
Appeal Decision

Site visit made on 22 March 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/K0425/W/20/3261383

**Land to the rear of The Chequers, Bridge Street, Great Kimble,
Buckinghamshire HP17 9TN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Paul Phipps (Whiteacre Limited) against the decision of Buckinghamshire Council.
 - The application Ref 20/06385/PIP, dated 3 June 2020, was refused by notice dated 15 July 2020.
 - The development proposed is erection of 9 new dwellings and associated access, with buffer planting and new access and car parking to serve community land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal seeks Permission in Principle. This consent route has two stages, with the first establishing whether a site is suitable in principle for the proposed development and the second stage assessing the detailed development proposals. This proposal is at the first stage and therefore this appeal considers the principle of development, limited to the location, land use and the amount of development. Permission is sought for nine dwellings, and the appeal is determined on this basis.
3. The emerging Great and Little Kimble cum Marsh Neighbourhood Plan has been examined and is set for a public referendum leading to its adoption. While this has been delayed by the COVID-19 pandemic it is nevertheless at an advanced stage of preparation. I shall address this further below.

Main Issues

4. The main issues are:
 - Whether the site accords with relevant local policies regarding the location of new housing development; and,
 - Whether the development would make effective use of land.

Reasons

Location

5. Policies CP3, DM21, DM44 and RUR6 of the Wycombe District Local Plan 2019 (the LP) collectively set out the development strategy for the area, focusing development principally in the High Wycombe area but also designating other

areas as suitable for development, including the siting of 160 homes in the Parish of Great and Little Kimble-cum-Marsh. Policy RUR6 directs that a Neighbourhood Plan will determine the distribution of development across the Parish and that in the absence of a Neighbourhood Plan the required housing be provided on small sites within or adjacent to Great Kimble, among other locations in the parish. Policy DM44 requires, amongst other things, that in the countryside outside of the Green Belt permission will only be granted for development that accords with a made NP or for additional dwellings within identified settlement boundaries.

6. Policies KIM1 and KIM3 of the emerging Great and Little Kimble cum Marsh Neighbourhood Plan Referendum Version June 2020 (the NP) define the settlement boundaries of Great Kimble and identify five housing sites within those boundaries. Those allocated sites amount to 110 new homes, with an additional 36 houses already delivered in the plan period. The NP allows for the delivery of housing on windfall sites, but in the hamlets of Kimblewick and Marsh and elsewhere in the Parish and in any case such sites would be for 4 dwellings or fewer. In accordance with Policy KIM1 development outside a Settlement Boundary will only be supported if the proposal is appropriate to a countryside location and consistent with local development plan policies.
7. While the NP has not yet been adopted, it has been found to be sound by an independent examiner and a referendum will be held on it in May of this year. The policies of the NP therefore attract significant weight. While the NP does not identify sufficient sites to fully meet the 160 home target, it allows for windfall sites outside of Great Kimble. There is no evidence to suggest that the allocated sites cannot be delivered and the target met within the plan period.
8. The appeal site lies immediately adjacent to the settlement boundary, and near allocated housing site 14 in the NP. If the adjoining site at The Orchards were to be developed future residents of the appeal site would have similar access to those on site 14 to local services and facilities, which include a railway station and primary school. The appeal site was also identified in the NP consultation process as the site the development of which would result in the lowest impact on the nearby Chilterns Area of Outstanding Natural Beauty. In principle, therefore, it could meet the criteria for new development set out in Policy RUR6 of the LP in the absence of a Neighbourhood Plan, and would provide a buffer against any allocated site not being developed in the plan period.
9. However, the criteria for new development in Policy RUR6 of the LP only apply where no Neighbourhood Plan exists. It is a material consideration in the determination of this appeal that the site has not been allocated for housing in the NP given the significant weight accorded to its policies. The site therefore fails to accord with relevant local policies regarding the location of new housing development.

Whether an effective use of land

10. Policy CP1 of the LP requires new development to contribute towards delivering sustainable development. The site shares a boundary with fourteen dwellings along Bridge Street and, given the similar depth of the plot to those properties the proposed nine dwellings would result in a comparatively lower density of development.
11. The site is relatively flat and rectilinear in shape. The point of access from the neighbouring development on The Orchards site is shown at one corner of the

appeal site. There are constraints based on the need to provide access to the proposed dwellings and protect the living conditions of the existing occupiers of neighbouring properties. However, there is no evidence that these could not be achieved with a higher density of development than proposed.

12. In addition, the appellant states that the site would provide access to the adjacent community land. However, the owner of this land says that there are no existing access issues, and there is no agreement in place regarding an access from the appeal site. Therefore, it is not clear that space to accommodate such an access is required.
13. Consequently, the development would fail to make effective use of land and would conflict with the requirements of Policy CP1 of the LP.

Planning Balance

14. The Council has exceeded its target for housing delivery in the last three years overall and claims to have a five year supply of deliverable housing land. The appellant has contested the extent of demonstrable supply, suggesting that a calculation based on the standard method would require a significant increase in the number of housing units to be delivered. The LP was adopted in August 2019 so is no longer recently adopted but, notwithstanding this, the appellant accepts that there is no presumption in favour of sustainable development in this instance. In any case, the policies of the NP carry significant weight.
15. The Government has a stated objective to significantly boost the supply of housing. The appeal proposal would provide nine new homes in a location with adequate access to services, and potentially could provide a mix of housing types. This attracts moderate weight, given the scale of development proposed.
16. In addition, the development could provide access to an adjoining area of community land, although for the reasons set out above this attracts limited additional weight.
17. Set against these benefits, the appeal site is not an allocated site for housing in the NP and its location is therefore in conflict with local policies regarding the distribution of housing development. In addition, the number of houses proposed would not be an effective use of the land. These matters attract substantial weight and outweigh the benefits that would arise from the development in this instance.
18. The proposal would therefore conflict with the development plan, and there are no material considerations that would outweigh this conflict.

Other Matters

19. My attention has been drawn to permissions granted elsewhere in the area for a housing development of similar density to the proposed, and for housing development on a site not allocated in the NP. However, no details have been provided regarding the circumstances of these applications and therefore I am only able to give them very limited weight in determining this appeal.

Conclusion

20. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR