

---

# Appeal Decision

Site visit made on 2 June 2021

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday, 21 June 2021**

---

**Appeal Ref: APP/X0415/W/20/3263093**

**22 Bellingdon Road, Chesham HP5 2HA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Tollja against the decision of Buckinghamshire Council.
  - The application Ref: PL/20/0270/OA, dated 24 January 2020, was refused by notice dated 29 July 2020.
  - The development proposed is an outline application for the demolition of the existing building and the redevelopment of the site to provide nine apartments
- 

## Decision

1. The appeal is dismissed.

Procedural Matter

2. The application for planning permission was submitted in outline, with all matters reserved for future consideration. I have therefore had regard to details that show the reserved matters on an indicative basis only.

## Main Issue

3. The main issue is the suitability of the site as a location for residential development, with particular reference to the availability of commercial properties.

## Reasons

4. The appeal site consists of an existing commercial site, which is currently occupied by a car repair business. The properties that directly neighbour the appeal site are in use for residential purposes. The site is close to the town centre, which contains several differing land uses, including a large supermarket.
5. The proposed development would displace an existing commercial use. In respect of this appeal, I have been directed towards Policy CS16 of the Core Strategy for Chiltern District (2011) (the Core Strategy).
6. Amongst other matters, this policy states that the loss of employment land as a result of redevelopment for other uses, including residential use, will be acceptable where there is no reasonable prospect of the site being used for employment purposes, or where it is creating significant amenity issues, or where the existing use is creating significant highway problems.

7. I note that the appeal site is currently in use for commercial purposes. In consequence, the site is in productive use. Whilst I note that the existing occupier is looking to relocate to another property, the appeal site is located near to a major road and the town centre. Therefore, it is in an accessible location. I also note that the site also includes some off-street car parking. This means that the location might be attractive to a different business.
8. The evidence before me does not indicate that the existing business is unviable. Therefore, it is feasible that a new occupier might be able to operate from the appeal site. In result, whilst the occupier may be looking to relocate, it has not been demonstrated that the appeal site could not be operated by an alternative business.
9. In addition, the appeal site is close to the town centre and other residential properties, therefore the continued use of the property for commercial activities would allow for potentially linked trips with other business activities, as well as serving the surrounding residential properties. This would reinforce the use of the site as a location where business activities could take place.
10. The large proportion of the appeal site is occupied by buildings and features a steep surface. Whilst this may reduce the attractiveness of the appeal site to some potential occupiers, it has not been conclusively demonstrated that the site could not be used for any commercial activity, particularly as the site is near to the more commercial town centre.
11. Whilst Policy CS16 stops short of requiring a full marketing assessment, its absence means that in this particular case, I am unable to conclude that there is no reasonable prospect of the being reused for commercial purposes.
12. I understand that the operators of the existing business have received complaints from the occupiers of nearby residential properties. I have received limited evidence regarding the extent and frequency of such complaints. However, given that the appeal site is located alongside the town centre, which includes some busy roads and various commercial uses that may generate some noise in their own right, the existing use is unlikely to generate excessive amounts of noise and disturbance. Therefore, given this context, the proposed development would not necessarily deliver significant improvements to the living conditions of the occupiers of neighbouring properties.
13. The retention of the development is unlikely, by reasons of its scale, to have a significant adverse effect on the highway system. Its scale is also unlikely to lead to an erosion of highway safety. This is due to the likely low speed of vehicle movements and the presence of an appropriate pedestrian environment with good visibility.
14. I acknowledge concerns raised by the appellant that the existing development would not comply with contemporary planning policies. However, given that I have identified that the retention of the existing use is unlikely to lead to an erosion of the living conditions of the occupiers of surrounding properties and the highway system, I am unpersuaded on this point.
15. The proposed development would result in the re-use of previously developed land. However, the benefits are limited due to the appeal site still being in use. Whilst the National Planning Policy Framework (the Framework) does not state

that residential dwellings cannot be built on commercial sites, the Framework also requires that planning decisions contribute to a strong economy.

16. I note the appellant's suggestion that there is currently an over supply of business properties in the surrounding area, which reduces the likelihood of finding a future occupier for the site. However, as this has not been formally tested, I am unable to give this significant weight.
17. My attention has been drawn to a recent appeal decision regarding the change of use of a garage to residential accommodation. I do not have the full information regarding the planning circumstances of this, which lessens the weight that I can attribute to it. Nonetheless, I note that this site is located in an area with a greater predominance of residential accommodation and very few retail and commercial uses. Therefore, the characters of the two areas are different. I therefore do not find that the presence of the previous appeal decision overcomes my previous concerns.
18. I therefore conclude that the proposed development would represent an inappropriate loss of a commercial facility. In this regard, the development would conflict with Policy CS16 of the Core Strategy.

### **Other Matters**

19. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. In consequence, the provision of paragraph 11(d) of the Framework applies. In summary, this states that planning permissions should be granted unless the benefits are significantly and demonstrably outweighed.
20. Whilst the proposed development would make a contribution to the area's housing supply. The benefits are limited due to the scale of the development. Any economic benefits arising from the construction process are likely to be relatively small-scale and time limited in effect. Furthermore, any support of local businesses and services by the occupiers of the development is also likely to be relatively small-scale.
21. This means that the benefits are outweighed by the significant harm arising from the loss of employment opportunities in accessible location. Therefore, the benefits of the proposal are significantly and demonstrably outweighed.
22. I acknowledge efforts made by the appellant in revising the scheme. Whilst this is a matter of note, it does not overcome my previous conclusions.

### **Planning Balance and Conclusion**

23. The proposed development would result in the loss of a commercial facility. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR