



Appeal Decision

Site visit made on 23 July 2019

by **Tim Wood BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 August 2019

Appeal Ref: APP/X0415/W/19/3229432

Stampwell Farm, Oxford Road, Gerrards Cross HP9 2XD

- 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 Stampwell Farm Limited against the decision of Chiltern District Council.
 - The application Ref CH/2017/1039/FA, dated 26 May 2017, was refused by notice dated 23 November 2018.
 - The development proposed is restoration and extensions/alterations to existing listed farmhouse and listed cart-shed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2); erection of 8 dwellings (comprising 4 two-storey, semi-detached pairs) with associated carports/garages (Use Class C3); erection of single storey church building (Use Class D1) and retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction/creation of visitor coach/car parking areas and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - Whether the proposal is inappropriate development in the Green Belt
 - The effects on the openness of the Green Belt
 - The effects of the proposal on the significance of the Listed Building
 - Whether any aspects of the proposal should be considered as enabling development, and if so, whether it would be satisfactory in this respect
 - The effects of the proposal on landscape character of the area
 - Whether the proposal would give rise to unsustainable journeys
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations; if so, would this amount to the very special circumstances required to justify the proposal.

Preliminary Matter

3. The Council has granted Listed Building Consent for the works to the listed building associated with this proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. Stampwell Farm is located within the Green Belt and is said to comprise around 27 hectares of land that is arable, orchard and woodland. The site contains a group of buildings which includes the Grade II listed Farmhouse and associated structures. The remnants of some fire damaged structures exist. Temporary planning permission has previously been granted for the use of parts of the site as a church and associated community use; this has included the use of a large tented structure as the church. This permission has now lapsed.
5. The National Planning Policy Framework (the Framework) states that great importance is attached to Green Belts and that a fundamental aim is to keep land permanently open. It adds that inappropriate development is, by definition, harmful to the Green Belt. It states that the construction of new buildings within the Green Belt should be regarded as inappropriate unless it is for a specific exception, which are set out in the Framework. The proposal includes the erection of 8 houses and a new church building; these do not fall within any of the stated exceptions and are clearly inappropriate development. In addition, extensions and additions to the group of buildings within the farmstead are included which, taken together form a significant addition to what currently exists.
6. The Framework also states that certain other forms of development are not inappropriate, provided they preserve its openness and do not conflict with the purposes of including land within the Green Belt. The proposal includes a substantial area for car parking. The appellant states that this would appear as open grazing with orchard trees within it and states that the use of 'grasscrete' is intended. In my experience the use of similar materials within car parks does not result in the appellant's desired appearance. Rather, it is the hard material elements which dominate. For this reason and taking account of the appearance when it is in use, I consider it would have a significant effect on openness, notwithstanding that numerous trees are indicated within it.
7. As a result of these factors it is clear to me that, when taken as a whole, the proposal represents inappropriate development within the Green Belt. This is contrary to the provisions of the Framework and Policy GB2 of the Chiltern District Local Plan 1997-Consolidated 2007 and 2011 (the LP).

The effects on the openness of the Green Belt

8. The proposal would bring about significant additional built form to this Green Belt site. The substantial size of the church and the 8 new houses, in particular, would have a harmful effect on the openness of the area. The additional development proposed within the close group of the farmstead would also add to this. Taken with the harmful effects of the proposed car park, I consider that the openness of the Green Belt would be significantly harmed by the proposal and it would prejudice the aim of safeguarding the land from encroachment. Therefore, further conflict with Policy GB2 would arise.

The effects of the proposal on the significance of the Listed Building

9. The Council has granted listed building consent for the relevant works within the wider proposal. It is agreed that the restoration of the farmhouse, barns and associated buildings within the close group would have a beneficial effect on the listed building and would bring about a much needed restoration of this dilapidated group of buildings.
10. The proposed 8 houses would be sited to the south of the main farmstead. Notwithstanding the fact that there would be some degree of visual separation, I consider that the proposed houses would represent a significant intrusion into the relative isolation that the farmstead currently experiences. The houses would be arranged in a linear fashion, would be uniform in their appearance and would have a rather sub-urban appearance. In my view this would significantly detract from the setting of the listed building which currently comprises of a close group of buildings standing within a largely open, agricultural setting.
11. The proposed church would be a significantly sized structure. Whilst I have noted that its height would be similar to some of the existing buildings, I consider that it too would have a significantly negative effect on the setting of the listed building as a result of its form and its intrusion within the open surroundings. There is some suggestion that this would form a second courtyard arrangement to the west of the main group. My view is that this would harmfully confuse and significantly dilute the value of the listed building.
12. The proposed car park would be of a significant size and would sit between the proposed houses and the listed building. Although it would contain some trees, I consider that its use, size and extent would mean that it would have a harmful effect on the open and rural setting that the listed building currently enjoys.
13. Whilst I readily acknowledge that the overall proposal would involve the restoration of the listed building, it would also bring about significant negative effects on its setting and thereby to its significance. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*" The Framework states that great weight should be given to the asset's conservation, irrespective of the level of harm identified. It adds that any harm to significance should require clear and convincing justification. In relation to the level of harm that I have identified, I consider this to be 'less than substantial harm', as I described in the Framework and I attach considerable importance and weight to this in the determination of the appeal. In this respect, I identify conflict with Policies LB1 and LB2 of the LP

Enabling Development

14. The appellant indicates that the proposed housing is necessary to fund the works to the listed building and should be considered as 'enabling development'. In addition, it is stated that the whole vision for the site as a farm-centred religious community should be considered as an inter-dependant proposal and the church element is central to that scheme.

15. The appellant has submitted a detailed account of the value of the buildings and the likely costs involved in the proposal. It identifies that, taking account of the end value of the restored buildings and the significant restoration costs, there would be a 'conservation deficit' which would require money from the enabling development, that is the 8 houses.
16. Historic England provides guidance in relation to enabling development which states that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: a) it will not materially harm the heritage values of the place or its setting, b) it avoids detrimental fragmentation of management of the place, c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose, d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid, e) sufficient subsidy is not available from any other source, f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests, g) the public benefits of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.
17. In relation to criterion a) I consider that the proposal would bring obvious benefits but would also involve harmful development. My view is that some harmful development may be justified if it is concluded that it is the minimum necessary to secure the future of the listed building. Criterion b) is not contested/relevant. In relation to c) and d), there appears to be no reason to doubt that it would be possible for the proposal to secure the long-term future of the site. However, I have concerns that the proposed development does not involve a sympathetic form, in relation to its effects on the setting of the listed buildings. In relation to the appellant's use of the site, the proposal is clearly specifically tailored for these individual needs. Although it is stated that no other parties expressed interests in the site when it was purchased some years ago, no alternative schemes appear to have been considered which may involve less development at the site and which may be necessary solely to resolve problems arising from the inherent needs of the place.
18. In relation to e), the Council appear to accept that funding from other public sources is very unlikely. With regards to f) once again, I fully appreciate the appellant's vision for the site but in relation to the strict assessment of the amount of development necessary to fund the restoration of the listed building, it seems clear that whilst the Council broadly accepts that the 8 houses may provide suitably in this respect, the proposed church and other elements of the development would not meet this criteria. The fact that I have identified harm arising from these other elements of the proposal in relation to the Green Belt and the setting of the listed building, adds weight to this. In relation to g) I consider that the proposal would give rise to harm in relation to the setting of the listed building and to the Green Belt. The proposal would be likely to bring about a better future for the listed building itself and I recognise this as a public benefit, but I consider that it has not been demonstrated that the proposal has been formulated with the inherent needs of the place at its heart and does not minimise harm to the

surrounding area. Therefore, the disbenefits are not decisively outweighed in this case.

19. Therefore, taking these matters together, I find that the proposal does not satisfy the criteria for appropriate enabling development.

Landscape Character

20. Reference is made to the Landscape Character Area within the appeal documents and to its defining characteristics which include dispersed settlements, woodland, open farmland and undulating parkland. Within the appeal site itself, the overriding characteristic is of open farmland, interspersed with wooded boundaries; the close group of the farmstead is subservient to the open area. It has an open, rural and agricultural character. The proposal would involve the built development of houses which would have a sub-urban character, and so significantly at odds with the existing character of the area. The proposed church would further erode the open and rural qualities of the site. In relation to the car park, the appellant states that the trees here would form an orchard and the open areas would have the appearance of open grazing. They indicate that the surfacing would be of 'grasscrete' and state that no effects on openness would result. In my judgement, areas which accommodate parking and where similar surfacing materials are used do not have the appearance of open grazing but it is the hard-surfacing which dominates. Thus, I envisage a significant effect for such a large area of parking which would be made worse when it is in use.
21. Whilst I recognise that the appellant intends to restore the agricultural use of the site, at least partly, I consider that the various elements of the proposal set out above would have a significantly negative effect on the open and rural qualities that it possesses. In this respect the proposal would conflict with Policies GC1, GB2 and GB30 of the LP and Policy CS20 of the Core Strategy.

Sustainable Journeys

22. The site is identified as being remote from public transport facilities and the Council indicates that it is unlikely that people would walk to the site. Having observed the site and its surroundings, I agree. The appellant makes reference to the County Council's Travel Plan Team's response to the proposal. The appellant concludes that any objection can be overcome by a condition requiring a Travel Plan.
23. Firstly, on the face of it I consider that the site is not well located in relation to public transport and that users of the site would place considerable reliance on the private car to gain access to the site. The Travel Plan Team's response appears to me to be made in strict regard to the form and wording of the proposed travel plan and not in relation to the overall proposal. I form this view because consultation responses from the County Council's highways engineers continue to raise objections even in the light of a travel plan and state that the travel plan will not affect their overall assessment of the proposal and the reason for refusal cannot be overcome by that document.
24. In my judgement the proposed use of the site would be highly likely to generate significant numbers of journeys and the opportunities to use forms of transport other than the car are very limited and unattractive. The

proposed travel plan would only have a minimal effect in this respect and would be insufficient to make the proposal acceptable. Therefore, the proposal is contrary to Policy CS4 of the Core Strategy and the provisions of the Framework.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations; if so, would this amount to the very special circumstances required to justify the proposal

25. The appellant indicates that the proposal would provide a significant community facility for religious, recreational and leisure use which would benefit considerable numbers of people. Temporary planning permission was granted by the Council in 2014 (now expired) for a change of use for a place of worship and associated community facilities. Whilst the appellant considers that this should be given great weight in consideration of the appeal, I note that its scope and form was different to the proposal now before me and it does not compel me to necessarily look favourably on the appeal scheme. I have also taken account of the proposed water recycling facilities within the proposal.
26. The appellant indicates that other sites have been considered and provides a 'sequential test'. From my perspective, whilst I appreciate that the current site has been arrived at after some considerable efforts, this does not demonstrate why a Green Belt site is necessarily required for those elements identified as inappropriate. I have also taken account of the wide range of users which the appellant identifies as users of the site.
27. The harm to the Green Belt carries substantial weight. It is my view that the proposed church, the houses and the car park in particular would be harmful by definition and would result in additional harm to openness. There would be additional harm to the character of the rural area and in relation to the travel patterns encouraged by the proposal. I have taken account of all of the matters set out in this decision and referred to by the appellants. However, I consider that the identified harm is not clearly outweighed by the other matters. Therefore, the very special circumstances necessary to allow the appeal do not exist.

Conclusions

28. The proposal would involve development which would affect the significance of a listed building and which would have a harmful effect. This would involve development which could not be considered as enabling development, for the reasons set out. The harm to the Green Belt is both by definition and in relation to its openness. Unsustainable use of the private car would be likely to arise and the proposal would have an unacceptable effect on the local landscape character. Having considered the numerous other matters and benefits as set out by the appellant, I conclude that the harm that would arise is not outweighed by these matters. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR