



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: 18 September 2020

Appeal Ref: APP/K0425/W/20/3248226

Gommes Forge, Foundry Lane, Loosley Row, Buckinghamshire 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 Buckinghamshire Council - Wycombe Area.
 - The application Ref 19/06587/FUL, dated 13 June 2019, was refused by notice dated 24 October 2019.
 - The development proposed is demolition of commercial buildings and replacement of 5 detached dwellings and all associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal, the council who originally determined the planning application merged with a number of other local planning authorities into Buckinghamshire Council. The details in this decision reflect this change.
3. The description of development above has been taken from the planning application form. The appeal form states that the description of development has not changed but a different wording has been entered. The main parties have not confirmed that a revised description of development has been agreed and so I have used the one given on the original application.

Main Issues

4. The site lies in the defined Green Belt and so the main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - whether the proposal would conserve or enhance the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (the AONB);
 - the effect on biodiversity, especially in regard to bats;
 - the effect on the supply of employment land;
 - whether the proposal would incorporate an appropriate sustainable drainage system (SuDS);

- whether the proposal would preserve or enhance the character or appearance of the Loosley Row Conservation Area (the CA) and the effect on the site as a non-designated asset; and
- if the development would be inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether appropriate development in the Green Belt

5. The site includes and is near to other buildings and so forms part of Loosley Row settlement. However, the development would not represent limited infilling in a village as the dwellings towards the west of the site would adjoin open land rather than occupy a space between buildings.
6. As it contains commercial units and an associated curtilage, the site is previously developed land. However, the development would encroach onto significant vacant parts of the site and the subsequent loss of openness would be apparent through the access and from nearby properties. The houses would be slightly larger in terms of volume and floor area than the buildings to be demolished. Also, the proposal would remove the external storage of items associated with the existing commercial use. Nevertheless, it would have a greater visual impact on the openness of the Green Belt than the existing development due to its overall site coverage and the intrusion onto open land.
7. As such, the proposal would not comply with any of the exceptions in policy DM42 of the Wycombe District Local Plan 2019 (LP) or the Framework. Therefore, it would represent inappropriate development in the Green Belt.

The AONB

8. The trees, bushes and grassed areas on the western part of the site provide a transition between the built up area and the surrounding countryside. The proposal would encroach into this area and would reduce its natural quality. The removal of buildings and provision of trees amongst the proposed houses would not adequately compensate for the loss of the vegetated part of the site.
9. For these reasons, I conclude the proposal would not conserve or enhance the landscape and scenic beauty of the AONB. In this regard, it would be contrary to LP policies DM30 and DM35 which aim, amongst other things, to deliver development that respects, conserves and enhances the AONB.

Biodiversity

10. While there is no direct evidence of bat usage, the main barn building is identified as being highly suitable for roosting bats. The appellant's habitat survey recommends further emergence surveys be carried out to ascertain whether bats use the building. The appellant suggest that this matter could be addressed through the imposition of a planning condition. However, the ODPM Circular 06/2005 says it is essential to establish the extent to which European Protected Species, such as bats, may be affected by a proposal before granting planning permission. The proposed biodiversity enhancement measures would not address or override the potential harm to bats.

11. For these reasons, I conclude that the development would have a detrimental effect on biodiversity through the potential destruction of bat roosts and harm to bats. As such, in this regard, it would be contrary to LP policies DM13 and DM14. These aim, amongst other things, to conserve protected species.

Supply of employment land

12. The appellant contends that marketing the site to show whether employment generating uses are practicable would be unlawful as the buildings fail to meet required energy performance ratings. Irrespective of this point, there is little financial evidence before me that shows it would be unviable to refurbish or rebuild the premises to meet energy performance standards. As such, it has not been clearly demonstrated that the re-use of the site for employment uses would be unfeasible.
13. For these reasons, I conclude the proposal would have a detrimental effect on the supply of employment land. Consequently, it would be contrary to policy DM5 of the Wycombe Delivery and Site Allocations Plan 2013. This seeks the retention of scattered business sites unless it is shown employment or community use is not practicable.

SuDS

14. A SuDS is proposed to serve the development that would include soakaways and permeable paving for hardstanding. However, given its industrial use there is a significant risk that the site is contaminated. No ground tests have been carried out to demonstrate infiltration methods of surface water disposal would be appropriate. Outfall to a combined public sewer is suggested as an alternative but this would not be a sustainable method of dealing with surface water run-off. No other drainage scheme has been put to me and so I am uncertain whether this issue could be addressed through the imposition of a planning condition.
15. For these reasons, I conclude that insufficient information has been provided to demonstrate that the development would incorporate an appropriate SuDS. As such, the proposal would be contrary to LP policy DM39 which requires all development to include a SuDS.

The CA and non-designated heritage asset

16. The CA's significance derives from the presence of attractive historic buildings in a hillside village setting. It is not listed but the appeal property is of particular interest given its long-standing industrial use and so it is a non-designated heritage asset.
17. The buildings on the site reflect its industrial past. Furthermore, the older building next to Foundry Cottage includes traditional flint and chalk walling as well as a slate roof that is a notable positive feature in the street scene. The loss of the industrial use and demolition of the older building would detract from the character and appearance of the CA and diminish the significance of the appeal property.
18. The removal of lorries, external storage and the more recent buildings would improve the visual quality of the site. Also, the proposal would increase the size of the open area to the front and the proposed houses would include features typical of the local vernacular. However, the development would not reflect the

industrial character and appearance of the appeal property and which forms the basis of its significance in the village's history. Therefore, the benefits of the proposal in terms of removing unattractive features would not override or address the harm identified to the heritage assets.

19. As such, I conclude the proposal would not preserve or enhance the character or appearance of the CA and would undermine the significance of the appeal site as a non-designated heritage asset. As such, it would not accord with LP policy DM31 which requires development to conserve or enhance the historic environment. Whilst this would not reach the very high hurdle of substantial harm, it would nonetheless cause less than substantial harm to the CA's significance. In line with the Framework, the harm caused to the CA should be weighed against the public benefits of the proposal.

Other considerations

20. The proposal would be windfall housing but it has not been shown that the site is suitable for such development. Given the scale of the proposal, I attach modest weight to the benefit of the addition to the housing stock. The proposal would reduce lorry movements and industrial noise but I attach modest weight to this benefit as no information before me shows the site has caused nuisance in these regards. The proposal would make efficient use of previously developed land and could help avoid the site becoming derelict. However, these benefits would also arise through other schemes and so attract moderate weight. Acceptability of the proposal in other terms is a neutral factor in my assessment rather than a benefit.

Heritage and Green Belt balance

21. The proposal would lead to the public benefits set out above as well as the removal of buildings and external storage that detract from the visual quality of the area. However, the Framework states that great weight should be given to the conservation of heritage assets. As such, I find the development would not outweigh the identified harm caused to the significance of the CA and the appeal property as a non-designated heritage asset.
22. Also, the benefits and all other considerations would not clearly outweigh the total harm the development would cause to the Green Belt, the AONB, biodiversity, the supply of employment land, heritage assets and in respect of sustainable drainage aims. As such, the very special circumstances necessary to justify the proposal as inappropriate development in the Green Belt do not exist. Consequently, the proposal would conflict with LP policy DM42 which, amongst other things, seeks to resist inappropriate development in the Green Belt unless very special circumstances exist.

Conclusion

23. For the above reasons, the appeal does not succeed.

Jonathan Edwards

INSPECTOR