



Appeal Decision

Site visit made on 19 March 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 May 2019

Appeal Ref: APP/K0425/W/18/3218645

Land adjacent to Tollymore, Askett HP27 9LX

- 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 M Jeffs against the decision of Wycombe District Council.
 - The application Ref 18/06804/FUL, dated 9 July 2018, was refused by notice dated 31 October 2018.
 - The development proposed is the erection of 1 x 5 bed and 2 x 4 bed dwellinghouses including associated access, soft and hard landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time that the Council determined the application the emerging Wycombe District Local Plan was at an early stage. However, during the course of this appeal Proposed Main Modifications have been submitted. This is set out in the Council's statement. I have determined the appeal with reference to the current development plan documents.
3. There is a discrepancy between the site address that the appellant has used on the application form and the address entered on the appeal form. I have used the address from the application form in the heading above as it is more concise and includes a postcode.

Application for costs

4. An application for costs was made by Wycombe District Council against Mr M Jeffs. This application is the subject of a separate decision.

Main Issues

5. The main issues are:
 - (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
 - (b) the effect of the proposal on the openness of the Green Belt,
 - (c) the effect of the proposal on the character and appearance of the Chilterns Area of Outstanding Natural Beauty (AONB),

- (d) the effect of the proposal on flooding, with particular regard to surface water run-off, and
- (e) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

6. Paragraph 145 of the Framework establishes that new buildings within a Green Belt are inappropriate unless, amongst other things, they constitute limited infilling in villages. There is no definition of 'limited infilling' or 'village' within the Framework. Where the Framework is silent it is appropriate for a local plan to provide guidance on how this policy should be applied in a local area.
7. Saved Policy GB2 of the Wycombe District Local Plan to 2011 (as saved, extended and partially replaced) (LP) states that development within the Green Belt will not be permitted unless there are very special circumstances or where it falls under certain types of development. The Policy does not refer to limited infill development, but this is mentioned in the supporting text to the Policy as 'other appropriate development'. However, I find that this Policy is inconsistent with the wording of the Framework in so far as it states that such development must retain the open character of the Green Belt, whereas the Framework does not say that openness must be preserved for limited infilling in villages to not be inappropriate. I therefore attach little weight to this Policy.
8. Although not formally adopted the Proposed Main Modifications to the emerging Wycombe District Local Plan (MMLP) can be given a significant degree of weight as the plan is at an advanced stage in the plan making process. Policy DM42 of the MMLP states that limited infilling is not inappropriate when it would be within the built-up villages identified on the Policies Map, and in accordance with the definition of limited infilling set out in paragraph 6.214. Askett is not classed as a 'built-up village'. Therefore, in determining whether or not the proposal should be considered limited infilling within a village it is appropriate to use the MMLP criteria. On this basis the proposal should be considered inappropriate development within the Green Belt.
9. The appellant refers to the characteristics of the site with regard to whether it could be considered an infill development. However, for the reasons above, it is not necessary for me to consider this further, as the settlement of Askett does not accord with the definition of a village as set out in the MMLP Policy.
10. The appellant refers to decisions where limited infilling in a village was a main issue. One appeal¹ referred to does not appear to be a Green Belt case, so is not particularly comparable to the proposal before me. A second appeal² is a Green Belt case. However, in that case the Council did not have a Policy that gave a more detailed position on limited infilling in villages. This is also the case in *Wood v SoSCLG and Gravesham Borough Council* (2015). As such, these decisions are not relevant to the case before me.

¹ APP/K0425/W/16/3162468

² APP/H1033/W/15/3131988

11. The appellant is of the view that the site is previously developed land owing to its former association with the property to the north, currently known as Tollymore. I have limited evidence before me to clarify that the site was previously part of the curtilage of Tollymore. At my site visit the site had the appearance of a small paddock with no features to suggest that it previously served as domestic curtilage. In any case, the Framework states that the development of previously developed land would only not be inappropriate if it would not have a greater impact on the openness of the Green Belt than the existing development. It is clear that the proposed development would have a greater impact on the openness of the Green Belt than the current undeveloped field. The Framework further states that development in such contexts may not be inappropriate in a Green Belt where it would meet an identified affordable housing need. I have no evidence before me to suggest that this is the case.
12. I therefore conclude that the proposal is inappropriate development within the Green Belt, contrary to Policy DM42 of the MMLP in relation to limited infilling in villages.

Openness of the Green Belt

13. A fundamental aim of Green Belt policy is to keep land permanently open as defined in the Framework. The essential characteristics of Green Belts are their openness and their permanence. The existing plot is an undeveloped paddock. Although separated by a large evergreen hedge along its rear boundary it is directly adjacent to an area of undeveloped paddocks and fields to the west. The proposal consists of one large detached dwelling, two semi-detached dwellings, two detached garage buildings and associated driveways. Although the appellant highlights the developed nature of the surrounding plots and that the proposal would not extend built form beyond the boundaries of the existing settlement, the erection of these buildings would have a significant impact on the openness of this site.

Character and appearance of the AONB

14. The Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs, which carries the highest status of protection. I note the findings of the Inspector in relation to the previous appeal³ in terms of the impact it would have had on the character and appearance of the AONB. The previous scheme was found to have an urbanising effect on the area, resulting from its cul-de-sac form.
15. A reduced number of dwellings is proposed in the case before me, and a bespoke design approach has been adopted, which picks up on characteristics of buildings in the area. The site is not particularly prominent and is within the loosely developed area of the settlement. The three dwellings would broadly sit between and relate to existing dwellings to the north and south, on a plot that slopes slightly away from the level of the lane. However, owing to the scale of the large detached house and the length of the projecting wing of plot 3 the proposal would have a significant impact on the character and appearance of the area. I note that views of the long wing of Plot 3 would be quite prominent from the head of the Lane. Many of the properties in this area, which is away from the core of the settlement, are modest in scale. The proposal would not assimilate well with the modest scale and form of existing buildings. In addition

³ APP/K0425/W/17/3179926

to the large scale of the dwellings the proposed garages and associated parking areas would add to the overall impact arising from the proposal, resulting in harm to the character and appearance of this part of the AONB.

16. Therefore the proposal would harm the character and appearance of the AONB, contrary to Policies G3 and L1 of the LP, Policies CS7, CS17 and CS19 of the Wycombe Development Framework Adopted Core Strategy Development Plan Documents adopted 2008 (DPD) and Policies DM30 and DM35 of the MMLP, which among other things seek to ensure that development proposals are of a high standard of design and will not harm the character or appearance of the AONB.

Flooding

17. The Council is concerned that the proposal was not accompanied by information sufficient to assess whether a sustainable drainage system could be put in place to prevent an increased risk of flooding from surface water as a result of the development. For a site of this size in Flood Zone 1 the Framework does not require a site specific assessment, but paragraph 163 of the Framework does state that local planning authorities should ensure that flood risk is not increased elsewhere as a result of the development. Specialist evidence has not been provided to address this matter. Part 6 of Policy DM39 of the emerging Wycombe District Local Plan (WDLP), for which modifications have not been made, states that all development will be required to incorporate Sustainable Drainage Systems, to ensure that run-off rates at the site boundary of greenfield sites will not be exceeded by the development.
18. Therefore, I cannot be satisfied that the proposal would not result in an increase in surface water run off rates at the site. As such it would not accord with Policy DM39 of the WDLP, Policy CS18 of the DPD and the Framework, which together seek to ensure that surface water does not increase flooding risk.
19. The Council also referred to Policy DM17 of the Adopted Delivery and Site Allocations Plan. However, this Policy appears to only refer to sites in Flood Risk Zones 2 and 3, and is therefore not relevant to this proposal.

Other Considerations

20. The appellant has put forward few other considerations in support of the proposal. He refers to the location of the site and its proximity to services in Monks Risborough and easy access to bus stops. I give this limited weight in the context of the Policy position on limited infilling in villages. There would be a modest enhancement to the openness of the site at the rear by virtue of the removal of the high evergreen hedge along the rear boundary of the site; however, in the context of the erection of significant built form on a site that is currently undeveloped I give this very little weight.

Conclusion

21. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. In addition, I have found that the scheme would also have a significant impact on the openness of the Green Belt, a harmful effect on the character and appearance of the AONB, and does not include sufficient

information to ensure that it would not increase surface water run-off. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

22. The other considerations before me are limited and carry little weight. Consequently, the very special circumstances necessary to justify the development do not exist.

23. For the reasons above I conclude that the appeal should be dismissed.

Andrew Tucker

INSPECTOR