



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: 08 October 2019

Appeal Ref: APP/K0425/W/19/3226658

**Land north side of Lane leading to Cholsey Grange, Ibstone Road, Ibstone
Buckinghamshire HP14 3XT**

- 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 C Kelly against the decision of Wycombe District Council.
 - The application Ref 18/07602/FUL, dated 4 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is described as erection 4 x 3-bed, 2-storey, traditional dwellings comprising a terrace of 3 cottage style properties and a single detached dwelling (barn style dwelling).
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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 Delivery and Site Allocations Document 2013 (the DSAD) has been retained, albeit minus Policy DM17, which was cited in the decision notice. My decision is therefore based on currently adopted policies.
3. Given the very advanced stage to which Local Plan had progressed at the time the appeal was lodged, I am satisfied that both parties had the opportunity to consider the effects that its adoption would have on the appeal.
4. Though Policy DM26 of the Local Plan was cited within the decision notice, the Council has confirmed that this policy is not relevant to the appeal scheme. I agree, and have therefore had no further regard to this policy in my reasons below.
5. The address in the banner heading above is that used by the Council as it more accurately describes the site location than that used on the application form.
6. Notwithstanding the site address, it is unclear whether the lane along which the site is located is formally named. However, as it has been variously referred to as 'Cholsey Grange' within the submissions, I have also resolved to refer to the lane as such in my reasons below. Where applicable I have clearly differentiated properties which also bear the name, principal amongst which is Cholsey Grange Farm.

Main Issues

7. The main issues are:

- the effect of the development on flood risk;
- whether the site is a suitable location for residential development with particular regard to its effect on the character and appearance of the area, including the Chilterns Area of Outstanding Natural Beauty (the AONB);
- the effect of the development safe and efficient use of the highways, including site access; and
- the effect of the development on ecology.

Reasons

Flood risk

8. Policy DM39 of the Local Plan requires all development to incorporate sustainable drainage systems (SuDS). Whilst paragraph 165 of the National Planning Policy Framework (the Framework) only addresses provision of SuDS in relation to major development, it does not state that this is the only context within which SuDS should be provided. The Planning Practice Guidance (PPG) furthermore leaves consideration of the appropriateness of SuDS to the discretion of the local planning authority. For these reasons, and taking into account the fact that Policy DM39 has recently passed examination, I am satisfied it sets out an appropriate approach.
9. The site is located in Flood Zone 1 and so is not at risk of river flooding. The site also falls below the size requirement triggering the need for a Flood Risk Assessment set out in footnote 50 Framework, and no indication has been provided that the Environment Agency considers that critical drainage problems affect the site.
10. However, both parties are agreed that the surface geology of the site does not support active drainage. This has been confirmed by a soakage test carried out by the appellant. Though the underlying geology may have better drainage properties, the Lead Local Flood Authority (the LLFA) further notes the possible existence soluble rocks and sinkholes at depth. As such, unless properly managed, increased run-off from the site can be anticipated in the event of development. The extent to which the level of such run-off would be likely to cause flooding, and in what location this might occur, is unclear. It is nonetheless apparent that a localised risk exists.
11. The appellant's submissions suggest possible use of a number of SuDS methods, the most recent proposal being use of bore holes combined with attenuation tanks above the clay layer. Neither I nor the Council have been provided with any technical details, and whilst further reference has been made to a successful bore hole test, the results have not been supplied, and no winter testing has apparently been undertaken. It is furthermore unclear how the proposed tanks would be accommodated and operate alongside any foul drainage infrastructure which may be required on site, given the LLFA indicates the absence of an available public sewer.
12. The PPG states that in considering a development that includes SuDS, the local planning authority will want to be satisfied that the proposed minimum

standards of operation are appropriate, and that there are clear arrangements in place for ongoing maintenance. Maintenance can be addressed by use of a condition, however, where the evidence indicates provision of SuDS may be challenging, it is reasonable to require information addressing the practicality of providing and operating a system in advance of any permission. With further regard to the drainage hierarchy set out in the PPG, the apparent lack of alternative options on site, other than infiltration, increases the importance of such information. In its absence, certainty that the development would not result in localised surface water flooding is lacking.

13. The LLFA suggests use of captured rainwater within the dwellings, which would presumably remove or reduce reliance on infiltration for disposal. Though the appellant has also made reference to 'recycling tanks', the use of rainwater within the dwellings has not been specifically proposed. Moreover, without any clear indication of the necessity of such a system, or of what effect its provision would have on the deliverability of the development, imposition of a condition requiring its use would be unreasonable.
14. I note the appellant's reference to paragraph 183 of the Framework. This however this relates to processes and emissions in relation to uses generating pollution. Paragraph 183 is not therefore relevant. Paragraph 163 of the Framework however generally states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. In this regard, no certainty exists.
15. For the reasons outlined above I conclude that it has not been demonstrated that the development would properly manage surface water drainage. This would result in the potential risk of localised flooding. As such the proposal conflicts with Policy DM39 of the Local Plan which requires all development to incorporate sustainable drainage systems; Policy CP12 of the Local Plan, which further supports this objective; and relevant provisions within the Framework.

Character and appearance

16. At the time the application was determined, Policy C10 of the WLP set out a range of criteria restricting development in the countryside. This has been replaced by Policy DM44 of the Local Plan, which differs, excluding allowance for 'infilling within villages, hamlets and identifiable ribbons of development', referenced within the decision notice. The development would not meet any of the exceptions now set out in Policy DM44.
17. The supporting text of Policy DM44 explains that its principal purpose is to restrict scope for development which is not sustainably located. As such it supports the Council's settlement strategy. The text nonetheless acknowledges that development in the countryside can positively contribute to the vitality and sustainability of rural communities. This reflects advice in paragraph 78 of the Framework, which states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
18. In this regard, and notwithstanding the likelihood that future occupants will be reliant on use of private vehicles, the Council accepts that development could provide beneficial support to limited local and public transport services in Ibstone. Though interested parties dispute this, I see no reason to disagree with the Council. In this context, the Council's particular, and overriding

- concern is that the location is inappropriate with regard to the character and appearance of the area, including the AONB.
19. Existing development in Ibstone is predominantly laid out with its frontage on Ibstone Road. Most plots directly adjoin. This provides the layout with a strongly linear character, within which development provides a generally continuous, albeit spacious frontage. Cholsey Grange runs roughly perpendicular to Ibstone Road, and appears to be a historic access to Cholsey Grange Farm. Though not a historic 'street', 2 dwellings have nonetheless been constructed midway along it. An extension to Cholsey Cottage, which stands at the junction with Ibstone Road, also effectively turns the corner, and additionally provides a long secondary frontage facing Cholsey Grange. Whatever its particular origin, development therefore has an established frontage presence along Cholsey Grange, and this is appreciable from the junction with Ibstone Road.
 20. The development would in effect fill the existing gap between Cholsey Cottage, and the existing dwelling to the northeast, consolidating the existing frontage. The closest spatial and visual relationship would be formed with Cholsey Cottage. The proposed plot sizes would be smaller than is typical in the surrounding area, but the proposed building forms, and their density across the frontage would nonetheless be consistent with that of existing development seen along some adjacent parts of Ibstone Road. Both viewed from the junction, and from within Cholsey Grange itself, the scheme would appear well related to existing development to either side, and would directly reflect and integrate with the layout of development along Ibstone Road.
 21. The development would involve loss of part of a field and some sections of hedgerow. However, as the part of the field in question is well contained between plots belonging to existing dwellings, it makes very little visual contribution to the openness of the surrounding rural landscape. For the same reason, and given the development would be well related to existing development, it would neither be perceived as an encroachment into the landscape, nor as harmful urbanisation in this context. The extent of hard landscaping across the frontage would not itself appear to be atypical of existing development, including at adjacent Cholsey Cottage, and loss of the hedge would be mitigated by substantial additional planting. I am satisfied that sufficient space would be available within the site for such planting, and that this would help to further harmonise the development with adjacent plots.
 22. The site is located within the AONB, therefore I have had regard to the statutory purposes of the AONB's designation, most particularly to conserve and enhance the natural beauty of the area. In that regard paragraph 172 of the Framework, states that great weight should be given to conserving and enhancing landscape and scenic beauty within ANOBs. In this case, very limited views of the development would be possible from within the surrounding landscape. Though it would be partially visible from footpaths located towards both the north and the south-east, in each case the view would be obscured by vegetation and changes in ground level. The development would also be viewed firmly within the context of existing development along Cholsey Grange. For these reasons, and given additional scope for boundary landscaping, the development would cause no obvious harm the landscape or scenic beauty of the AONB, or therefore conflict with objectives set out in the Chilterns AONB Management Plan 2019-2024.

23. I note appeal APP/K0425/W/19/3222794 (the Bracken Cottage appeal) which relates to a site also located within Ibstone. The current appeal scheme differs insofar as it does not involve development that would be separately located to the rear of an existing frontage, but would fill a gap in an existing frontage. The Bracken Cottage appeal does not therefore alter my view of the merits of the current case.
24. Exercising my duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended, I conclude that whilst the development would conflict with Policy DM44 of the Local Plan, which restricts development in the countryside, it would not harm the character or appearance of the area, including the AONB. Having regard to the development plan as a whole, the scheme would therefore comply with Policy CP10 and DM30 of the Local Plan which each seek to preserve, enhance and protect the AONB; Policy CP9 which requires development to achieve a high quality of design; and Policy DM35 which requires development to improve the character of the area and the way it functions. It would additionally help to support local and public transport services, consistent with advice in the Framework, and the supporting text of Policy DM44. Consequently, I conclude that the site is an appropriate location for the proposed development and thus consistent with Policy CP1 of the Local Plan, which seeks to secure sustainable development.

Highways and access

25. Ibstone Road is a C-class road. During my daytime visit there was a sporadic flow of vehicles along it. I see reason to consider that the low level of use I observed was unusual given the rural location. Cholsey Grange adjoins Ibstone Road, and is a hard surfaced single track lane currently used to access a number of dwellings, a farm, stables and a caravan and campsite. It is of generally narrow width, albeit a large pulling off space is provided outside the driveway access to Cholsey Cottage immediately to the south west of the site. The lane also widens at its junction with Ibstone Road. There is a clear line of sight over the relatively short distance between the junction and the site.
26. Cholsey Grange already sees 2-way traffic. Thus the potential for conflict should vehicles travelling in either direction meet, also already exists. As the development would lead to an increase in the number of vehicles using Cholsey Grange and the junction with Ibstone Road, falling within the range various quoted within the submissions as falling between 12-24 movements per day, the potential for such conflict would increase.
27. The width of Cholsey Grange at its junction with Ibstone Road however appears sufficient to allow 2 vehicles to occupy the space. Given the good level of visibility that exists between the junction and the site, and the relatively short distance involved, drivers exiting the development could furthermore readily retreat back into it, or pull into the mouths of adjacent driveways to make way for an oncoming vehicle. It therefore appears unlikely that drivers would be forced to reverse back onto the highway. Furthermore, even in the event that a vehicle was required to pause briefly before turning onto Cholsey Grange, any momentary disruption to the light flow of traffic along Ibstone Road would cause little harm.
28. Manual for Streets (MfS) states sets out advice relating to road widths in relation to access by emergency vehicles. Neither party indicates that the width of Cholsey Grange falls below 2.75 metres between the site and Ibstone Road.

Therefore a fire appliance could reach the site if required. Whilst the submitted layout does not provide a 3.7 metre operating space immediately outside the development, it is apparent that this could be provided with minor modification of the layout in front of plots 1 and 2, and could be secured by condition.

29. Refuse vehicles currently service existing dwellings along Cholsey Grange, and the appellant indicates that they turn at Cholsey Grange Farm. Though this is presumably an informal arrangement, the lack of turning space within the site itself would not alter the existing situation, or indeed the likelihood of refuse vehicles needing to wait or manoeuvre within the highway should turning at Cholsey Farm cease to be possible in the future. A lack of turning space for refuse vehicle within the development would not therefore give rise to harm.
30. At the junction of Cholsey Grange with Ibstone Road visibility towards the north-west is restricted by a hedge. Consequently, it falls around 15 metres below the 43 metre distance recommended within MfS for a road with a 30 mph speed limit. Visibility from Ibstone Road towards the junction is however better on account of driver positioning, and the shape of the junction. Thus, drivers approaching the junction are able to see vehicles waiting at it over a much longer distance than an approaching vehicle can be seen from the junction. This distance increases in relation to vehicles pulling out from the junction and turning right.
31. Given restricted visibility, any driver seeking to exit the junction is required to exercise caution. This might reasonably include edging forward, and/or pausing at the junction for a longer period of time than might otherwise be the case. Likewise, drivers approaching the junction are likely to slow once they become aware of the presence of vehicles waiting at it. Each together reduces the likelihood of collisions occurring. For these reasons, and given the level of visibility available to approaching drivers, a sufficient distance exists to for approaching drivers to stop or to slow sufficiently to avoid collision with vehicles pulling out of the junction.
32. Manual for Streets 2 allows for a flexible, evidence-based approach in assessing visibility requirements when applying the standards set out in in MfS. In this context, whilst interested parties have made reference to accidents along Ibstone Road, no formal records of accidents at the junction have been brought to my attention. Though I accept that the statistical risk of an accident would inevitably be increased, in view of my assessment above, the level of risk does not appear to be unacceptably high.
33. With regard to the surfacing, I see no reason why the surface construction of Cholsey Grange would render it incapable of carrying additional traffic, and no evidence has been provided to the contrary.
34. In the Bracken Cottage appeal the Inspector considered the width of the access in question, and visibility onto Ibstone Road to be inadequate. However, the position and layout of the access involved is not identical to that of Cholsey Grange, and, for the reasons set out above, I have reached a different view in relation to each of these matters, taking site specific circumstances into account. Though reference has also been made to appeal APP/K0425/W/19/3222794, I do have full details, and it is apparent that the site was within another location, subject to a different speed limit, within which the site specific circumstances are again likely to have differed from those of the current appeal site.

35. Interested parties indicate that drivers using Ibstone Road often exceed the legal speed limit. Vehicles driving above 30 mph would require a greater distance to stop. It remains the case however that any increased danger would be attributable to speeding, rather than use of the junction.
36. For the reasons outlined above I conclude that the development would not have an unacceptably adverse effect on highways safety. Whilst the Council has not cited any currently adopted development plan policies, the development would not as such conflict with the advice set out in the County Council's Highways Development Management Guidance 2018, or relevant provisions within the Framework.

Ecology

37. As previously noted, the development would result in some loss of existing hedgerow, as too an area of rough grassland. Loss of the hedgerow would indeed be greater than shown on the submitted plans on account of the need to provide space for emergency vehicles. In neither regard however, has any evidence been provided which indicates that protected species make use of either the hedge or the grassland. The appellant has additionally provided survey data during the appeal confirming the absence of protected species.
38. I acknowledge that the hedge has been subject to a retention notice, reference 18/07041/HEDGE, however loss would be well mitigated by additional planting, and careful timing of works would avoid disturbance of nesting birds, as is otherwise legally required. Appropriate planting details and other mitigation and enhancement measures could be secured by condition.
39. For the reasons outlined above, I conclude that the development would not have an unacceptably adverse effect on ecology, and would not therefore conflict with Policy DM13 of the DSAD which seeks to secure the conservation of protected species; Policy DM14 of the DSAD which seeks to ensure that development proposals are designed to maximise biodiversity, including by creating new features; and Policy DM34 of the Local Plan which amongst other things seeks to protect and enhance green infrastructure features.

Other Matters

40. The development would deliver windfall housing which would make a modest contribution towards the Council's housing target. The benefit would not however outweigh the potential harm that could arise from flooding.

Conclusion

41. Having regard to the lack of harm that would be caused by the development to the character and appearance of the area, including the AONB, I have found that the site is an appropriate location for development. I have furthermore found that the development would not have an unacceptably adverse effect on highways safety, or ecology. A potential risk of localised flooding arising from inadequate drainage cannot however be ruled out. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR