



Appeal Decision

Site visit made on 3 July 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/X0415/W/25/3360406

Land to the east of Wymers Wood Road, Burnham, Buckinghamshire SL1 8LQ

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Gary Higson against the decision of Buckinghamshire Council - East Area (Chiltern).
- The application Ref is PL/24/2850/FA.
- The development proposed is construction of one detached two storey and single storey, 5-bedroom self-build dwelling house and associated works includes vehicular access, parking, integral garage and landscaping...

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading is taken from the application form but I have removed the reference to the proposal being for full planning permission as that is not an act of development.
3. The appellant has submitted a signed planning obligation in relation to the Burnham Beeches Special Area of Conservation (SAC) with this appeal. The Council has provided comments on the obligation, and I will return to this matter later in my decision.
4. Both of the main parties have referred to an allowed appeal relating to a site on the edge of Burnham¹. I have had regard to that appeal decision where it is relevant to the appeal before me.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposal on the Burnham Beeches SAC; and
 - if the proposed development would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly

¹ Appeal reference APP/N0410/W/21/3273174

outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

6. The appeal site is within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belts are their openness and their permanence.
7. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate development. However, it lists certain forms of development that are not regarded to be inappropriate. This includes limited infilling in villages (Paragraph 154(e)).
8. Policy GB1 of the South Bucks District Local Plan 1999 (LP) reflects the general aims of the Framework in terms of protecting the Green Belt by allowing only certain types of development. This links to Policy GB3 of the LP, which enables limited infilling within Green Belt settlements where it would not detract from the Green Belt's open character. However, Policy GB3 is more prescriptive than the Framework and only limited weight can therefore be ascribed to that policy.
9. Paragraph 155 of the Framework identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states that the development of homes, commercial and other development should not be regarded as inappropriate where all the following apply: (a) the development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to Paragraphs 110 and 115 of the Framework; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework Paragraphs 156 and 157.

Whether limited infilling in village

10. Paragraph 154(e) of the Framework does not specify that a proposal would need to be limited infilling within a defined village. As confirmed by the *Wood judgement*², the boundary of a village defined in a development plan may not be determinative for these purposes. Therefore, when considering whether a site is in a village, the decision maker should have regard to the situation on the ground, as well as any relevant policies.
11. Burnham is a large village that is close to the edge of Slough. The appeal site is located to the north of the village and has residential properties situated around it. The road leading to the site from the contiguous built edge of the village is characterised by an open recreational area to the west and detached dwellings set within large gardens to the east. On the eastern side of the road, there is a significant amount of open vegetated land adjacent to the edge of the village. There is a vehicular access into that land, but it is not apparent from the road

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

whether the access leads to any existing development. That verdant, open piece of land therefore creates a visible break in the development along the road.

12. It was clear to me when travelling from the built edge of the village, which comprises higher density development positioned in regimented layouts, towards the site, where the built form becomes lower density and set out in a looser grain, there is a notable change in character and a more rural feel. This is reinforced by the pavement disappearing not long before the aforementioned break in the built form along the road. When nearing the site, the roadside becomes punctuated on one side by driveways and domestic features like timber fencing. However, those do not occur until one approaches Poyle Lane, which is a significant distance from the built edge of the village and clearly beyond the gap in the built form.
13. The proposal can be regarded as limited infilling as it is for a single dwelling in a gap between existing residential properties. Those properties are part of a cluster on Wymers Wood Road, but they do not constitute a village. Despite the relative closeness to Burnham, the site does not have a strong visual or physical link to the village, and the appeal site has more of a relationship with its rural setting rather than the built-up area of Burnham. As such, it would not be located within a village for the purposes of the Paragraph 154(e) exception.
14. Accordingly, I find that the proposed development would not meet the exception set out in Paragraph 154(e) of the Framework.

Grey Belt

15. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
16. Purpose (a) is 'to check the unrestricted sprawl of large built-up areas'; purpose (b) is 'to prevent neighbouring towns merging into one another'; and purpose (d) is 'to preserve the setting and special character of historic towns'.
17. As the appeal site is located away from large built-up areas, it does not strongly contribute to purpose (a). The site is not within a gap between two towns and therefore does not contribute to preventing towns from merging. It also does not form part of a town's historic setting, and the proposal would not have an adverse impact on the significance of such a town. The site therefore does not strongly contribute to purposes (b) or (d) either. As such, it can be considered to be 'grey belt' land.
18. Given my findings above, the development would make use of 'grey belt' land, in relation to which the exception set out within Paragraph 155 of the Framework is potentially applicable. Whether this is the case requires the proposal to be assessed against and to comply with four further criteria.

Paragraph 155

19. I have already found that the appeal site does not strongly contribute to purposes (a), (b), or (d) in Paragraph 143 of the Framework. As the appeal site is not urban land, Green Belt purpose (e), which seeks to assist in urban regeneration by

encouraging the recycling of derelict and other urban land, is not a determinative matter in the appeal.

20. The site is devoid of development except for fencing and a gate. The lack of built form on the site and its open nature comprising grass, bushes and trees results in it having a rural feel and an openness that are characteristic of the countryside. Although relatively small in size, the presence of the site amongst the large residential properties that surround it contributes positively to the rural character and tranquillity of this area of the countryside. As such, the proposal would result in encroachment of development into the countryside, which conflicts with Green Belt purpose (c).
21. Whilst the proposal would utilise 'grey belt' land, it would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The proposal does not, therefore, meet all of Framework Paragraph 155's required criteria (a), (b), (c) and (d), so fails to meet Paragraph 155 overall.

Finding on inappropriateness

22. For these reasons, I conclude that the proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt.

Effects on the openness of the Green Belt

23. Given that there are currently no buildings on the site, the construction of the proposed development would result in a considerable increase in building volume. The proposal would therefore inevitably reduce the spatial openness of the site.
24. Visually, the site is easily visible from Wymers Wood Road. The proposed development would lead to the introduction of a sizeable building. Furthermore, a large area of hardstanding would be laid down in the site to create a parking and turning area, and a residential access would be formed adjacent to the road. As such, the visual openness of the site would be compromised, and this would cause harm to the openness of the Green Belt.
25. On this basis, the proposal would fail to preserve the openness of the Green Belt.

Burnham Beeches SAC

26. The appeal site lies within the 5.6km Zone of Influence of the Burnham Beeches SAC. This is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the Regulations). The qualifying feature of the SAC is Atlantic acidophilous beech forests, and it is also a rich site for deadwood invertebrates and important epiphytic communities. It is accepted that one of the greatest pressures to the SAC arises from recreational activity. The proposal would increase the local population in the area, which would likely increase recreation use of the SAC.
27. The Council have a Strategic Access Management and Monitoring Strategy (2020) (SAMMS) to address public access to and disturbance of the SAC. The evidence base supporting the SAMMS found that an increase in the number of residential properties within 5.6km of the SAC would require mitigation measures to avoid adverse effects on the integrity of the SAC from the cumulative impacts of development. Consequently, taking a precautionary approach, as required by the Regulations, and when combined with other development within the area, likely

significant effects on the SAC as a result of the proposal cannot be ruled out in the absence of mitigation.

28. The SAMMS is robust and capable of mitigating the likely significant effects of the proposal, subject to a financial contribution being provided towards the SAMMS and the monitoring fees of the Council. The required contributions are £2,023.87 to the SAMMS for each net home. A monitoring fee and legal costs are determined on a case-by-case basis. The appellant's planning obligation provides the necessary financial contribution to overcome the Council's reason for refusal regarding adverse effects on the integrity of the SAC.
29. Whilst I have noted the submission of the planning obligation and have considered its contents, as I have found the scheme unacceptable for another reason, it has not been necessary for me to consider this matter further with regards to an Appropriate Assessment in this instance.

Other considerations

30. The proposal would provide a single dwelling. This would help to address the substantial housing delivery shortfall in the district and boost housing supply as encouraged by the Framework. The proposal would also result in a temporary benefit to the economy during the construction process, and long term economic and social benefits arising from the future occupiers paying into the local economy, using local services and facilities and participating in the local community. The appellant explains that the dwelling would be energy efficient and there would also be biodiversity enhancements resulting from the proposal. In the context of the substantial shortfall in housing land supply, I attach moderate weight to these benefits.
31. The proposal has been put forward as self-build housing. The Framework supports self-build housing on small sites. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. The Housing and Planning Act 2016 added to the above Act a duty to grant planning permission subject to certain exemptions. This provides that authorities must give development permission in respect of enough serviced plots of land to meet the demand for self-build housing in the authority's area arising in each base period.
32. The appellant has asserted that there is no specific planning policy for self-build or custom-build housing in the development plan area, and that the Council are underdelivering on its statutory duties to maintain an adequate supply of those types of housing. The provision of a single self-build dwelling would help the delivery of self-build housing in the district. However, the appellant does not identify an appropriate mechanism for securing the dwellings as a self-build plot. In particular, a signed legal agreement securing the dwelling as self-build housing has not been submitted with the appeal. As such, without an appropriate means to secure the development as self-build, the weight that can be attributed to this matter is limited.
33. The Council has not objected in respect of matters including highway safety, parking, neighbouring living conditions, and biodiversity and flooding impacts. I attribute a neutral weight to each of these matters in the planning balance, since they are a requirement of the development plan and the Framework in any case.

34. I am also mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the site is in the setting of the Grade II listed Elizabeth's Way, which is a 17th Century two storey, timber-framed cottage.
35. The Council did not find any harm to the significance and setting of the listed building. Based on my site visit, where I noted the separation distance between the appeal proposal and the listed building, together with the intervening mature vegetation, I have no reason to disagree with the Council's conclusion. The appeal scheme is sufficiently distant, and screened from, the listed building, so as not to harm its significance. Accordingly, this is a matter that carries neutral weight in the planning balance as an absence of harm does not weigh positively in favour of the proposal.

Green Belt balance and conclusion

36. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
37. The other considerations do not clearly outweigh the substantial weight that I have given to the harm that would be caused to the Green Belt, by reason of inappropriateness, including openness. Consequently, the very special circumstances necessary to justify the development do not exist.
38. The Council accepts it cannot demonstrate a five-year housing land supply. In these circumstances, Paragraph 11(d)(i) of the Framework states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, having regard to footnote 7. This includes land designated as Green Belt.
39. The proposed development would be inappropriate development in the Green Belt, it would harm its openness, and the very special circumstances necessary to justify the development do not exist. As such, the Green Belt policies in the Framework provide a strong reason for refusing the development proposed and Paragraph 11(d)(ii) is not therefore engaged.

Conclusion

40. For the reasons given above, the proposed development would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR