



Appeal Decision

Site Visit made on 7 June 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/P0430/W/21/3266409

Bledlow Ridge Household Recycling Centre, Wigans Lane, Bledlow Ridge HP14 4BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Bill Bendyshe-Brown on behalf of Bledlow Ridge HRC CIC against Buckinghamshire County Council.
 - The application Ref CM/0002/20, is dated 10 January 2020.
 - The development is Proposed continuation of the use of the land as a Household Waste Recycling Site as currently consented by planning permission no. CC/3/83.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Bledlow Ridge HRC CIC against Buckinghamshire County Council. This is the subject of a separate decision.

Procedural Matter

3. Since the submission of the appeal, a revised National Planning Policy Framework (the Framework) has been published. The main parties have been consulted in relation to this matter, and any responses received have been factored into my assessment of the appeal.

Main Issues

4. The appeal has been submitted as a result of the Council failing to determine the application within the prescribed period of time. Accordingly, based on the evidence before me, I find that the main issues are:
 - i) whether the proposal would satisfy the locational and functional requirements for waste management facilities, having regard to the requirements of local policy;
 - ii) whether the proposal would represent inappropriate development within the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area, having particular regard to the Chilterns Area of Outstanding Natural Beauty; and
 - iv) the effect of the proposal on biodiversity.

Reasons

Location

5. Policy 13 of the Buckinghamshire Minerals and Waste Local Plan (2019) (MWLP) establishes a spatial strategy for waste management. It states that the growth of Buckinghamshire's sustainable waste management network will be delivered by primarily focusing on the main urban areas and growth locations of High Wycombe, Aylesbury, and Buckingham. As a secondary focus, the policy states that locations in key settlements outside of the primary areas will be supported within industrial and employment areas. Based on the evidence before me, the appeal site would not conform with these locational requirements, and consequently, the location would not accord with the spatial strategy.
6. Despite this, Policy 26 of the MWLP confirms that waste management sites with extant permissions and associated infrastructure are safeguarded. Despite the complexities of the existing permission, the site meets the definition set out above, and accordingly, the appeal site is safeguarded for waste management. The reasoned justification for Policy 26 is to ensure that the waste management network in the county is self-sufficient and there is also an acceptance that once waste sites are lost, it is often difficult to replace them. To achieve self-sufficiency, Policy 11 of the MWLP identifies the total waste management capacity needs for the County. I have no evidence before me in relation to how this need is currently being met, but the Council do confirm that the proposal would make a modest contribution towards these needs.
7. Policy 14 of the MWLP establishes the development principles of waste management facilities and I have already identified that the proposal would help in the delivery of Buckinghamshire's waste management requirements, albeit in a modest manner. However, the policy also requires proposals to identify the waste streams to be treated, the catchment area for the waste to be received on-site, and the end fate of any outputs. In this regard, details of the waste received by the site in 2016/17 and 2017/18 have been provided. Nevertheless, I have no specific evidence regarding the catchment area, or in relation to end fates. Instead, the appellant generally falls back to the previous use of the site as justification for the proposal.
8. The fact that the previous use of the site was for waste management purposes, and that re-commencement would be a relatively straight-forward process, attracts substantial weight in favour of the proposal. Indeed, this goes somewhat to mitigating the locational conflict with the spatial strategy, particularly in light of the identified difficulties of replacing facilities. However, on the basis of the evidence before me, the proposal would not comply with the development principles of waste management facilities. Failing to identify the end fates for any outputs is a matter that goes to the heart of how the site would be run in the future, and in my judgement, this is a fundamental consideration in relation to waste management and the waste hierarchy. It cannot simply be assumed that because a use took place recently, it would be operated in the same manner by a different party, and consequently, the weight that I attribute to this fundamental flaw outweighs the matters identified above. Accordingly, I find that the proposal falls short of the requirements established by Policy 14 of the MWLP.

9. Therefore, although the site is safeguarded for waste management purposes, having regard to the requirements of local policy, in my judgement, the shortcomings within the evidence before me, lead me to conclude that the proposal would not satisfy the locational and functional requirements for waste management facilities. It would therefore fail to comply with Policies 13 and 14 of the MWLP which seek to control these matters.

Inappropriate development

10. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, Paragraph 150 confirms that material changes in the use of land is not inappropriate in the Green Belt, provided that they preserve openness and do not conflict with the purposes of including it within the Green Belt.
11. The appeal site is currently occupied by a redundant household recycling centre, the previous use having been recently ceased. The site has all the hallmarks of a functional recycling centre. There are different levels and enclosures to aid simple use of recycling containers, car parking and circulation space for users of the site, and clear vehicular access. The nature of the site is such that it would be a relatively simple operation to enable the site to be used in the same manner. Accordingly, the Council is satisfied that re-opening the centre would preserve the openness of the Green Belt. It would also not conflict with the purposes of including land within the Green Belt. As a consequence, the Council confirm that the proposal would accord with Paragraph 150 of the Framework, and based on the evidence before me, I have no reason to disagree.
12. Accordingly, I conclude that the proposal would not represent inappropriate development within the Green Belt.

Character and Appearance

13. As identified above, the nature of the site is such that it has the clear appearance of a functional recycling centre. However, based on the evidence before me, due to the nature of the previous planning permission, such re-use cannot simply take place. Consequently, it is the Council's view that regardless of the on-site situation, planning permission should be secured for the use to re-commence under different stewardship. On this basis, the Council have deemed that having regard to the effect on the AONB, the proposal is major development.
14. Paragraph 177 of the Framework states that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 60 of the Framework confirms that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
15. I note the level of objection to the proposal. However, there can be no doubt that the on-site situation is one whereby a straight-forward chain of events could enable the use to re-commence. The proposal would not require any

substantial operational development, it is simply a matter of planning law that is preventing this from occurring.

16. I have no evidence before me to suggest that the site is likely to be returned to its former state. Indeed, to do this would itself be a substantial engineering operation due to the levels that have been created on the site. In my view, it is highly probable that such engineering operations would in themselves require planning permission and consequently, the scenario is such that the recycling centre exists, and that this is unlikely to change due to the level of work that would be required.
17. I note the conflicting views regarding the lawful interpretation of the existing permission, however, in my view, the appeal presents a relatively straightforward proposal when assessing its effect on the AONB. It simply seeks to re-instate a use that has been occurring for a substantial period of time, and which would not require any meaningful operational development. On this basis, taking into account the requirements of footnote 60, I am entirely satisfied that the proposal should not be considered as 'major development'. This is because the development that would harm the AONB has already occurred. The site has been developed and therefore the harmful intervention to the natural beauty of the site and its surroundings has already taken place. These works are not part of this proposal and accordingly, they should not have a bearing on my assessment of the appeal.
18. The day-to-day operation of the proposal would also bring with it considerations that would impact upon the character and appearance of the area, as well as the AONB. However, matters such as the potential for littering, fly-tipping, and the queuing of vehicles would also have been associated with the previous use. Accordingly, I am satisfied that a distinction between the two does not have to be made. From a character and appearance perspective, the use of the site has previously been deemed to be acceptable and on the basis of the evidence before me, I have no reason to arrive at a different conclusion. Consequently, the proposal would comply with the requirements of Paragraph 176 of the Framework.
19. For the reasons identified above therefore, having particular regard to the AONB, I conclude that the proposal would not harm the character and appearance of the area. Consequently, it would comply with Policies 20, 22, and 24 of the MWLP, and Policies CP10 and DM30 of Wycombe District Local Plan (2019) (LP). Taken together, these seek amongst other things, development which conserves and enhances the Chilterns AONB.

Biodiversity

20. Policy CP10 of the LP seeks amongst other things, to ensure there is a net gain in biodiversity within individual development proposals. Policy DM34 of the LP seeks to protect and enhance biodiversity and Policy DM14 of the Delivery and Site Allocations Plan (2013) (DSAP) seeks to maximise biodiversity. Accordingly, these policies are broadly consistent with Paragraph 174 'd' of the Framework which states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Consequently, the clear thrust of both local and national policy seeks to enhance the natural environment.

21. The proposal seeks to re-commence a previous use on the site. It does not propose any construction activity or seek to increase the developed space on the site. Accordingly, the existing site would not substantially alter if the appeal proved successful and as a consequence, it is recognised that the proposal would fail to provide a net gain in biodiversity. However, due to the nature of the proposal, it is also recognised that this would be difficult to provide on site.
22. To mitigate this matter, the Council allude to a financial contribution for off-site improvements. However, based on the evidence before me, there is no specific policy mechanism to achieve this. Moreover, I note that the ecological advice provided to the Council raised no objection to the proposal.
23. On this basis, although local and national policy seeks to enhance the natural environment, it also seeks to minimise impacts on biodiversity. Based on the evidence before me, and due to the specific nature of the development proposed, the proposal would do this. Accordingly, I conclude that the proposal would have a neutral effect on biodiversity and in this regard, I am satisfied that it would meet the general requirements of Policies CP10 and DM34 of the LP and Policy DM14 of the DSAP, which are set out above.

Conclusion

24. I have found that the proposal would not represent inappropriate development within the Green Belt, and that it would not harm the character and appearance of the area, having particular regard to the AONB. However, these are not direct benefits of the proposal and consequently, they weigh neutrally in my assessment of the appeal. The proposal would also have a neutral effect on biodiversity.
25. However, I have also found that the proposal would fail to accord with the locational and functional requirements of the MWLP. This is a fundamental conflict with local policy and is one to which I attach substantial weight. Therefore, for the reasons given above, I conclude that the appeal should be dismissed, and planning permission refused.

Martin Chandler

INSPECTOR