



Appeal Decision

Site visit made on 13 August 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/K0425/W/19/3229460

The former Bernard Arms Hotel, Risborough Road, Great Kimble HP17 0XS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr A. Nagel, Ironstone UK Limited against the decision of Wycombe District Council.
 - The application Ref 18/06145/VCDN, dated 27 April 2018, was refused by notice dated 5 February 2019.
 - The application sought planning permission for the demolition of existing public house and erection of 1 x detached 4 bed dwellinghouse and 2 x 3 bed semi-detached dwellinghouses and detached triple garage without complying with a condition attached to planning permission Ref 14/07190/FUL, dated 22 December 2016.
 - The condition in dispute is No 2 which states that:
"The development hereby permitted shall be built and retained in accordance with the details contained in the planning application hereby approved and plan numbers 14 BGK SL01 rev A; 14 BGK SP05 Rev E; 14 BGK SS02 Rev A; 14 BGK P01; 14 BGK P02; unless the Local Planning Authority otherwise first agrees in writing."
 - The reason given for the condition is:
"In the interest of proper planning and to ensure a satisfactory development of the site."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of planning permission, the Wycombe District Local Plan (2019) has been adopted. The policies of this plan are referred to in the reasons for refusal and I have therefore had regard to them when making my decision. I am satisfied there would be no prejudice caused in me doing so.

Main Issues

3. The main issue is whether the condition is necessary and reasonable having regard to:
 - Whether the proposal is inappropriate development in the Green Belt, including its effect on its openness;
 - Whether the proposal makes adequate provision for surface water drainage having regard to sustainable urban drainage principles, and

- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Background

4. Permission has previously been granted on the site for the demolition of the existing public house building and the erection of three dwellings with a detached garage building. That permission was subject to conditions and this appeal relates to an application to vary condition 2 in order to seek permission for an amended scheme in terms of layout and design.

Whether the proposal is inappropriate development in the Green Belt and impact on openness

4. The development can be considered to be the re-development of previously developed land (PDL). New buildings comprising the redevelopment of PDL are not inappropriate provided they do not have a greater impact on the openness of the Green Belt than the existing development.
5. Policy DM42 of the Wycombe District Local Plan (2019) (the Local Plan) states that development in the Green Belt is required to follow the classification of not inappropriate development as set out in the National Planning Policy Framework (the Framework). Policy DM42 further clarifies that limited infilling is only to take place within identified built-up villages; the site is not located within any such built-up village. Therefore, no part of the development can be considered to be limited infilling. The proposed dwellings would occupy the location of the former public house together with what I observed to be an associated garden area to the rear.
6. The Council indicate that the existing public house has a floorspace of approximately 180 square metres (m²) with a volume of approximately 616 cubic metres (m³) and the dwellings originally permitted would have a combined floorspace of 482 m² and volume of 998 m³. This resulted in a 61% increase in volume. At the time of the original permission, the Council considered this to be an acceptable increase, on the basis of a reduced perceptible impact from the main road adjacent to the site. This would appear to me to be a finely balanced judgement.
7. The Council state that the original scheme that was permitted was at the limit of what it considered to be an acceptable impact on the openness of the Green Belt. Given that the permitted scheme resulted in an increase in both floorspace and volume over the public house, I consider also that any further increase would result in the scheme having a greater diminishing effect on the openness of the Green Belt, than the existing development. The scheme would therefore comprise inappropriate development.

Surface water drainage

8. As outlined above, since the previous grant of planning permission, a new development plan has been adopted and the policies of that new plan are now relevant to the determination of this appeal. Policy DM39 of the Local Plan requires that all developments incorporate Sustainable Drainage Systems

(SuDS), in order to ensure surface water is dealt with as close to source as possible. The Council highlight that no information in respect of the implementation of SuDS has been provided. In light of this, the scheme would conflict with Policy DM39.

9. However, whilst I note the conflict with this policy, the existing planning permission is a significant material consideration. The difference in the surface water disposal implications for the appeal and permitted schemes would be negligible. As such, in my view, the existence of the extant planning permission is sufficient to outweigh the conflict with this policy.

Other considerations

10. I am conscious that planning permission exists for the redevelopment of the site for three dwellings. The permission remains extant and I have no reason to conclude that the permission would not be implemented should this appeal be dismissed. There is also reference to the now proposed scheme resulting in an improvement of the vista towards St Nicholas's church when viewed from the adjacent Risborough Road, as well as improving the separation between the dwellings and Risborough Road.

Green Belt Balance and Conclusion

11. The proposal would be inappropriate development in the Green Belt due to its further diminution of openness, and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
12. Whilst I acknowledge the existence of planning permission on the site, the proposed scheme would increase the bulk and massing of the dwellings. Their impact on the openness of the Green Belt would therefore be greater than those that would result from the extant scheme. As such, the existence of this extant permission, together with the other considerations above, is not sufficient to comprise the very special circumstances necessary to justify the development. The proposal would be contrary to Policy DM42 of the Local Plan, as well as the guidance in the Framework.
13. Therefore, for the reasons given and having regard to all matters raised, the condition is reasonable and necessary to protect the openness of the Green Belt and thus the appeal is dismissed.

Martin Allen

INSPECTOR