



Appeal Decision

Site visit made on 25 January 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2018

Appeal Ref: APP/X0415/W/17/3183998

Peterley Wood Farm, Peterley Lane, Prestwood, Buckinghamshire HP16 0HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Phillip Prince against the decision of Chiltern District Council.
 - The application Ref CH/2016/1762/OA, dated 23 September 2016, was refused by notice dated 19 April 2017.
 - The development proposed is described as 'demolition of all existing buildings on site and the erection of 6 dwellings'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters of detail reserved for future consideration save for the appearance of the dwellings and the landscaping of the site¹. I have considered the appeal on this basis and taken any reference to landscaping and appearance to be indicative.
3. Amended drawings and further evidence² was submitted by the appellant with his appeal. This additional information is relevant to my considerations and the amendments are minor in scope. As the information was submitted at the outset of the appeal the Council and interested parties have been afforded time to consider it. For these reasons I have accepted the evidence as no party would be prejudiced by me doing so. In response to this it was agreed that the description of development should be altered to refer to six dwellings and, following a short adjournment, I accepted additional written comments from the Council, through its ecological advisor, responding to the updated biodiversity report. These comments were discussed during the hearing.
4. A completed Statement of Common Ground (SOCG) was provided at the hearing and I have had regard to this. Moreover, the appellant also provided a draft planning obligation. The Council had previously seen the draft and were broadly content with its contents subject to some minor changes. It was therefore agreed that the appellant should be afforded time to make the changes, obtain the relevant signatures and complete the obligation. The completed document was submitted to me on the 2 February 2018.

¹ See the Interpretation section of *The Town and Country Planning (Development Management Procedure) (England) Order 2015* for the full definition of each of the five reserved matters

² RammSanderson Report 20/07/17 and revised layout plan 26799 A(01)01 Rev K with corresponding elevations

5. During my site visit I viewed the appeal site from Peterley House and West Peterley Manor following written requests to do so from the occupants. The appellant was not present at the hearing but he was represented by the landowner and his consultants and I was content to proceed on this basis.

Main Issues

6. The main issues in this appeal are:
- Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt and the purposes of including land within it;
 - Whether the proposed development would be in a suitable location with particular reference to policies concerned with housing in rural areas and the accessibility of services and facilities;
 - The effect of the appeal scheme on the character and appearance of the area and whether it would conserve or enhance the Chilterns AONB;
 - The effect on the supply of employment land and biodiversity; and
 - If the proposal would be inappropriate development, 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

Whether the proposal would be inappropriate development in the Green Belt

7. The appeal scheme is for the erection of six houses with associated garages and gardens. They would replace at least three existing residences and a collection of other structures.
8. Policy GB2 of the Local Plan³ (LP) states that new buildings in the Green Belt will be inappropriate development unless they would be one of the listed exceptions specified in the policy. The exceptions identified in Policy GB2 of the LP are not wholly consistent with those set out in Paragraph 89 of the National Planning Policy Framework (the 'Framework'). Nevertheless, the appellant and Council agree that the proposal, as a whole, would not meet any of the exceptions identified in either Policy GB2 of the LP or Paragraph 89 of the Framework. This is a conclusion I also share. Consequently, the appeal scheme would be inappropriate development which is, by definition, harmful to the Green Belt.

The effect of the proposal on the openness of the Green Belt and the purposes of including land within it

9. The appeal site encompasses a number of structures including a large two storey dwelling, two smaller detached dwellings, a large barn and a garage. The appellant has calculated that the overall footprint of the existing built form in the appeal site is 1,354 square metres and the volume 6,431 cubic metres. The Council has not disputed these figures so I am content to rely on them.

³ Chiltern District Local Plan Written Statement Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

10. The overall footprint of the appeal scheme would be smaller at 1,050 square metres. This would be a 20% reduction. However, many of the existing buildings are single storey whereas the proposed dwellings would be arranged over two storeys, save for the detached garages. As such, the overall volume of the proposal relative to the existing built form would not be dissimilar, being 6,426 square metres. This would amount to a reduction of five cubic metres. Again, the Council have not challenged these figures. I accept that this is a maximum figure but there is nothing to suggest the houses would not all be designed to achieve the maximum volume and floor area outlined. Consequently, when applying a purely mathematical assessment, the appeal scheme would reduce the impact on the openness of the Green Belt.
11. However, my considerations must go beyond a mathematical calculation and consider the proposal in a spatial sense. The structures within the appeal site are currently spread out and some are small and single storey. This softens the presence of the built form. The disposition of the buildings in the site also affords it an informal character. The appeal scheme is advanced as an attempt to consolidate the built form but the development would spread across much of the site due to the detached form of the houses and the size of the curtilages. In particular Plots 4, 5 and 6 would be taller and larger than the existing structures in the south western corner of the site and thus more prominent. Plot 3 would be in a previously undeveloped area of the site but this is a reasonable trade off, in terms of overall openness, with the large existing barn.
12. The proposed dwellings would be large detached houses. Each property would have a large garden and the domestic paraphernalia that this would entail, including a physical boundary with the woodland. As such, the group of dwellings would have a notable presence. This would not be aided by the conventional suburban cul-de-sac arrangement, with properties reasonably close to one another and in some cases filling much of the width of their respective plots (Plots 2 and 5 in particular). Consequently, when considered spatially, the appeal scheme would be a more prominent form of development than what currently exists. The overall impact of the appeal scheme, in this respect, would be to reduce the openness of the Green Belt.
13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Green Belt also serves five stated purposes including to assist in safeguarding the countryside from encroachment and to check the sprawl of large built up areas. The appeal scheme would have the appearance of an urban encroachment into the countryside and an outlying pocket of development associated with the incremental expansion of Prestwood.
14. However, the area of land within the appeal site currently containing built form would be reduced if the appeal scheme went ahead. In particular, buildings on the periphery of the site would be demolished and replaced by those towards its centre. Moreover, a 12 metre deep woodland belt would clearly define the northern boundary of the appeal site with the more open countryside beyond. These factors would soften the impact on openness and the sense of urban sprawl and encroachment into the countryside. Nevertheless, and on balance, the appeal scheme overall would result in moderate harm to the openness of the Green Belt and the purposes of including land within it. This would mainly be a consequence of the scale of the individual dwellings, their spread across the site and the suburban layout.

Whether the proposed development would be in an appropriate location

15. Policy CS1 of the Core Strategy for Chiltern District 2011 (CS) sets out the spatial strategy for new development. In order to protect the Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB) it directs new development to existing built up areas not covered by these designations. I have considered the impact on the Green Belt and AONB separately and have found that the proposal would result in harm to both. As such, the appeal scheme would be at odds with, and thus undermine, the plan led approach for the location of development set out in the spatial strategy.
16. The spatial strategy is further developed in Policy CS4 of the CS, which expects all new development to have regard to a list of sustainable development principles aimed, in part, at reducing overall CO2 emissions. The first principle is that development should be in locations which are easily accessible by public transport, walking and cycling to reduce the reliance on a car. This is consistent with Paragraphs 17, 29 and 30 of the Framework.
17. Peterley Lane is a winding rural thoroughfare devoid of pavements and lighting. It is narrow, apparently busy and the speed limit is 40 miles per hour. Thus, it is not a route along which pedestrians should be encouraged to walk regularly in order to access jobs, education and everyday services and facilities in nearby settlements, including the bus stops along the A4128. Cycling may be an option for some and Ms Hall explained at the hearing that she often cycles locally. However, given the nature of the road I share the view of the Local Highway Authority that cyclists would need a reasonable degree of proficiency and confidence and therefore this mode of transport cannot be relied upon as a regular alternative to travel by private motorised transport.
18. There is an unsurfaced public footpath through the adjoining woodland that would provide a pedestrian link with Prestwood. However, even walking along the short section of the road between the site entrance and the footpath would be off putting to some occupants given the nature of Peterley Lane. The same can be said of walking to the nearby farm shop. Moreover, a walk through woodland is not to the taste of everyone due to concerns over safety. Furthermore, the route is very muddy, difficult to pass and quite long. As such, the footpath is unlikely to function as a regular walking route that occupants could follow in order to access services and facilities.
19. Future occupant's would therefore be predisposed to rely on private motorised transport to access services and facilities as walking and cycling would be inconvenient and dangerous. The consequence of this is that the appeal scheme would not meet the first of the sustainability principles referred to through Policy CS4 of the CS as future occupants of the appeal scheme would not have travel choices.
20. The appellant broadly accepts that the site is not well placed to access services and facilities without the use of a car. However, he has suggested that the appeal scheme would result in a net reduction in vehicular trips now that six homes are proposed. Trip data, which has been reviewed by the Highway Authority, supports this proposition⁴.

⁴ I was advised at the hearing that the existing livery would close if the appeal was allowed and this would significantly reduce the use of the paddocks to the north of the appeal site. The trips would only be occasional so they were not included in the number of predicted trips along the site access.

21. The entrance onto Peterley Lane has an awkward left hand turn so a reduction in overall vehicular movements would be beneficial to highway safety, especially as some vehicles would be large, such as horse boxes and HGVs. The reduction in vehicle movements would also result in a net reduction in CO2 emissions. It was suggested that these points would mitigate for the car dependency of future occupants. There is some merit in this argument when considering the overall aims of Policy CS4 of the CS.
22. However, it was put to me that the nature of movements from the appeal site would change, with more trips by pedestrians. I am not entirely convinced by this as it has already been established that walking would be unsafe and inconvenient and therefore residents would be more likely to use a car. This would ordinarily be undesirable given the need to encourage sustainable transport but, in this instance, the appeal scheme would result in an overall reduction in vehicle movements and thus carbon emissions. Furthermore, the development must be located at the appeal site if the potential benefits from its redevelopment are to be realised.
23. Overall, given the specific circumstances of the appeal scheme, I am satisfied that any harm that would arise from a reliance on private motorised transport is capable of being outweighed by an overall reduction in vehicle movements. Thus, the overall reduction in vehicle movements is a benefit of the appeal scheme that justifies a departure from the requirement in Policy CS4 to locate new development in accessible locations.

The effect on the character and appearance of the area and the AONB

24. Peterley Wood wraps around the southern and western boundaries of the appeal site and, when viewed alongside surrounding fields and paddocks, affords the area an attractive rural character. Views into the site are possible from numerous points along the public footpath within the wood.
25. The site is not viewed in the context of the development along the A4128 but it adjoins a small enclave of historic buildings focussed on Peterley Manor. In addition to the subdivided manor, the group includes a lodge house, what I understand to be a former gardener's cottage and converted stables. The complex has an organic layout and the properties vary in size and form. Nevertheless, the group is appreciated as a coherent whole given its historic style, the use of a local pallet of materials and the generously landscaped grounds, which binds the collection of buildings together. Additionally, driveways and parking areas have been subtly integrated into the overall layout. As such, the Peterley Manor complex does not detract from the rural character of the area.
26. The largest dwelling within the appeal site is a reasonably modern chalet style detached property. It does not reflect the wider architectural context of the Chilterns but the dark roof and landscaped frontage limit its visual impact. The appeal site also encompasses an ad hoc collection of buildings of no particular architectural merit and of little cohesion. The large barn and stables are insensitively sited being in very close proximity to the wood. There is also a large flood lit ménage in the centre of the site and a proliferation of hardstanding's, informal parking areas and fencing. There is not a clearly defined boundary between the more built up part of the appeal site and the paddocks to the immediate north.

27. Overall, the site does not make a positive contribution to the character and appearance of the area and therefore the sensitive redevelopment of the appeal site presents an opportunity to remedy this. I accept that the redevelopment of a site is not generally justified by a lack of maintenance. However, this is not the case in this instance as the site is reasonably tidy, but the ad hoc distribution of poor quality structures within it, alongside the proliferation of other built clutter, detracts from the rural character of the area.
28. Nevertheless, the scheme as presented would have a conventional and unimaginative cul-de-sac layout designed with large detached houses set behind extensive driveways which would in turn provide access to large garages. This car dominated suburban layout would jar with the rural character of the area and fail to integrate with the Peterley Manor complex. Thus, the layout would not sufficiently reflect local distinctiveness. Instead, the development would appear as a discordant suburban intrusion into the area when viewed from local vantage points, which includes the adjoining wood.
29. The site could be extensively landscaped and individual houses could be designed to reflect the building traditions and pallet of materials found in the Chilterns. However, 'appearance' and 'landscaping' are reserved matters so there is some uncertainty over these aspects of the design. Notwithstanding this, landscaping cannot be relied upon to hide development exhibiting an insensitive scale and layout, as it may be altered or fail in the future. The houses could reflect the rural vernacular but the scheme as a whole would jar with, and be undone by, the suburban layout and the modern scale of the properties, which would include integral garages and extensive driveways. In this respect, the appeal scheme would exhibit 'suburbanising' design features which the Chilterns Building Design Guide seeks to prevent.
30. Concerns have been raised that the appeal scheme would encroach behind a notional building line taken from the rear of Peterley Manor. However, I share the appellant's view that a natural boundary could be created in line with the brick garden wall behind Peterley Manor. As such, this is not a point weighing against the proposal. Moreover, the visual impact of the proposal would be reasonably localised and has to be seen in the context of the existing structures at the appeal site. These factors would reduce the overall harm to the character and appearance of the area to a moderate level.
31. The appeal site does not exhibit any of the special qualities justifying the AONB designation but it is within the setting of Peterley Wood, an important landscape feature in the AONB. As already stated, the appeal site is reasonably prominent in views from the wood, particularly the development along the southern and western boundaries, which is imposing and detracts from the tranquillity and visual quality of the woodland. Removing this development, comprehensively landscaping the site and designing the properties to reflect the vernacular of the area could enhance the AONB if the scale and layout of the houses was sensitively treated.
32. However, Plots 4, 5 and 6 would be large and unduly prominent in views from the wood and would present their rear elevations towards this vantage point. The layout would also have a suburban character. Moreover, in order to protect wildlife in the wood, these plots would have to be separated from it by a boundary feature that would probably have to be a tall solid fence. This would be a prominent and discordant means of delineating the edge of the woodland.

33. As such, the appeal scheme would result in some undesirable visual intrusion upon the woodland and thus harm its tranquillity and setting. This impact would be greater than the existing situation as the existing buildings, in form and materials, exhibit a rural character. Thus, the appeal scheme would result in some moderate harm to the AONB. More particularly, the setting of, and views from, Peterley Wood.
34. The proposal would therefore moderately harm the character and appearance of the area and the Chilterns AONB, which it would fail to conserve or enhance. It would therefore be at odds with Policies GC1 and LSQ1 of the LP and Policies CS20 and CS22 of the CS, which seek to secure development, which responds positively to the scale and layout of the area and conserve or enhance the landscape of the AONB. These policies are broadly consistent with Paragraphs 17, 58 and 115 of the Framework.

The effect on the supply of employment land

35. The appeal site incorporates a mix of uses including livery, office space and the small scale storage of business records. Building materials and agricultural machinery are stored in the large barn. Policy CS16 of the CS seeks to retain a portfolio of employment sites and premises in the district. The construction of new business premise in the Green Belt will often constitute inappropriate development and therefore Policy GB22A seeks to retain existing premises in the Green Belt that are in use for business, general industrial or storage and distribution.
36. Policy GB22A does not identify the circumstances when an employment use could be lost to a non-employment use and therefore Policy GB22A lacks the flexibility advocated in Paragraph 22 of the Framework. However, the Council explained at the hearing that if evidence could be submitted, such as marketing, that demonstrates there is no demand for the employment site then this, as a material consideration, could outweigh the requirements of Policy GB22A.
37. When asked at the hearing the Council were unable to direct me to any document that outlines how a site should be marketed. Nevertheless, the applicant has not undertaken any marketing as evidence to suggest the site is unattractive to the market. In any event, the premises are occupied. Instead, the argument is advanced that the loss of the employment uses can be justified because they are 'non-conforming' uses in the Green Belt. However, Policy GB22A specifically seeks to retain such employment uses in the Green Belt and therefore the appellant's argument is not a strong one.
38. There would be some benefits from demolishing the large barn and the triple garage as these are located close to the adjoining woodland. Their removal would facilitate the provision of a buffer between the woodland and the main body of the appeal site. The buildings are also unattractive and consequently their removal has the potential to improve the character and appearance of the area.
39. The livery business could be located elsewhere in the countryside as it is generally considered a conforming use. The other employment uses are low key and support perhaps two jobs. Their loss would not significantly impact upon the local supply of jobs and employment land and I have not been presented with evidence to suggest there is currently a shortage that the loss

would compound. As such, the benefits advanced by the applicant have the potential to outweigh the limited harm that would arise from the loss of an employment premises and the subsequent conflict with the development plan.

The effect on biodiversity

40. Peterley Wood is an Ancient Semi Natural Woodland that is a Biological Notification Site. To this end the appellant has provided biodiversity surveys and reports that consider the potential effects of the appeal scheme. The most recent dates to July 2017 and was prepared after the Council determined the planning application. The Council's ecologist has reviewed the most recent report and the amendments to the layout. Following this review, the Council confirmed at the hearing that it has removed its objections in respect of the protected species surveys, albeit with some reservations.
41. The Council nevertheless maintains an overall objection regarding the impact of the appeal scheme on biodiversity. This is because there is a lack of clarity regarding the overall use of the site relative to the existing use. In particular, the Council considers the residential population of the site would increase and this would, in turn, result in greater disturbance and the likelihood of predation from pets.
42. To combat this risk the appellant intends to erect a physical boundary between the gardens of Plots 4, 5 and 6 and the woodland. The fence would be set 15 metres in from the edge of the wood and this would create a buffer. The buffer would be landscaped to enhance wildlife and this area would be placed into a management company. The fence could be designed to prevent children entering the woodland from the gardens of these properties. It could also prevent dogs entering the wood but it would be more difficult to prevent cats. However, there would only be a net gain of three dwellings so the potential for the domestic cat population to increase would not be great. Future residents could also be given information about the biological value of the wood and the potential impacts they could have upon it. This may alter their behaviours and choices, such as whether to have pets.
43. The Council's ecologist confirmed in her additional written submissions that the proposal would result in a net gain for biodiversity within the development area and the wider site. I agree, as there would be extensive new planting and detractors such as the lit ménage would be removed. The ecologist wished to see a quantified impact assessment but when asked she was unable to explain what this would involve or direct me to any recognised methodology.
44. The proposal would result in a net gain to biodiversity within the site and the risk to wildlife within the wood could be significantly reduced through the erection of a fence. I have reservations about the visual impact of the fence but when considering the impact on biodiversity in isolation I am satisfied that the evidence before me, that includes the RammSanderson report, indicates that the proposal overall, would not result in harm to biodiversity.
45. In fact, due to the extensive planting and the potential for enhancements such as bird and bat boxes there would be a net benefit. The buffer and fence would provide some mitigation from indirect impacts such as disturbance and predation. However, as mitigation this is a neutral matter rather than a benefit. Overall, I find no conflict with Policy CS24 of the CS or Policy NC1 of the LP, which are broadly consistent with Paragraph 118 of the Framework.

Other Considerations

46. The Council cannot currently demonstrate an adequate housing land supply as required to by the Framework. As such, the Council's policies for the supply of housing are out of date and Paragraph 14 of the Framework is engaged. This indicates that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
47. Paragraphs 87 and 88 of the Framework set out a policy of restriction by stating that inappropriate development in the Green Belt should not be approved except in very special circumstances and very special circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellant has advanced a number of considerations that he considers would satisfy this test.
48. He has suggested that a holistic redevelopment of the appeal site along the lines proposed would improve the openness of the Green Belt. Whilst this would be true mathematically it would not be the case spatially. The effect on the openness of the Green Belt is a matter weighing against the appeal scheme. In fact, I share the view of the Council that the appellant should be aiming for a demonstrable reduction in the volume of built form on the site if the effect on openness is to be considered a notable benefit.
49. The appellant has also suggested that there would be a benefit to the character and appearance of the area, including that of the AONB, from the site's redevelopment. There is the potential for this if the redevelopment was of a sensitive scale, layout and design. However, the proposal would not achieve this for the reasons already given and consequently this is not a matter weighing in favour of the proposal either. Instead, the proposal would be at odds with the overall spatial strategy in the district set out in Policy CS1.
50. The appeal scheme would result in a moderate overall reduction in vehicle movements and notable improvements to biodiversity within the appeal site. These are moderate benefits. In order to adhere to Policy CS8 of the CS it is necessary for the appellant to make a financial contribution towards the provision of affordable housing. A planning obligation has been submitted to this end. It is unclear where the contribution would be spent, what it would deliver and how quickly. Thus, it is a modest benefit. The dwellings have the potential to be constructed in a way that would improve upon the environmental performance of the existing structures, incorporates sustainable drainage systems and deliver access in accordance with 'Lifetime Homes'. Nothing particularly innovative is being proposed and the some aspects have merely been advanced for consideration rather than being firm proposals. Consequently this is a modest benefit.
51. At 2.97 years, the housing land supply is significantly below where it is required to be and therefore the provision of new homes is a benefit. The appellant had originally suggested that there were five dwellings at the appeal site but the Council considers that are three. The appellant appears to have accepted the Council's assessment as the planning obligation offers £75,000, which is equal to an increase of three homes. There is also a general lack of

substantive evidence to support the appellant's proposition⁵. As such, the proposal would deliver three additional units and this is a point of moderate weight in favour of the proposal. Nevertheless, guidance in the PPG⁶ states that unmet housing needs are unlikely to outweigh the harm to the Green Belt and constitute very special circumstances. Consequently, this is not a determinative benefit.

52. The appellant has suggested the proposal would improve the living conditions of the existing residents in the Peterley Manor complex as it would reduce vehicle movements, particularly HGVs, and improve the visual amenity of the site. The proposal would not improve the visual amenity of the area but there may be a slight improvements derived from a reduction in HGV movements. However, I have seen nothing of substance to suggest this improvement would arise from a point where there is currently harm. As such, it is a matter of very limited weight in a favour of the appeal scheme.

Whether there are Very Special Circumstances

53. As already established, Policy GB2 of the LP, and Paragraph 87 of the Framework, set out the general presumption against inappropriate development within the Green Belt. The Framework states 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.
54. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. The proposal would also result in moderate harm to the openness of the Green Belt and would undermine the purposes for including land within it. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt. The proposal would result in moderate harm to the character and appearance of the area and limited harm to the AONB, great weight is to be given to conserving the AONB. These impacts result in a conflict with the development plan.
55. The other considerations I have already discussed are notable factors in favour of the development but they would not clearly outweigh the totality of the harm I have identified. Looking at the case as a whole, the very special circumstances necessary to justify the development do not exist. Accordingly, both Policy GB2 of the LP, and Paragraph 88 of the Framework, state that the development should not be approved.

Conclusion

56. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Graham Chamberlain
INSPECTOR

⁵ Reference was made to Council Tax records, but Council Tax is also payable by the occupants of domestic annexes, and this is what the Council suggests the additional units are.

⁶ Planning Practice Guide ID 3-034-2014006

APPEARANCES

FOR THE APPELLANT

Doug Moulton
Jim Lomas
Rosemary Hall

DLP Planning
DLP Planning
Landowner and Local Resident

FOR THE LOCAL PLANNING AUTHORITY

Mrs Margaret Smith
Mrs Miriam Baines
Mrs Claire Hemmings
Alicia Wallis

Chiltern District Council
Buckinghamshire County Council
Buckinghamshire County Council
Buckinghamshire County Council

INTERESTED PARTIES

Sophie Mathews
Angela Andrews
Cllr Don Phillips
Nigel Le Heap

Walsingham Planning
Local Resident
District Councillor
Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Written comments from Mrs Miriam Baines
2. Draft planning obligation submitted by the appellant
3. Statement of Common Ground



Appeal Decision

Site visit made on 2 January 2018

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2018

Appeal Ref: APP/X0415/W/17/3187080

20 Wheatley Way, Chalfont St Peter, SL9 0JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Langridge against the decision of Chiltern District Council.
 - The application Ref CH/2017/1113/FA, dated 14 June 2017, was refused by notice dated 17 August 2017.
 - The development proposed is described on the application form as "Construction of one detached house together with one block of two apartments to rear of No. 20 Wheatley Way, Chalfont St Peter, with new access road and associated works, and replacement dwelling to front of plot".
-

Decision

1. The appeal is dismissed.

Main issue

2. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Wheatley Road forms part of a post-war estate containing 2-storey detached houses and bungalows set on wide spacious plots. Although there is some variation in property design, the area's architectural character is unified by a consistent use of plain-tile hipped roofs, front projecting gables and chimneys. The road is also strongly characterised by properties fronting onto the highway, consistent building lines, extensive soft-landscaping, open plan front gardens, and generous rear gardens in a back-to-back perimeter block formation.
4. The appeal site slopes down in a southerly direction and contains a 2-storey detached house that fronts onto the road. Owing to its position on the outside of a bend, it has a significantly larger rear garden than most other properties on the road, which is mainly laid to grass and enclosed by fencing, mature trees, hedges and shrubs.

Character and appearance

5. The construction of an access road with turning head would result in a large opening in the existing built frontage and fully expose the new housing to Wheatley Road, together with an extensive amount of hard-surfacing. This would significantly erode the soft-landscape dominated character of the area and give the appeal site an incongruous hard-edge. It would also be out of character with the

- existing pattern of development, which is typified by housing directly fronting onto adopted roads and spacious rear gardens. The public views of the proposal would intensify this harmful impact.
6. Furthermore, given that Wheatley Road is characterised by detached dwellings set on large spacious plots, I have concerns that if the development was constructed, it would result in a substantial change to the character of the road that may make it difficult for the Council to resist similar proposals. The consequences of this, when taken cumulatively, would be extremely harmful to the spacious suburban character of the area and street scene.
 7. The development would also result in a narrow gap of approximately 1 metre between the new dwelling at the front of the site (referred to as 'T10' on the plans) and its boundary with No 21. Whilst I recognise that this has been led by the need to create sufficient space for the access road, it would nonetheless result in a disproportionately large gap between T10 and No 19, which would be out of character with the prevailing built-up frontage and consistent rhythm of smaller open gaps between dwellings. However, whilst this reinforces my view that the development is incongruous with the character of the area, I recognise that there are other plots on the road where dwellings are positioned more closely together with minimal gaps. In view of this, I would not consider the 1 metre gap in itself to be out of character with the street scene and am therefore satisfied that the scheme would comply with Policy H11 of the Local Plan¹. This would not however outweigh my findings in respect of the character issue discussed above and the scheme's conflict with other development plan policies referred to below.
 8. Whilst the proposed rear gardens would not be comparable to those at Nos 19 and 21 to 25 Wheatley Way, they would nonetheless be similar in size to some of the smaller plots on the road. In view of this, and because they would be in excess of 15 metres, I am satisfied that the size of the rear gardens proposed would be adequate and comply with Policy H12 of the Local Plan. The development would not as a consequence be cramped or too high-density in terms of space available within the site, but it would appear over-developed and out-of-character when assessed against the surrounding context.
 9. The appellant states that the development would make the best and most efficient use of the site in accordance with the Framework² and overarching principle of Paragraphs 2.40 and 2.41 of the Land Availability Assessment Methodology³. However, whilst I agree that this is an important consideration in new development and that the proposal would be more efficient in terms of density, this does not outweigh my findings in respect of the character issue discussed above and its conflict with other development plan policies referred to below.
 10. The appellant also states that the development would comply with the Neighbourhood Plan⁴ and that this should be given greater weight than the Local Plan and Core Strategy⁵ because it was adopted more recently. Whilst I recognise that a key objective of this document is to provide for a range of different house sizes, especially smaller homes (Page 24), it also has an objective for housing to be designed so that it fits in with the character of development in the local vicinity (Page 26). Although the scheme would result in two smaller units of

