windows in the roof and would consist of largely single storey extensions to the side and rear of the house.
28. The appeal scheme would result in the re-positioning of the dwelling so that it sits parallel with the road frontage but would extend slightly further into the site than the fallback dwelling. The appeal scheme would also be taller in parts and consequently would feature more prominently on Chalfont Road particularly in relation to both short and long-distance views of the site. The detached garage building would be in a more prominent position to the front of the dwelling requiring changes to the position and amount of hardstanding to the front of the dwelling. Whilst some works would be required to areas of hardstanding and garage location under the fallback, those proposed as a result of the appeal would have a greater effect on the openness of the Green Belt.
29. The appeal proposal would be inappropriate development, which, by definition, is harmful to the Green Belt. The fallback dwelling would not be inappropriate development. Therefore, while the appeal proposal would have a reduced footprint

and volume when compared to the fallback, for the reasons outlined, I find that the appeal proposal's effect on openness would be more harmful through the increase in height, scale and mass of the replacement dwelling and the associated hard landscaping. As such, it would be attributed limited weight.

Biodiversity Net Gain

30. The proposed development is subject to the statutory requirement for a 10% increase in biodiversity net gain (BNG). An Ecological Impact Assessment and BNG report has been submitted. Overall, the proposal would achieve a 10.73% gain for habitat units and a 198.81% gain for hedgerow units, thereby achieving the required 10% net gain on site.
31. The Appellant would need to discharge the Biodiversity Gain Plan (BGP) condition, through which the 10% net gain would be secured. The final landscaping design, along with the on-site habitat and hedgerow units, could be set out in the BGP together with a habitat management and monitoring plan.
32. Based on the evidence before me, I am satisfied that the development could achieve the required 10% BNG and that the BGP condition, required by paragraph 13 of Schedule 7A of the TCPA 1990, is capable of being successfully discharged through a combination of on-site and off-site units. However, as this is a statutory requirement, it weighs neither for nor against the proposal.

Other matters

33. Social and economic benefits would also arise during construction. After occupation, environmental benefits would be secured through the use of a carbon-conscious design, a ground source heat pump, an aerobarrier airtightness technology and a mechanical ventilation and heat recovery system. I also acknowledge that the proposed development would be for self-build. Modest weight is attached to this benefit. Overall, these benefits would have modest weight.
34. In relation to the proposal, the appellant has identified that the replacement dwelling has been designed for a disabled family member so that single storey living can be obtained. I must take it that a refusal of permission for the replacement dwelling would reduce their ability to carry out normal day-to-day activities within the home. However, since the appellant has not shown that the dwelling is no larger than necessary and designed for this specific purpose, I only attach moderate weight to the appellant's need for the dwelling as a consideration in favour of a grant of permission.
35. The appellant has drawn my attention to several appeal decisions and determinations by the Council to justify the appeal proposal. Whilst the officer reports and appeal decisions are before me, I do not have the full details in respect of the examples and the context in which the decisions were made and therefore, I am not satisfied that the circumstances in these cases are similar. In any event, I have determined the appeal on its own merits, based on the evidence before me.

Green Belt Balance

36. Paragraphs 153 and 154 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very

special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

37. I have concluded that the appeal scheme would result in substantial harm to the openness of the Green Belt. I have also concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
38. Overall, when taken together and in the context of a replacement dwelling, the benefits of the development referred to above attract only moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.
39. Consequently, the replacement dwelling would be contrary to Policy GB2 and GB7 of the CLP as far as they are consistent with the Framework, which together require, amongst other things, for the Green Belt and its openness to be protected from inappropriate development.

Planning Balance and Conclusion

40. On consideration of the appellant's statement regarding the Council's five year housing land supply position and that the proposal relates to the provision of housing, paragraph 11(d) i) of the Framework indicates that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. Footnote 7 of paragraph 11(d) of the Framework lists designated heritage assets and Green Belt as assets of particular importance.
41. I have found that the proposal would be inappropriate development in the Green Belt and the very special circumstances necessary to justify the development do not exist. This finding provides a strong reason for refusing planning permission. I have also found that whilst a new dwelling would be provided, this would not increase housing supply and therefore attracts very limited weight in favour of the proposal. Therefore, for the avoidance of doubt, paragraph 11 (d) (ii) regarding the presumption in favour of sustainable development is not engaged in this instance.
42. I have had due regard to the Public Sector Equality Duty (PSED) set out under the Equality Act 2010. Dismissing this appeal could reduce the ability of the intended future occupiers of the replacement dwelling to carry out normal day-to-day activities within the home. The substantial harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination advancing equality of opportunity and fostering good relations between persons who share a relevant protected characteristic (which includes disabilities), and persons who do not. Therefore, dismissing this appeal would, based on the evidence before me, be proportionate in this instance when balanced against the well-established and legitimate planning purposes of national and local planning policies.

43. For the above reasons, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Brennan

INSPECTOR