



Appeal Decision

Site Visit made on 24 August 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2021

Appeal Ref: APP/K0425/W/21/3272820

Land at Home Farm, Thame Road, Longwick, Buckinghamshire HP27 9SW

- 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 Putnam Properties against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 19/07687/FUL, dated 7 November 2019, was refused by notice dated 3 March 2021.
 - The development proposed is erection of nine dwellings together with new access, landscaping and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the submission of the appeal, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I have had regard to the representations made.
3. The appeal submission includes amended plans (drawing nos 1893.104A and 1893.105B). I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. However, the amendments in this case comprise relatively minor revisions to the internal layout of the dwellings on plots 1-6, with some consequential slight repositioning of windows to their sides. There would be no change to the scale or layout of the development, or any significant change to available views towards neighbouring properties. In my view, the alterations put forward would not materially alter the proposal from that considered by the Council and interested parties, and because I am satisfied that it would not prejudice the interest of any party, I have taken the amended plans into consideration.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to outlook, light, privacy and the provision of internal space; and
 - iii) whether or not the development would make acceptable provision for affordable housing.

Reasons

Character and Appearance

5. The appeal relates to a former equestrian site to the rear of dwellings along Thame Road which shares an access with neighbouring properties at Home Farm, Sarah's Cottage and Orchard Cottage. Along with nearby buildings to this side of Thame Road, the appeal site is outside of the Longwick settlement boundary, and is described as 'Countryside Outside of the Green Belt' by the Wycombe District Local Plan 2019 (LP).
6. At the time of my visit, the appeal site had been partly cleared, but included a large barn with a pitched roof and some areas of hardstanding set within open land. Other buildings to this side of Thame Road are predominantly detached, with reasonably generous spacing around and between them resulting in a spacious feel which is enhanced by the surrounding open fields to their rear. Together with the varying position of buildings relative to the street and within their plots, this contributes an informal rural character which contrasts with the opposite side of Thame Road where buildings include semi-detached dwellings, and are typically set closer together within a tighter and more regular layout.
7. The main parties indicate that a planning permission previously granted for redevelopment of the site to provide 3 detached dwellings has lapsed, but that there is extant outline planning permission for 6 dwellings with details of the access and layout of the development approved. Notwithstanding the position of the site in the countryside, the principle of residential development has therefore been established. In addition, there would appear to be a reasonable prospect of development being implemented under the outline permission if the appeal is dismissed, and this fallback is therefore an important material consideration. That said, the appeal now before me proposes 9 dwellings, and would result in development of different form to the previous permissions.
8. I am satisfied that the proposed external materials and the appearance of the buildings would be generally sympathetic to other development nearby. I also do not consider that the density of the development in purely numerical terms would in itself necessarily be unacceptable. However, while the dwellings would be served by gardens, these would in my view appear small against the scale of the buildings resulting in an unusually close relationship of the dwellings with their boundaries. Gaps between the semi-detached pairs would also be fairly modest, resulting in relatively little visual relief between them and an uncharacteristically tight relationship between buildings of two-storey height. In addition, significant proportions of the frontages of the dwellings would provide for parking, and with the access road this would further exacerbate the coverage of the site by built form. I acknowledge that there would be planting and an increase in the number of trees providing for canopy cover in compliance with required standards. Even so, I find for these reasons that there would be a discordant lack of spaciousness around the buildings, and that the overall provision of soft landscaping on the site would appear limited and insufficient to balance the impression of the built form.
9. In addition, the dwellings would be positioned fairly regularly on 2 perpendicular building lines. Despite some variation in their form, this would result in a comparatively regimented and ordered layout that would be strikingly at odds with the characteristically looser and more informal arrangement of development to this side of Thame Road in the vicinity of the site.

10. In my judgement, these factors together would result in an unduly intense form of development on the site which I find would be urbanising, and which would harmfully erode the spacious rural character of the area. This would contrast with the fallback development where the evidence before me indicates that there would be a more informal layout and significant soft landscaping in keeping with the site's surroundings. Accordingly, the impacts would not be comparable, and the fallback does not weigh significantly in favour of the proposal.
11. For these reasons, I conclude on this main issue that the proposal would cause unacceptable harm to the character and appearance of the area contrary to Policies CP9, DM32, DM35 and DM44 of the LP. Together and amongst other things, these policies broadly require high quality development that makes the best use of land while respecting distinctive local character and responding positively to its context. The proposal would also be contrary to provisions within the Framework seeking development that adds to the overall quality of an area and is sympathetic to local character.

