



Appeal Decision

Site visit made on 9 May 2018

by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2018

Appeal Ref: APP/X0415/W/17/3190313

**Hawkridge Vale Cottages, Hawkridge Vale, Buckinghamshire, Hawridge
HP5 2UG**

- 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 D Roberts against the decision of Chiltern District Council.
 - The application Ref CH/2016/0446/FA, dated 10 March 2016, was refused by notice dated 25 August 2017.
 - The development proposed is the demolition of existing cottages and the construction of a single replacement dwelling to include landscaping works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Planning permission was granted for 2 two-storey extensions to the side of the appeal building in April 2018. A previous planning permission for a similar development had expired just previously to this. This new planning permission has been taken into account in this decision.

Main Issues

3. The site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - The openness of the Green Belt;
 - The character and appearance of the area, having regard to the Chilterns Area of Outstanding Natural Beauty;
 - The setting of listed buildings;
 - Protected Species, with reference to bats; and
 - If the proposal is 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 inappropriate development

4. The National Planning Policy Framework (the Framework) establishes that new buildings are inappropriate unless, they involve the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. Policy GB7 of the Chiltern District Local Plan (LP) 1997 (with alterations 2001) indicates that the rebuilding or replacement of an existing habitable dwelling would be acceptable in principle providing the new dwelling is not materially larger than the dwelling to be demolished. In this policy, account is taken of any 'permitted development' extensions under the Town and Country Planning (General Permitted Development) Order 1995 (now 2017) that could have been built onto the existing dwelling.
5. The planning history indicates two separate dwellings but a certificate of lawfulness was granted for the building's use as a single dwellinghouse. The Council has indicated the proposed dwelling would represent an 11% increase in internal floorspace compared to that of the original dwellings, taking into account 'permitted development' extensions. This has been disputed because planning permission has been recently granted for 2 two storey side extensions to the dwelling in March 2015. Taking this into account, the Appellant indicates that the proposed dwelling would be smaller in floorspace and volume than the existing dwelling with implemented extensions, both through 'permitted development' and the granting of planning permission. However, LP policy GB7 only refers to taking into account 'permitted development' extensions.
6. Crucially, the existing dwelling is approximately 8m in width at two storey level and the proposal would result in an increase in width at two storey level by approximately 5.7m. The proposed dwelling would also be approximately 0.6m higher than the existing dwelling. Therefore, the proposed building would be materially larger than the one it replaces and would not comply with the exception under the Framework or LP policy GB7.
7. Another Framework exception to inappropriate development is stated as limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. LP policy GB2 states that planning permission will be refused for inappropriate development in the Green Belt, but may be given to limited infilling within designated areas. By reason of being materially larger, the proposal would have a greater impact on the openness of the Green Belt and thus this Framework exception would not apply. The proposal would also be contrary to LP policy GB2 because it is not within any of the designated areas.
8. The pre-dating of the LP and its GB policies before the Framework is not a grounds in itself to indicate a lack of consistency. LP policy GB2 does detail infilling as an exception but does not detail the full circumstances of the corresponding exception within the Framework. In terms of LP policy GB7, the Framework does not define "not materially larger" and in the absence of any, the detail provided within LP policy cannot be considered inconsistent. Nevertheless, the LP GB7 policy requirement on new dwellings being no more intrusive in the environment than the one to be replaced does not reflect the Framework exception policy that focusses on size.

9. There have been no other exceptions to inappropriate development brought to my attention and there is no reason to consider any other exceptions relevant. Consequently, the proposed replacement dwelling would represent inappropriate development under the Framework and conflict with LP policies GB2 and GB7. For the reasons indicated, the weight to the policy conflict should be reduced due to partial inconsistency with the Framework and I shall return to this matter in my conclusions at the end of this decision.

Openness of the Green Belt

10. A 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. The existing dwelling would be replaced with a dwelling that is larger in size taking into account the greater extent of first floor accommodation. The effect of this would be an adverse loss of openness of the Green Belt, albeit small in isolation. However, the Framework states that substantial weight should be given to any harm to the Green Belt.

Character and appearance of the area

11. The existing dwelling comprises a modest two storey frontage with a rear two storey addition under a lean-to type of roof. There are further single storey elements to side and rear. The dwelling is constructed with flint and brick, with a frontage containing plank doors and small-pane windows for each former residential unit, and chimneys. This design, construction and articulation of built form results in an attractive rural cottage dwelling of humble character and appearance. Furthermore, it is located within a small group of buildings, some converted from agricultural uses, which are located within a valley. On the sloping sides and floor of this valley, there is woodland, scrub, and fields. As such, there is a distinctive rural and landscape quality to the area.
12. The proposed dwelling would take the form of a two storey rectangular form with roof over which would be dominating by reason of its extensive built frontage width lacking any significant visual articulation or relief. This effect would be emphasised by regularly spaced sash windows and a centrally located entrance door which would give rise to a formal and imposing 'Georgian' frontage style design. Furthermore, the original chimneys of the cottage would be replaced by smaller chimneys giving less architectural interest. Together with the increased size, scale and bulk, this would give rise to an overbearing development out of place within its rural context.
13. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper, to seek to promote or reinforce local distinctiveness which is evident here by reason of the rural context of the site.
14. The Framework states great weight should be given to the conservation of AONBs in relation to their landscape and scenic beauty. The replacement dwelling would be visible from Stoney Lane and Pound Lane, as well as from the surrounding vicinity. Therefore, there would be an adverse impact upon the landscape and scenic beauty of the Chilterns AONB.

15. The dwelling would be constructed with local wood-fired bricks and traditional timber windows, but these aspects of the proposal would not address the fundamental issues of increased size and formal design. For all these reasons, the development would harm the character and appearance of the area, including the landscape and scenic beauty of the Chilterns AONB and would conflict with LP policies GC1 and LSQ1 and Core Strategy for Chiltern District (CS) 2011 policies CS20 and CS22.

Setting of listed buildings

16. The existing dwelling, comprising the cottages, dates from the early nineteenth century. It fronts onto Stoney Lane and beyond this Vale Farm, a eighteenth century farmstead, which comprises a farmhouse with attached outbuilding and boundary wall, a building known as Bancroft with attached range, and Threshers Barn and attached Granary, all grade II listed buildings.
17. The compact layout of the farmstead, with numerous functions and barns in close proximity to one another, is likely to be influenced by growth of model farms in the seventeenth/eighteenth centuries where wealthy landowners sought more efficient farming techniques to maximise revenue from their land. The principal building is the two storey farmhouse constructed of red brick with tile roof which is located beyond lower status ancillary buildings including Bancroft and associated range.
18. In contrast to the farmhouse, the other buildings have limited brick in their construction, timber-framing, flint and weatherboarding. Despite conversion of ancillary buildings to residential uses within the farmstead, their relationship to one another and the farmhouse can still be appreciated from the surrounding area including farmland which would have provided income for the farmstead. For these reasons, the listed farmstead is of considerable value and significance.
19. Given ownership details on a Tithe Map and proximity of chalk pits to the south, there is no evidence that the appeal building, the former cottages, served the farmstead. Nevertheless, Bancroft and associated range buildings lie adjacent to Stoney Lane and back onto the appeal site, the other side of the lane. The farmstead's location within a rural context also provides an important basis to its appreciation and the existing appeal building and the appeal site visually contribute to this. The use of materials, including flint, with some brick, also provides a degree of conformity and visual cohesion with the ancillary listed buildings.
20. The replacement dwelling would be a dominant feature in views along Stoney Lane and from nearby parts of Pound Lane by reason of size, scale, bulk and the 'Georgian' design. It would be on higher land compared to the listed farmstead. For all these reasons, the development would visually overwhelm and challenge the lower scale and simpler designed ancillary listed buildings of the farmstead and the group's hierarchy. By reason of this harm to the setting of Vale Farm and its significance, the proposal would conflict with LP policy LB2 and CS policy CS4.
21. As paragraph 132 of the Framework makes clear, when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special

regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.

22. The harm identified above would be less than substantial and it is necessary in line with paragraph 134 of the Framework that the identified harm is weighed against the public benefits of the proposal. A family-sized dwelling meeting modern day living and energy efficient requirements would be provided. Off-site parking would replace unsightly on-street vehicle parking on Stoney Lane. Nevertheless, such benefits would be small by virtue of the single dwelling scale nature of the proposal. The harm to the listed building's significance would be considerable for the reasons indicated and applying the balance in paragraph 134, I consider that such harm would be of a scale that would outweigh the scheme's benefits.
23. In a past appeal, an Inspector considered 2 two storey extensions to the appeal building and concluded the proposed development would not harm the setting of the listed buildings. However, there are considerable differences between this appeal proposal and that before me in terms of design, notably the two storey frontage. In any case, every proposal must be considered on its own particular planning merits.

Protected Species

24. The Appellant's Bat Inspection Report found the presence of high quality foraging habitats and the presence of a large number of potential access points and roosting features within the appeal building. Along with a couple of bat signs within the building, it was concluded that bats have a least occasionally roosted within it and that further surveys are recommended.
25. Circular 06/2005 states 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, otherwise all relevant material considerations may not have been addressed in making the decision. Based on the Inspection Report and conclusions, the likelihood of protected species being present on the site cannot be ruled out and there is a risk that they could be adversely affected by the proposed development given its nature. Without further survey work and assessment, it is not possible to assess whether mitigation is possible for this scheme by way of a planning condition. In line with the Circular, exceptional circumstances do not therefore exist to allow for a condition requiring further surveys.
26. For all these reasons, there would harm to protected species and biodiversity and would conflict with CS policy CS4 and CS24.

Other considerations

27. Planning permission has been granted for 2 two storey extensions to the sides of the existing appeal building. The proposal would be smaller in floorspace and volume than the existing dwelling with implemented planning permission and 'permitted development' extensions. However, the approved plans show two storey side extensions stepped back from the front of the original buildings which would have lower height roofs. In contrast, the proposal would result in a continuous frontage elevation with no articulation in form of step backs and lower height roof elements, and an imposing 'Georgian' style design. Thus, there are considerable differences between the proposal and the permitted

scheme and the potential fallback position would be better than the appeal proposal in terms of effect on character and appearance, the AONB and the setting of listed buildings.

28. The proposal would result in family accommodation, better parking arrangements and a more energy efficient residence. Such benefits would be small by reason of the single dwelling scale nature of the proposal.

Conclusion

29. The proposal is inappropriate development in the Green Belt which is by definition harmful. Although small in isolation, there is an adverse loss of openness in the Green Belt. The Framework establishes substantial weight should be given to any harm to the Green Belt. There is harm to the character and appearance of the area, including landscape and scenic beauty of the Chilterns AONB and the significance of heritage assets. Only small weight can be given to benefits arising from the provision of modern family accommodation, improved parking and energy efficiency. Therefore, very special circumstances do not exist because the harm to the Green Belt, by reason of inappropriateness, and other harm, is not clearly outweighed by other considerations.
30. In terms of development plan policy, the harm to the Green Belt results in conflict with LP policies GB2 and GB7. The harm to character and appearance, including the AONB, results in conflict with LP policies GC1 and LSQ1 and CS policies CS20 and CS22, whilst the harm to the setting of listed buildings, results in conflict with LP policy LB2 and CS policy CS4. Additionally, the harm to protected species results in conflict with CS policy CS4 and CS24.
31. Reduced weight is given to the conflicts of the proposal with GB policies but the proposal is clearly contrary to the development plan as a whole given other policy conflicts. There are no material considerations of merit in favour of the proposal given the conflict of the proposal with national policy on Green Belts.
32. For the above reasons, having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR