



Appeal Decision

Site visit made on 9 May 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

Appeal Ref: APP/X0415/W/19/3221896

4 Chalfont Park, Chalfont St Peter, Gerrards Cross SL9 0BG

- 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 J Patterson of Stonegate Homes (Chalfont) Ltd against the decision of Chiltern District Council.
 - The application Ref PL/18/3069/FA, dated 14 August 2018, was refused by notice dated 21 December 2018.
 - The development proposed is extension to building to create a fourth storey to provide six additional apartments in connection with the use of the whole of the resultant building as 53 residential units and associated parking, cycle stores and bin stores.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of development in the banner heading above as this more accurately describes the proposal and has been accepted by the appellants on the appeal form.

Main Issues

3. The main issues are:
 - Whether or not the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would preserve the setting of a designated heritage asset;
 - Whether an affordable housing contribution is necessary and whether it can be adequately secured; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The site consists of a modern three-storey office building with parking and soft landscaping. It is part of a group of four similar buildings on a business park. There is a Listed Building, Chalfont Park House sited on adjoining land. Prior approval¹ was given by the Council for the change of use of the building from offices to 47 residential units. The proposal is to construct a fourth storey comprising 6 two-bedroom residential units. A further 11 car parking spaces are proposed as well as a store for 60 bicycles and refuse/recycling along with associated landscaping works.

Whether the proposal is inappropriate development in the Green Belt

5. Policy GB1 of the Chiltern District Council Local Plan (the CDLP), adopted September 1997 (including alterations adopted May 2001), Consolidated September 2007 & November 2011 defines the extent of the Green Belt in Chiltern District. Policy GB2 provides for limited extensions to dwellings and for limited infilling, amongst other things. Policies CS1 and CS2 of the Core Strategy for Chiltern District, November 2011 (the CSP) identify the spatial strategy for the District and amount and distribution of residential development in order to protect the Green Belt. These policies however pre-date the Framework, which provides more detail.
6. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that the construction of new buildings is inappropriate in the Green Belt. One of the few exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The assessment of whether or not a proposal is a disproportionate addition is made on a case-by-case basis, taking account of the specific circumstances of the site and the proposal.
7. The proposal would result in an increase in floor area of 20%. However, notwithstanding that it is set back from the existing roof edge and there is an existing plant room meaning the maximum height of the building would not be increased, the proposal relates to the construction of a fourth storey. The proposal would therefore not be read against the backdrop of the existing building but would be on top of it and across the majority of its length and width. This would significantly increase the bulk, visual perception and volume of the building. This in my view is determinative and the proposal would therefore amount to a disproportionate addition over and above the size of the original building.
8. I appreciate that planning decisions at other sites may have allowed larger extensions, in terms of floor area, However, my assessment is not confined to merely floor area, but rather the totality of the proposal before me and whether it is disproportionate. I therefore do not find the other case cited as comparable in terms of type, being for rear and side extensions, or visual perception, and therefore does not affect my findings in relation to the appeal proposal.

¹ Ref PL/18/2160/PNO

9. I therefore conclude the proposal is inappropriate development that is, by definition, harmful and therefore contrary to national and local policy to protect the Green Belt. This is a matter to which I attach significant weight.

The effect of the proposal on the openness of the Green Belt

10. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development.
11. The proposal relates to the construction of a fourth storey across the majority of the building, as opposed merely infilling. The addition of this bulk would not reduce the impact of the central protrusion, rather it would increase the impact of the entire building which would have a significant effect on reducing openness. Whilst the proposal is set back from the edge of the building, in my view this would not appreciably reduce its visual impact when viewed from ground level.
12. Furthermore, whilst I am not persuaded on the evidence before me that the car parking and soft landscaping alterations diminish openness, the proposal involves the construction of a significant storage building for 60 bicycles as well as for refuse and recycling to serve 53 units. This would be sited forward of the existing building in an open area that currently provides car parking. Whilst it may be sensitively designed, which could be controlled by planning condition, and would prevent bins from potentially being scattered around the site, it would be a significant structure that would further reduce openness in this location.
13. I conclude that this loss of openness is harmful to the Green Belt, contrary to national and local policy to protect it. This is a matter to which I also attach significant weight.

Character and appearance of the area

14. The existing building is quite typical in terms of its modern design, given its origin as an office building, although it has a more unusual plan form. It is therefore not unremarkable in terms of appearance and the largely glazed second-floor reduces the perception of overall scale.
15. Whilst I accept that the proposal would not have an impact in terms of wider views and thus on the landscape character of the area, and so would be sensitively designed in this regard, the proposal would markedly alter the scale and massing of built form at the site as well as the buildings sense of hierarchy. The sizeable proposed storage building would also be sited in a conspicuous location that would be at-odds with the character of the immediate area.
16. Whilst the Framework supports opportunities to use the airspace above existing residential and commercial premises for new homes, I have little evidence that the proposed upward extension would be consistent with the prevailing height and form of neighbouring properties, only that of a comparatively modest protrusion on the appeal building. The proposal would therefore not be in scale with its surroundings.
17. I am however not persuaded that the proposed alterations to car parking and soft landscaping would be harmful as planning conditions could secure suitable,

or indeed improved, replacement planting, including in locations that would not lead to future conflicts with residential occupiers.

18. I however conclude the proposal would be harmful to the character and appearance of the area and so would conflict with Policy GC1 of the CDLP which requires, amongst other things, for development to be in scale with its surroundings. For the same reasons the proposal would fail to accord with the character and appearance aims of the Framework. This is a matter to which I attach moderate weight. I however have not identified a conflict with Policy GC4 of the CDLP as the proposal would not result in the loss of landscape features of the site which are an important part of its character.

Designated heritage asset

19. The adjoining Chalfont Park House was a country house dating from C18 and is a Grade II Listed Building. The site is located within its former historic parkland setting and so is of significance as it retains a direct visual relationship. Other listed structures such as the gateway to the former stable yard and pavilions are situated nearby.
20. In determining this appeal, I have duties to have special regard to preserving the setting of the listed building. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. The Framework advises that any harm which is less than substantial must be weighed against the public benefit of the proposal.
21. I appreciate the proposal is 60m from Chalfont Park House itself, however it would result in a more prominent building. The setting of this designated heritage asset has already been compromised owing to the construction of the business park and so detracts from the experience of the asset within its setting. That being the case, the addition of further built form, given the scale of the proposal, would have a further negative effect on the important visual aspects of its setting. I am therefore not persuaded on the evidence before me that the proposal would sustain or enhance the experience of this designated heritage asset within its setting. In my view it would visually compete and further distract from it, notwithstanding the proposed use of materials and that the maximum height of the building would not be increased.
22. I therefore conclude the proposal would fail to preserve the setting of the designated heritage asset and would conflict with Policy LB2 of the CDLP. This policy, amongst other things, seeks to restrict development in the vicinity of a Listed Building which would adversely affect the setting of that Listed Building. For the same reasons the proposal would conflict with the historic environment aims of the Framework. This is a matter to which I attach moderate weight.
23. In the terms of the Framework, the proposal would result in less than substantial harm to the heritage asset and it must therefore be weighed against any public benefit that would arise from it. However, whilst the proposal would fulfil a social objective, in terms of delivering some additional residential units over that of the prior approval development, I only attribute very minor weight to this increase. This is accordingly not a matter that can be weighed against the harm to the heritage asset that I have identified.

Affordable housing contribution

24. The Council takes the view that the proposal amounts to an extension to the prior approval development and so amounts to 53 residential units in total, as opposed 6 new units in isolation. This is because the appeal proposal is linked with the residential conversion of the remainder of the building. At the time of my site visit works appeared to have recently commenced. The appellant has repeatedly indicated a willingness to meet the Council's requirement for an off-site financial contribution, despite there then being some resistance at the final comments stage with reference to a decision taken by a different Local Planning Authority. However, on the limited evidence before me I am satisfied the development should be regarded as an extension, and so it is necessary.
25. I however only have a template Unilateral Undertaking (UU) before me. Had I been allowing the appeal, I would have gone back to the parties to have secured a signed UU. However, in the absence of this, the financial contribution cannot be secured and so the proposal would be contrary to Policy CS8 of the CS, which requires amongst things, the provision of affordable housing or negotiated financial contributions. For the same reasons the proposal would conflict with the Chiltern District Council Affordable Housing Supplementary Planning Document, February 2012. This is a matter to which I attach limited weight.

Other considerations

26. I appreciate the proposal would maximise the use of a brownfield site, provide additional residential units, and therefore by delivering housing could ease development pressures on other sites, including those in the Green Belt. I am however not persuaded on the evidence before me that the site would otherwise be under-utilised and so attach neutral weight to these matters.
27. It has also been brought to my attention that since my site visit a further prior approval has been given by the Council, to include 2 additional units in the roof space. However, based upon the evidence before me, this does not alter my findings in relation to the main issues and so I attach limited weight to this matter.
28. I only have limited evidence about the Council's 5-year housing land supply before me, however, footnote 6 to paragraph 11 of the Framework makes it clear that the presumption in favour of sustainable development does not apply within land designated as a Green Belt. I therefore attach neutral weight to this matter.
29. There would be some social and economic benefit arising from the proposal, in terms of the additional activity that new residents would bring to the area and local businesses, including the nearby Golf Club. I therefore attach limited weight these matters.

The Green Belt balance

30. I have concluded the proposal is inappropriate development that would conflict with national and local policy to protect the Green Belt. I have also found that it would be harmful to the openness of the Green Belt, the character and appearance of the area and the setting of a designated heritage asset. These are matters which cause significant and moderate harms respectively. An affordable housing contribution has also not been secured.

31. There are no other considerations in favour of the development that clearly outweigh the presumption against inappropriate development in the Green Belt and the substantial weight that the Framework requires to be attached to such harm. The very special circumstances necessary to justify the proposal do not, therefore, exist.

Conclusion

32. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Paul T Hocking

INSPECTOR



Appeal Decision

Site visit made on 9 May 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

Appeal Ref: APP/X0415/W/19/3221908

Bowers Croft, Magpie Lane, Coleshill HP7 0LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Hitchambury Homes Ltd against the decision of Chiltern District Council.
 - The application Ref PL/18/3418/VRC, dated 14 September 2018, was refused by notice dated 23 November 2018.
 - The application sought planning permission for the variation of condition 9 of planning permission CH/2017/0246/FA to allow changes to the fenestration and roofs of the approved new dwellings without complying with a condition attached to planning permission Ref PL/18/2622/VRC, dated 4 September 2018.
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 - The condition in dispute is No 8 which states that: This permission relates to the details shown on the approved plan as listed below: Drawing No.(s): BOWERS CROFT- PLT1 16 2416-2G received on 22 August 2018, BOWERS CROFT - PLT2 16 2416-3H received on 22 August 2018, BOWERS CROFT - SITE 16 2416-1D received on 10 July 2018, 16.2416-1 C received on 26 May 2018, PLAN - LOCATION PLAN received on 8 February 2017, and in accordance with any other conditions imposed by this planning permission.
 - The reason given for the condition is: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.
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Decision

1. The appeal is allowed and planning permission is granted for the variation of condition 9 of planning permission CH/2017/0246/FA to allow changes to the fenestration and roofs of the approved new dwellings at Bowers Croft, Magpie Lane, Coleshill HP7 0LS in accordance with the application Ref PL/18/3418/VRC dated 14 September 2018, without compliance with condition number 8 previously imposed on planning permission Ref PL/18/2622/VRC dated 4 September 2018, but subject to the conditions in the attached schedule.

Procedural Matter

2. The proposal is to amend the previously approved plans in order to provide a single pitched roof dormer in the front elevation of each dwelling. Under the previous planning permission, the roof-space of each dwelling can be used for habitable accommodation which is served by a number of roof lights on the side roof-slopes and a dormer window on each rear roof-slope.

Main Issue

3. The main issue is the effect of the proposed dormer windows on the character and appearance of the area.

Reasons

4. The site is located on the edge of the village of Coleshill. It is situated in a row with four other dwellings and accommodates two detached dwellings that were under construction at the time of my site visit. Coleshill is characterised by a mixture of property types and styles although the settlement has a rural character. Some properties have small dormer windows, although these properties tend to be located towards the centre of the village. However, within this row of properties, Foxmead, also has a front dormer window.
5. The proposed dormer windows would be small and appropriately designed and sited so as to not dominate the external appearance of the roofs or visually jar with other properties. Consequently, they would not appear fussy or represent an urban feature. Their presence on the two properties, given their scale and proportions, would not have a far greater impact on views from the street-scene. The proposed dwellings would not stand out as being at-odds with or otherwise emphasise differences between old and new properties in this row. They accordingly would relate well to the characteristics of the site and so would not erode local character or undermine the rural features of the area. For the same reasons, the proposal would not adversely affect the landscape and scenic beauty of the Within Chilterns Area of Outstanding Natural Beauty.
6. I therefore conclude the proposed dormer windows would not be harmful to the character and appearance of the area, and so would accord with Policies GC1 and H18 of the Chiltern District Council Local Plan (the CDLP), adopted September 1997 (including alterations adopted May 2001), Consolidated September 2007 & November 2011 as well as Policy CS20 of the Core Strategy for Chiltern District, adopted November 2011. These policies, amongst other things, require development to: respect the scale and proportions of the roof and elevation in which the dormer window is to be constructed; relate well to the characteristics of the site; and, be of a high standard of design. For the same reasons the proposal would comply with the aims of The Chilterns Conservation Board Building Design Guide, February 2010, the Chiltern District Council Residential Extensions and Householder Development Supplementary Planning Document, September 2013, and the achieving well-designed places objectives of the National Planning Policy Framework (the Framework).

Other Matters

7. Concern was raised about overlooking but this is not a matter in dispute between the Council and appellant. Given the distance and relationship with neighbouring properties, I am not persuaded to reach a different finding in this respect.
8. The site is within the Green Belt and paragraph 145 of the Framework cites the exceptions to inappropriate development. Having considered the implications of the proposal, I find the appeal scheme would not amount to inappropriate development.

Conditions

9. As the erection of the dwellings has commenced on site there is no further requirement for the standard time limit condition. The conditions I have imposed are those from Planning Permission Ref PL/18/2622/VRC albeit I have omitted references to 'application' in conditions 5 and 6 as this is an appeal permission. I have also substituted the plans for those proposed, in condition 7, and in the interests of certainty.

Conclusion

10. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal should be allowed.

Paul T Hocking

INSPECTOR

Schedule of Conditions

- 1) Prior to the occupation of the dwelling on plot 2, the new means of access shall be sited and laid out in accordance with the approved drawing, and visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
- 2) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose.
- 3) The boundary treatments shown on the approved plans shall be erected/constructed prior to the occupation of the dwellings hereby permitted and thereafter retained in situ.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows or dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the side elevations of the dwellings hereby permitted.
- 5) Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A of Part 1 of Schedule 2 to the said Order shall be erected within the site unless planning permission is first granted by the Local Planning Authority.
- 6) Before the first occupation of the dwellings hereby permitted the two rooflights approved (south flank roof elevation of Plot 1 and north flank roof

elevation of Plot 2) serving the second floor bathrooms and the sides of the first floor rear elevation bay windows shall be fitted with obscured glazing and be fixed shut. These windows shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: Bowers Croft - Location Plan 1:1250; Site Plan 16.2416-1 Rev E; Plot 1 Plans & elevations 16.2416-2 Rev H; Plot 2 - Plans & elevations 16.2416-3 Rev J.



Appeal Decision

Site visit made on 5 June 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 18 June 2019

Appeal Ref: APP/X0415/W/19/3221691

Penn Wood House, Beamond End Lane, Beamond End HP7 0QT

- 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 Derek Hollamby against the decision of Chiltern District Council.
 - The application Ref PL/18/3837/OA, dated 12 October 2018, was refused by notice dated 17 December 2018.
 - The development proposed is described as outline application for the erection of two detached houses, improvement works to unnamed lane and provision of associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.
3. Outline planning permission is sought with all matters reserved. The details submitted with the application include reference to layout. Whilst not formally part of the scheme, I have nevertheless treated these details as a useful guide as to how the site might be developed. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development within the Green Belt, including its effect on the openness of the Green Belt, having regard to the Framework and any relevant development plan policies; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development and Openness

5. Paragraphs 145 and 146 of the Framework set out those categories of development which may be regarded as not inappropriate, subject to certain conditions. The appeal proposal is for residential development. The Framework establishes in paragraph 145 that new buildings within the Green Belt are inappropriate unless, amongst other things, they represent "limited infilling in villages".
6. Policy GB2 of the Adopted Chiltern District Local Plan ¹ (the Local Plan) states that in areas identified in Policies GB4 and GB5 of the Local Plan, limited infill development may be permitted subject to certain criteria. In this regard, Beamond End is not identified as being an area within the District where limited infill may be permitted. Notwithstanding this, Policy GB2 would appear to be more restrictive than the provisions of the Framework insofar as it only permits limited infilling within a closed list of areas. The Framework, however, allows for limited infilling in any village.
7. The terms "infilling" and "limited" are not defined in the Framework. Policy GB5 of the Local Plan provides a definition and guide as to what the Council would consider to be infilling. There appears to be no dispute between the main parties that the proposal would accord with the provisions of this policy with regards to infill.
8. The main area of dispute is whether the area known as Beamond End constitutes a village and therefore whether the appeal proposal would amount to limited infill within a village. In the case of *Julian Wood v SSCLG and Gravesham Borough Council*² it was held that the boundary of a village defined in a local plan may not be determinative for this purpose.
9. The Framework does not provide a definition of what constitutes a "village". Beamond End consists of a loose collection of predominately detached dwellings and includes a garage business. The buildings are arranged in a linear pattern along Beamond End Lane with some further development being located on the unnamed road which passes adjacent to the site.
10. Beamond End does not appear to provide access to any services or facilities, does not appear to contain a church and is separated from the nearest settlement. I acknowledge that there are a number of definitions provided for what would constitute a "village". However, in my view, by reason of the loose collection of buildings and absence of services and facilities normally associated with villages, I conclude that, in terms of the Framework, Beamond End would not constitute a village. Consequently, the exception provided for under paragraph 145(e) of the Framework would not apply to the appeal proposal.
11. Openness is an essential characteristic of the Green Belt. It can be considered as meaning the absence of built, or otherwise urbanising, development. The appeal site is a spacious garden space that is free from any built development. The proposed development of the site for residential purposes, where no buildings exist at present, would inevitably deplete the openness of the Green

¹ Adopted September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

² *Julian Wood v SSCLG and Gravesham Borough Council* [2015] EWCA Civ 195

Belt. Consequently, there would be a degree of harm arising from the loss of openness.

12. In light of the above, the appeal scheme would not amount to infilling within a village and consequently, it would be contrary to the provisions of the Framework and Policy GB2 of the Local Plan.

Other Considerations

13. Paragraph 143 of the Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Consequently, the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. The development would provide some employment during the construction phase and two additional units towards housing supply. The proposal further includes a provision for making improvements to the unnamed lane which passes adjacent to the site and which serves several properties within the area. Furthermore, it is noted that the appeal site is located in the Chilterns Area of Outstanding Natural Beauty (the AONB) and the evidence before me indicates that the proposed development would conserve the landscape and scenic beauty of the AONB. From observations made on my site visit, and in terms of the evidence, I have no reason to disagree with this assessment.
15. These matters are benefits of the development, and cumulatively I attach limited weight to them due to the scale of the development. I, therefore, conclude that these benefits are not sufficient to overcome the harm that would arise through inappropriate development in the Green Belt, particularly bearing in mind the degree of protection afforded to the Green Belt.

Other Matters

16. In the determination of this appeal, I have also considered the details submitted by interested parties. In this instance, however, I have found the proposed scheme is in conflict with the Framework and development plan, and there is no further information put forward by interested parties which outweighs the harm that would be caused by the development.

Conclusion

17. I have found that the appeal proposal would be inappropriate development within the Green Belt. The substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
18. As such, the proposed development conflicts with Policy GB2 of the Local Plan and the relevant parts of the Framework which seeks to prevent inappropriate development in the Green Belt. There are no material planning considerations in this instance which would justify a decision other than in accordance with this Policy in the development plan.

19. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR



Appeal Decision

Site visit made on 9 May 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2019

Appeal Ref: APP/X0415/W/19/3222199

Little Grove, Grove Lane, Ashely Green HP5 3QQ

- 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 Ms Harman against the decision of Chiltern District Council.
 - The application Ref PL/18/4174/FA, dated 31 October 2018, was refused by notice dated 11 January 2019.
 - The development proposed is demolition of existing two storey school house building and flat roofed building and construction of two replacement detached houses and a detached single storey bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site has a complex planning history consisting of certificates of lawful development as well as planning permissions for residential development, although I do not have the full details of these before me. It has however been confirmed in the Council's Written Statement that the reason for refusal relates only to the construction of the proposed bungalow, albeit it is incumbent upon me to consider the totality of the scheme for the purposes of my assessment.
3. It is indicated in the Council's Officer Report that the proposal would generate a requirement for an affordable housing contribution. However, as no further evidence is provided and the Council's Decision Notice does not cite this matter, I have not considered it further.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other

considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development within the Green Belt

5. The site is located along Grove Lane which is rural in character with areas of woodland and agricultural fields interspersed by some residential properties. It is approached via a short un-made track and is currently occupied by two residential buildings, known as The School House, which is single-storey, and The School Hall, which is two-storey. Both are of simple design form. It is proposed to demolish these buildings and construct two detached two-storey houses as well as a bungalow.
6. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that the construction of new buildings is inappropriate in the Green Belt. One of the few exceptions is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The assessment of whether or not a proposal is materially larger is made on a case-by-case basis, taking account of the specific circumstances of the site and the proposal.
7. Policy GB2 of the Chiltern District Council Local Plan (the CDLP), adopted September 1997 (including alterations adopted May 2001), Consolidated September 2007 & November 2011 pre-dates the Framework, but is broadly consistent with the Framework's approach. It will permit the limited extension, alteration or replacement of existing dwellings.
8. The demolition of the two buildings at the site and the erection of the proposal would result in a net reduction in floor area of 70.2 sqm or 9%. In addition, the two-storey dwellings would have ridge heights 740mm lower than the existing two-storey building. I have little further evidence as to the respective size and dimensions of the buildings that are proposed to be demolished.
9. My assessment is however not confined to merely floor area or height, but rather the totality of the proposal before me and its impact, which in my view is determinative. This is particularly apparent when considered in the context of the appeal scheme which proposes to replace two buildings with three and the increased built form that would ensue.
10. The proposed buildings differ in terms of their built form in comparison to those currently at the site. The proposed bungalow has a pitched roof with a number of full-height gabled features, whereas, the existing single-storey building has a flat roof. Two large detached two-storey dwellings with gables and steep pitched roofs, situated in a different location at the site, would replace a single building. This increases the visual perception and volume of the proposal. In my view, the totality of the proposal would significantly increase the quantum of built form at the site. Accordingly, the proposal amounts to buildings that would be materially larger than the ones they would replace.

11. I conclude the proposal is inappropriate development that is, by definition, harmful and therefore contrary to national and local policy to protect the Green Belt. This is a matter to which I attach significant weight.

The effect of the development on the openness of the Green Belt

12. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development.
13. The proposed bungalow would be sited in an open part of the site where there are currently no buildings, albeit it is residential garden land. The introduction of this single-storey building, with a gross floor area of some 295 sqm, would have a significant effect on reducing openness, notwithstanding its location in relation to the existing driveway and the two-storey building that is proposed to be demolished. The impact of the development, and its encroachment, is not in my view mitigated by the height of the proposed bungalow.
14. I conclude that this loss of openness is harmful to the Green Belt, contrary to national and local policy to protect it. This is a matter to which I also attach significant weight.

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

15. The site is situated within a rural landscape. The proposed bungalow, by virtue of its positioning and siting in an undeveloped part of the site, would be visually intrusive. This spread of development would not therefore relate well to the characteristics of the site or respect the pattern or grain of development of the surrounding area. Whilst the overall proposal would result in the reduction in the existing amount of informal hard surfacing at the site, I am not persuaded on the evidence before me that the overall scheme would have a positive impact on the setting of the site or character of the area.
16. Furthermore, the provision of a dwelling in this location would likely lead to the introduction of other items, such as domestic paraphernalia and the parking of vehicles, to a greater extent than presently. This would add to the intrusive context and nature of the proposed bungalow.
17. I conclude that the development is harmful to the character and appearance of the area contrary to Policy GC1 of the CDLP and Policy CS20 of the Core Strategy for Chiltern District, November 2011 (the CSP). These policies, amongst other things, require that development should relate well to the characteristics of the site and respect that of the surrounding area. This is a matter to which I attach moderate weight.

Other considerations

18. I appreciate that the site is unusual, having been used as a school and then for residential purposes. The buildings are of little architectural merit and the proposal presents an opportunity to improve the appearance of the site and redevelop it in order to provide a small number of family homes. However, planning permission has already been granted for the redevelopment of the site and so largely fulfils these objectives and indeed would provide a mix of housing. By concentrating development on the footprints of the existing buildings and areas of hardstanding it has been accepted that neither the Green Belt, character and appearance of the area nor neighbouring occupiers

would be harmed. I have however found that the proposal is harmful and so it would not amount to an improvement over the previously approved schemes. I also have little evidence that there would be a significant reduction in built form at the site. I therefore attach very little weight to these matters.

19. The proposal could be constructed and occupied to be in accordance with sustainable development principles and this could be controlled by planning condition, had I been allowing the appeal. It would follow that it would comply with Policy CS4 of the CSP which seeks to ensure that development is sustainable. However, this could be the case for the schemes that already benefit from planning permission at the site and so attract only neutral weight.
20. The standard of accommodation proposed, in terms of its size, is acceptable, as is the detailed design of the properties. There would be no adverse effects on the living conditions of neighbouring occupiers and no objections have been raised in respect of the amount of parking provision, highway safety, ecology or trees. However, these are all matters that are a requirement of the development plan in order to make a proposal acceptable and so only attract neutral weight.

The Green Belt balance

21. I have concluded the proposal is inappropriate development that would conflict with national and local policy to protect the Green Belt. I have also found that it would be harmful to the openness of the Green Belt and character and appearance of the area, matters which cause significant and moderate harm respectively.
22. There are no other considerations in favour of the development that clearly outweigh the presumption against inappropriate development in the Green Belt and the substantial weight that the Framework requires to be attached to such harm. The very special circumstances necessary to justify the proposal do not, therefore, exist.

Conclusion

23. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Paul T Hocking

INSPECTOR