Living Conditions

12. There is no dispute between the parties that the internal area of each of the dwellings on plots 1-6 would accord with the overall standard for a three-bedroom four-person dwelling outlined by the Nationally Described Space Standards (NDSS) as required by Policy DM40 of the LP. The amended plans submitted with the appeal also provide for bedrooms which would comply with the minimum room areas and widths specified by the NDSS. Compliance with the standards has in part been achieved by altering provision of built-in storage, but the dwellings on plots 1-5 retain one relatively large cupboard and a second smaller cupboard at first-floor level, as well as 2 further ground-floor level built-in cupboards. The dwelling on plot 6 similarly retains a generous first-floor cupboard and 3 ground-floor cupboards. In my judgement, these spaces together would provide for sufficient storage for future occupiers, and I am satisfied that the internal area of the dwellings would not be cramped or inadequate to ensure a suitable standard of accommodation.
13. Windows to the side of the dwelling on plot 7 would face towards the garden of plot 6, but the main outlook would be towards the rear part of the garden which would be similarly visible from the attached neighbour. The intervening parking and access would also provide for separation so that views would not be direct. Given this relationship and that there would be some screening by boundary treatment and planting to the garden of plot 6, I do not find that there would be an unacceptable lack of privacy for occupiers of this dwelling.
14. However, the dwellings on plots 1 and 3 would project significantly beyond the rear of their attached neighbours on plots 2 and 4 respectively. The orientation of the buildings would limit potential loss of sunlight and overshadowing. Nevertheless, I find that two-storey development of this depth in such close proximity to the windows and amenity space at the rear of the dwellings on plots 2 and 4 would give rise to a noticeable impression of enclosure which would be overbearing, and I share the Council's concerns that daylight would also be adversely affected. In combination, I find that the poor outlook and light to these spaces would be detrimental to their quality, and the quality of life of future occupiers of the dwellings.

15. Notwithstanding my findings that there would be suitable standards of privacy and internal space for occupiers of the development, I therefore conclude on this main issue that levels of light and outlook for the dwellings on plots 2 and 4 would be unacceptable. The resulting harm to the living conditions of future occupiers of these dwellings would be modest, but would nevertheless result in conflict with Policy DM35 of the LP insofar as it requires appropriate levels of amenity for future occupants of development.

Affordable Housing

16. The 9 dwellings proposed would be below the threshold specified by Policy DM24 of the LP for provision of affordable housing on sites outside of the Chilterns Area of Outstanding Natural Beauty. However, Part 3 of Policy DM24 sets out that where development is demonstrably part of a potentially larger developable area above relevant thresholds, affordable housing will be required on a pro rata basis. The Council's position is that the development should be considered together with an adjacent site to the south east that has been the subject of a previous planning application for 2 dwellings¹.
17. While the adjacent application was refused, the absence of a current permission for development here is not conclusive. However, nor do I find the fact that there could be an adjacent scheme is necessarily sufficient to demonstrate that development is part of a potentially larger developable area.
18. At my visit, I saw fairly dense vegetation separating the sites. The Council advises that access to the adjacent development under the refused application was shown to be via the track to Home Farm. Nevertheless, the main parties indicate that the sites are in separate ownerships, and the appellant also highlights that the suggested access was not in the control of the applicant for the refused scheme. I accept that this could change and that ownership is not in itself determinative. Be that as it may, there is no current clear access or link between the sites, and no firm evidence to suggest that there has been subdivision of a site to avoid having to provide affordable housing which paragraph 6.41 of the LP notes that Policy DM24 is intended to prevent. Notwithstanding their location adjacent to one another, it seems to me that there is in reality little connection between the sites, and I am not persuaded on the basis of the evidence before me that it would in this case be reasonable to find the appeal site is demonstrably part of a potentially larger developable area.
19. In reaching this view, I have considered an appeal decision at Windmill Cottages, Lacey Green referred to by the Council. I do not have full details of the circumstances that applied in that case, but the decision records that the appeal related to part of the site of a former dwelling where an earlier residential development had already taken place. The sites were in separate ownership, but the Inspector found that they were part of a single planning unit on which there had been an intention to build dwellings in excess of the threshold for affordable housing provision. The appeal proposal remained closely tied to the earlier development, and it was therefore held that the sites should be considered together, resulting in a requirement for affordable housing. I find that the facts of this case are therefore clearly distinct from the appeal before me where it seems to me that the sites are unconnected save for

¹ Application reference 19/08065/OUT

potential sharing of an access which has not been formally established. I therefore give it limited weight in the determination of this appeal.

20. Accordingly, I conclude on this main issue that while the development would be only slightly below the threshold, there would not in this case be a requirement for affordable housing, and I find no conflict with Policy DM24 of the LP.

Other Matters

21. Orchard Cottage and Sarah's Cottage are listed buildings and I am therefore mindful of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to the desirability of preserving such buildings or their setting or any features of special architectural or historic interest. The Council notes that the proposal is not supported by a heritage impact statement, but has not raised the effect of the proposal on the listed buildings as a reason for refusal of the application, and it has not therefore been fully addressed by the appellant as part of the appeal. In this context, I confirm that the harm that would arise in relation to the main issues provide compelling grounds to dismiss the appeal.
22. The proposal would deliver 9 dwellings which would contribute to the supply of housing locally. This would accord with the Framework insofar as it seeks to significantly boost the supply of housing and the effective and efficient use of land. However, the proposal would only deliver 3 additional dwellings above the already approved fallback, and the small scale of the development means in any event that the contribution to the supply of housing would be modest. Further social and economic benefits associated with the construction and occupation of the development would similarly be limited by its scale.
23. I recognise the condition of the existing site, and that the proposal would bring the previously developed site back into use. There would also be potential for planting and other biodiversity enhancements as part of development. However, there is no compelling evidence before me that these benefits could not be delivered equally in accordance with the extant permission.
24. Conversely, the proposal would cause unacceptable harm to the character and appearance of the area, and would fail to provide suitable living conditions for future occupiers of the dwellings on plots 2 and 4. These matters together attract significant weight, and outweigh the benefits associated with the proposed development.

Conclusion

25. I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR