
Appeal Decision

Site visit made on 21 May 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2020

Appeal Ref: APP/K0425/W/20/3245629

Foundry Cottage, Foundry Lane, Loosley Row HP27 0NY

- 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 Jeremy Baker against the decision of Wycombe District Council.
 - The application Ref 19/06579/FUL, dated 13 June 2019, was refused by notice dated 13 August 2019.
 - The development proposed is conversion of commercial use building to residential garage with small front extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since refusing planning permission, the Council has adopted the Wycombe District Local Plan 2019 (Local Plan). This plan supersedes the Saved policies contained within the Wycombe District Local Plan to 2011 and the Wycombe Development Framework Adopted Core Strategy 2008. The Local Plan was adopted before the appeal was submitted and the Council made reference to the relevant emerging policies in their reasons for refusal. Consequently, the appellants have had the opportunity to comment on the implications of the recently adopted plan for the appeal. Accordingly, I have determined the appeal on the basis of the relevant recently adopted Local Plan policies.
3. The appeal site lies in the Green Belt. However, both main parties agree that the proposal would not be inappropriate development in the Green Belt, thus it would satisfy paragraph 145 of the National Planning Policy Framework (the Framework). I have no reason to take a different view and have determined the appeal on this basis.

Main Issues

4. The main issues in this case are:
 - The impact of the development on the character and appearance of the area, including the Loosley Row Conservation Area and the Chilterns Area of Outstanding Natural Beauty; and,
 - Whether the development would result in the loss of a valued employment site.

Reasons

Character and appearance

5. The appeal property lies in the Loosley Row Conservation Area (CA) which is part of the Chilterns Area of Outstanding Natural Beauty (AONB). I have been provided with a copy of a Conservation Area Character Survey which describes the main features of special architectural and historic interest in the CA. I have drawn on this, together with the evidence before me and the observations I made on my site visit, to determine the significance of the CA.
6. Buildings in the CA are varied in size and are generally scattered on either side of narrow rural lanes. The CA is split into two distinctive areas, reflective of the function and architectural form and layout of buildings within each section of the CA. The lower lying slopes of the CA, within which the appeal property lies, are largely made up of foundry buildings and cottages, revealing the area's industrial heritage. Like the cottages that lie adjacent and opposite, the appeal building has a vernacular style. The appearance of the façade, the use of traditional materials and architectural detailing, and the fenestration pattern and style of the building makes a positive contribution to the street. It complements the buildings nearby and contributes to the historical and architectural richness of the area, reinforcing its value as a local asset. These attributes contribute to the character and appearance of the area and significance of the CA.
7. The proposed extension would project slightly forward of the existing front elevation, incorporating a timber garage door. In comparison with the more intricate architectural detailing of the building's façade, which includes externally visible studwork and traditional windows, the front projection and garage door would appear as conspicuous and incongruous, out of kilter with the building's historic style and fenestration arrangement. The alterations would significantly detract from the building's character and appear intrusive in the street, to the detriment of the character and appearance of the CA.
8. I appreciate that the CA has evolved over time through various additions and alterations, and the appeal building itself is a relatively recent construction. Be that as it may, the appeal building retains a historic style and contributes positively to the significance of the CA. By virtue of its design, scale, and position, the proposal would overwhelm the building in an unsympathetic manner. Nonetheless, I consider that the impact of the development is localised, thus the harm to the character and appearance of the CA is less than substantial in terms of the Framework¹.
9. I am aware that planning permission was granted for a side extension, including a front facing garage door, which would be attached to the adjacent building known as Foundry Cottage². I do not know the status of this planning permission and whether it is still extant. In any event, the appeal scheme would involve an extension to a separate building and the forward projection of the proposed garage and its position in relation to the appeal building would differ from the referenced side extension. Consequently, I have attached only limited weight to the referenced planning permission and, having regard to paragraph 196 of the Framework, I do not consider that the public benefits

¹ See paragraph 193 of the Framework

² Planning permission reference 16/06956/FUL

associated with the nearby planning permission would be sufficient to outweigh the less than substantial harm I have identified.

10. It is not for me, as part of this Section 78 appeal, to determine whether or not the area justifies its CA status. However, I have determined that the proposal would harm its significance, for the reasons given. Furthermore, heritage assets are an irreplaceable resource, and therefore any harm requires clear and convincing justification. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I must pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, which I have done in reaching my decision.
11. In terms of the impact on the AONB, whilst the proposal would not be significantly visible in the wider landscape, I have concluded that it would fail to positively relate to the historic and rural setting of the settlement. Therefore, it would also impact negatively on the character and appearance of the area and fail to conserve or enhance the AONB, within which the appeal site is located.
12. Therefore, in conclusion, the development would harm the character and appearance of the CA and AONB. It would be in conflict with Policies 30, 31, and 35 of the Local Plan which require, amongst other matters, development to conserve a designated heritage asset's significance, and preserve the natural beauty of the AONB whilst improving the character and quality of the area and the way it functions. The development would conflict with paragraphs 193 and 196 of the Framework as the public benefits do not outweigh the less than substantial harm to the heritage asset, and fail to conserve the AONB, contrary to paragraph 172 of the Framework.

Loss of employment site

13. According to the submitted evidence, the appeal site has been used since the 1970s by many different businesses. The appellants do not question, and I have no reason to disagree with, the Council's assertion that the appeal site comprises a 'Scattered Employment Site' for the purposes of Policy DM5 of the Adopted Delivery and Site Allocations Plan 2013 (Site Allocations). This policy indicates, in summary, that planning permission will only be granted for residential uses if the re-use of the site for B1, B2, B8 or other economic development purposes would no longer be practicable.
14. The use of part of the building as a residential garage would result in the loss of floorspace associated with the existing building. Whilst the loss would be relatively small, I have no evidence before me to confirm the extent to which the appeal building is currently used for employment or commercial purposes, and how any subsequent loss of floor space might affect the viability of any commercial activities undertaken either now, or in future, within the overall building.
15. The appellants infer that the law changed in 2018, which prevented the advertisement of commercial premises unless they had an EPC certificate of 'E' or better. It is put to me that the appeal building would not be capable of reaching the necessary EPC rating. However, no details of the relevant law changes have been provided to me in terms of precisely how such changes would affect the operation of the appeal building and its existing and future use for employment purposes. Furthermore, I have not been provided with any

evidence that other ways of achieving the required EPC rating have been explored. Ultimately, it is unclear why the appeal building is no longer suitable for employment generating uses, nor to what extent the proposal would affect its employment generating potential.

16. Policy DM5 of the Site Allocations pre-dates the Framework, but the weight to be attached does not hinge on its age. Rather, paragraph 213 of the Framework makes it clear that weight should be given to existing policies according to their degree of consistency with the Framework. I have not been provided with evidence of substance to question the necessity of Policy DM5 in ensuring that the Council makes sufficient provision for employment development in the District throughout the plan period. Consequently, I have applied significant weight to the conflict between the proposal and Policy DM5 of the Site Allocations, and the presumption in favour of retaining the site in employment use takes precedence.
17. I find that the development would result in the loss of a valued employment site. The proposal would be contrary to Policy DM5 of the Site Allocations as it would not meet one of the specific uses detailed in the policy, nor has it been demonstrated that the proposal would not unacceptably affect the employment generating potential of the building as a whole, nor that the use of the building for employment and other uses deemed acceptable by Policy DM5 is no longer practicable.

Other Matters

18. Concerns relating to the handling of the planning application are matters between the main parties which have had no bearing on my decision. I have assessed the appeal scheme on its planning merits and find harm for the reasons set out in this decision.

Conclusion

19. For the reasons given above I conclude that the appeal is dismissed.

Matthew Woodward

INSPECTOR