¹ Chiltern District Local Plan, Written Statement, Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 and November 2011

² National Planning Policy Framework, Communities and Local Government, March 2012

³ Central Buckinghamshire Housing and Economic Land Availability Assessment Methodology, May 2015, Aylesbury Vale District Council, Chiltern District Council and Wycombe District Council

⁴ Chalfont St Peter Neighbourhood Plan 2013-2028

⁵ Core Strategy for Chiltern District, adopted November 2011, Chiltern District Council

accommodation and meet one of the objectives of the Neighbourhood Plan, I have concluded that this would be outweighed by the development's conflict with its housing design objective, which I consider to be consistent with the policies of the Local Plan, the Core Strategy and the Framework.

11. The appellant has drawn my attention to a development of 3 dwellings at Crooks Close⁶ in support of the scheme, but this is not directly comparable to the current proposal in terms of site layout and surrounding context, and in any event, I must consider the appeal scheme on its own merits.
12. The appellant also states that weight should be afforded to Policy CS1 of the Core Strategy, which identifies the village as a main focus for growth, and that this should be considered in the light of development constraints surrounding it such as the Green Belt and Chilterns Area of Outstanding Natural Beauty. However, I have concluded that the need for housing growth in the village does not outweigh my findings in respect of the character issue discussed above and its conflict with other development plan policies referred to below.
13. In view of the above, I have concluded that the development would be harmful to the spacious suburban character of the area and existing pattern of development. The proposal would as a consequence conflict with Policy CS20 of the Core Strategy and Policy GC1 of the Local Plan, which collectively seek, amongst other things, to ensure that new development is of a high quality design that reflects and respects the character of the surrounding area and those features which contribute to its local distinctiveness.

Planning balance

14. Although the appellant states that the development should be considered within the context of the presumption in favour of sustainable development, I have concluded that the proposal does not accord with the development plan and that the relevant policies referred to are not out of date or inconsistent with the Framework. In view of this, the presumption in favour of sustainable development as outlined in Paragraph 14 of the Framework is not engaged in this instance.
15. Paragraphs 56 and 64 of The Framework state that good design is a key aspect of sustainable development and that poorly designed development which fails to take the opportunity to improve the character and quality of an area should be refused. Although the site is located in a sustainable location where the principle of development is acceptable, for the reasons set out above, I conclude that the harm to the spacious suburban character of the area and existing pattern of development would significantly and demonstrably outweigh the social and economic benefits that the scheme would contribute, namely, making an efficient use of land, the provision of 3 additional dwellings and local employment during construction.

Conclusion

16. I have found that the appeal proposal would be harmful to the character and appearance of the area. All representations have been taken into account, but no matters, including the benefits of additional housing and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR

⁶ Council reference 2000/662/CH, granted Planning Permission on 12 June 2000