
Appeal Decision

Site visit made on 20 August 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/K0425/W/19/3224336

Former car park, Station Approach, Station Road, Princes Risborough HP27 9DN

- 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 Eric Gadsden of WE Black Limited against the decision of Wycombe District Council.
 - The application Ref 18/05282/FUL, dated 29 January 2018, was refused by notice dated 19 October 2018.
 - The development proposed is the construction of a three storey block of 12 No. flats with associated car parking, refuse storage and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application was determined, the Wycombe District Local Plan (the Local Plan) has been adopted. This has replaced both the Wycombe District Local Plan to 2011 (the WLP), and the Wycombe Development Framework Core Strategy (the CS). The Delivery and Site Allocations Document 2013 (the DSAD) has been largely retained. My decision is therefore based on currently adopted policies.
3. Given the very advanced stage to which the Local Plan had progressed when the appeal was lodged, I am satisfied that both parties have had the opportunity to consider the effects that its adoption would be likely to have.

Main Issues

4. The main issues are the effect of the development on the provision of:
 - affordable housing; and
 - employment land.

Reasons

Background

5. The site is a small car park, which, notwithstanding the site address, remains in use. It was also historically used as such by a factory which stood opposite.
6. At the time the application was determined the site lay at the periphery of a designated Employment Area (the EA). Use of development within the EA was

restricted to Classes B1, B2 and B8 by Policy E3 of the WLP. Notwithstanding Policy E3 however, planning permission had previously been granted for residential development across a large part of the EA. The officer report explains that it had been accepted by the Council that this part of the district no longer functioned as an EA.

7. With adoption of the Local Plan the policy position has formally shifted. Whilst the site no longer falls within an EA, it also lies outside the mixed-use redevelopment area designated across the land opposite under Policy PR16 of the Local Plan. It is not currently subject to any specific designation within the Local Plan.

Affordable housing

8. Policy CS13 of the CS, quoted in the decision notice, has been superseded by Policy DM24 of the Local Plan. Policy DM24 sets out the circumstances within which developments will be required to provide affordable housing, reducing the trigger for provision from 15 dwellings, as set out in Policy CS13, to 10 dwellings. This is consistent with paragraph 64 of the National Planning Policy Framework (the Framework), which states that major developments should provide at least 10% affordable housing.
9. The development would provide 12 flats, none of which would be affordable. Moreover, no appropriate mechanism exists to both require and to secure the provision of affordable housing on the site.
10. According to the supporting text of Policy DM24, the Council's Housing and Economic Development Needs Assessment sets out a need for 3,100 affordable homes during the plan period, or 23.5% of the full objectively assessed housing need. There is therefore a substantial need for affordable housing within the Council area. In this regard the failure of the scheme to provide any affordable housing would cause significant harm.
11. Policy DM24 of the Local Plan also addresses circumstances in which a site demonstrably forms part of potentially larger developable area. This reflects a similar provision formerly set out within Policy CS13 of the CS, and is indeed the concern expressed within the decision notice. As outlined above, the site no longer forms part of a larger EA, and has been excluded from the area designated by Policy PR16 of the Local Plan. Thus, regardless of its particular ownership, and its proximity to the Policy PR16 site, the car park no longer demonstrably forms part of a larger developable area. Indeed, had the Council considered that it did, the site would presumably have been included within the area designated by Policy PR16. Whilst conflict with Policy DM24 of the Local Plan would not therefore arise in this particular regard, the scheme would however remain contrary to Policy DM24 as a whole.
12. For the reasons set out above I conclude that the development would have an unacceptably adverse effect on the provision of affordable housing within the Council area. The failure to make any provision of affordable housing would both conflict with Policy DM24 of the Local Plan, and with relevant provisions of the Framework. Whilst the Council also cited the Planning Obligations Supplementary Planning Document 2013 in its decision notice, this remains to be updated to take account of the Local Plan, and thus its current status is unclear.

Employment land

13. Though the site no longer forms part of an EA, the Council nonetheless indicates that given the site's history it should be considered as a 'scattered employment site'. I take this mean the same as a 'scattered business site' (SBS), which is defined in the supporting text of Policy DM5 of the DSAD, which sets out a range of restrictions.
14. With regard to definition of an SBS, the site clearly meets the criterion that it is not part of an EA. However, it does not currently accommodate a B Class use, or a sui generis use which obviously generates employment.
15. Even having regard to the site's history, it was the factory rather than the car park which provided a B Class use and employment in the past. For this reason, and given that the factory site itself now falls with the area covered by Policy PR16, the car park's history provides little addition reason to consider that it is an SBS. As such Policy DM5 of the DSAD is not applicable.
16. I note reference to the Picts Lane and the Station Area Princes Risborough Non-Statutory Brief for Redevelopment 2007, which covers the whole of the former EA, including the site. However, the policy context has clearly moved on considerably since this document was produced. This document has not therefore altered my view of the merits of the scheme with regard to circumstances as they currently exist.
17. For the reasons outlined above I conclude that the development would cause no unacceptable harm to the provision of employment land. In this regard, the development would not therefore conflict with Policy DM1 of the DSAD which sets out the presumption in favour of sustainable development.

Other Matters

18. At the time the application was determined the Council stated that it did not have a demonstrable 5-year supply of deliverable housing sites. This matter has however been addressed by Council's adoption of the Local Plan. As such the tilted balance set out in paragraph 11 of the Framework does not apply.
19. The development would nonetheless provide 12 flats, helping to generally boost the supply of housing, and would make use of previously developed land which is sustainably located. These benefits would however be outweighed by the harm caused by the scheme's failure to provide affordable housing.

Conclusion

20. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR