



Appeal Decision

Site visit made on 14 September 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/K0425/W/20/3254046

Sunset Court, High Street, Princes Risborough HP27 0AX

- 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 Trustees of the Gt Hampden Estate against the decision of Buckinghamshire Council - Wycombe Area.
 - The application Ref 20/05330/VCDN, dated 5 February 2020, was refused by notice dated 6 April 2020.
 - The application sought planning permission for change of use to Sunset Court from Use Class B1(a) (offices) to C3 (residential) to provide 4 x 2 bed apartments with associated external alterations, erection of one pair of 1 bed semi-detached dwellings, construction of bin store, fence/railings and associated landscaping without complying with a condition attached to planning permission Ref 19/05887/FUL, dated 16 July 2019.
 - The condition in dispute is No 8 which states that: "The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted. The layout shall include one space allocated each residential unit and two spaces reserved for visitors. The turning area shall be marked as such and all area shall not thereafter be used for any other purpose unless first agreed in writing by the Local Planning Authority."
 - The reason given for the condition is: "To ensure there is adequate parking and turning within the site for the occupiers of the site."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form gives Wycombe District Council as the local planning authority. However, the decision was issued by Buckinghamshire Council.

Main Issues

3. The appellants seek a planning permission for the approved residential development but with a replacement condition that would allow the 2 visitor parking spaces to also be used by occupiers of adjacent employment uses. The main issues are (i) whether the disputed and proposed conditions are enforceable, precise and reasonable, and (ii) whether the disputed condition is necessary to ensure satisfactory parking to serve the development.

Reasons

Enforceability, precision and reasonableness

4. The disputed and proposed conditions require parking spaces to be laid out and allocated for occupiers of the residential development and visitors. They also require the turning area to be marked and prevent the defined areas from being used for any purpose other than parking or manoeuvring of vehicles. It would be possible to ascertain compliance with these requirements.
5. The disputed condition fails to refer specifically to visitors of the approved development but the meaning of its terms is understood in the context of the decision notice. As such, I conclude the disputed condition complies with the enforceability, precision and reasonableness tests.
6. The proposed condition includes an extra provision that states the 2 spaces allocated for visitors can be used by either visitors to the development or by occupiers of adjacent employment uses. This sentence is imprecise as it is permissive and does not prevent the use of the spaces by other users. Also, it would be unreasonably onerous to ascertain whether parking is carried out in accordance with user restrictions. Therefore, I conclude the proposed replacement condition fails the tests of precision and enforceability.

Parking provision

7. Unlike the disputed condition, the proposed condition would allow the 2 parking spaces to be used by occupiers of adjacent employment properties with no guarantee when they would be available for visitors to the approved residences. The amount of parking for the dwellings would be below the optimum number of spaces as defined under the Council's parking standards. Also, there is no substantive evidence that shows there would be a reduced demand for visitor parking to serve the residences due to the site's proximity to a range of facilities. Nearby roadside parking would not adequately compensate for the unavailability of on-site parking as it is likely that time restrictions would be inconvenient for visitors.
8. For the above reasons, I conclude that the disputed condition is necessary to ensure satisfactory parking to serve the development and to comply with policy DM33 of the Wycombe Local Plan 2019 (LP). This aims, amongst other things, to ensure sufficient parking is provided to meet the needs of occupiers of properties. The refusal reason also refers to LP policy DM35 but this has no provisions relevant to this issue.

Other Matters and Conclusion

9. The proposed condition would result in additional parking spaces to serve local businesses. However, there is limited evidence to demonstrate any demand for such facilities or that shows any need can only be addressed through the proposed shared use of visitor spaces. Therefore, any benefit in this regard fails to override my conclusions in respect of the main issues.
10. For the above reasons, the appeal does not succeed.

Jonathan Edwards

INSPECTOR