



Appeal Decision

Site visit made on 28 September 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/K0425/W/21/3270736

Land adjacent to Summerhill, Heavens Lea, Hedsor, Bucks, SL8 5EX.

- 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 St John Homes (Thames Valley) Ltd. against the decision of Wycombe District Council.
 - The application Ref. 20/07819/FUL, dated 22 October 2020, was refused by notice dated 24 December 2020.
 - The development proposed is the erection of a single detached dwelling with car port facilities and amenity space, together with access and associated works, new footpath link and the provision of public open space.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the application was decided by the Council the appellant has prepared an amended plan of the site layout – drawing 3588/202 Rev A and context section 206A. This retains the footprint and position of the proposed dwelling but re-positions the boundary with the orchard in the southern segment of the site. Applying the principles set out in the case of *Wheatcroft*, I am satisfied that the changes proposed are not significant and do not require re-consultation with the local community. Therefore, I will have regard to these plans.

Main Issues

3. The main issues are:
 - The effect on an area designated as 'Green Space';
 - The effect on the risk of flooding; and
 - The effect on biodiversity in the locality.

Reasons

Background

4. The appeal site comprises a sloping field which is part of a 'tear drop' shape piece of land enclosed by the narrow lanes of Hedsor Road, Hawks Hill and Heavens Lea. The northern element of this land is occupied by three detached houses. The field has an access to Hawks Hill almost opposite to where public footpath (HED/1/3) meets the lane. Land on the southern side of Hedsor Road

falls within the Metropolitan Green Belt while land on the eastern side of Heavens Lea forms part of a large area of proposed new development (about 450 dwellings) as per Policy BE2 (Hollands Farm) of the Wycombe District Local Plan.

5. It is proposed to develop a new large 2.5 storey dwelling near the centre of the field which would be designed to fit in with the slope of the land and form a driveway to the improved access point. The scheme also involves the designation of the southern element of the site as an orchard/ informal public open space and the creation of a new public footpath link.
6. The site has an extensive planning history where development has been resisted including on appeal. In particular I have had regard to the most recent appeal decision APP/K0425/W/16/3160690 where a proposal for 4 dwellings on the site was dismissed in 2017.

Planning Policy context

7. The site lies within the recognised settlement area of Bourne End and Wooburn but is shown as a Green Space in the Proposals Map to the Delivery and Site Allocations Plan (DSADPD)(adopted in 2013) to which Policy DM12 applies. This indicates that development of such space should be resisted, if it would result in the loss or fragmentation of the green space, unless exceptional circumstances arise. Moreover, linked policy DM11 indicates that Green Networks and infrastructure should be conserved and enhanced.
8. The designation of the land as a Green Space appears to have existed since about 1995 in a previous local plan and retained in the subsequent Wycombe District Local Plan. The appellant advises that the designation was retained in the DSADPD but the continuing need for designation has not been subsequently reviewed (as suggested by the Local Plan Inspector). The appellant therefore submits that the Green Space designation is 'out of date' as the factors that justified it no longer exist or have been overtaken by other events like the allocation of development land at Hollands Farm.
9. Although there is no explicit evidence before me that the need for the Green Space designation has been reviewed, it appeared to me at the site visit that there is still a local site specific justification for the designation of the land for its amenity value. The character of the land is open and verdant, although presently overgrown, and is materially different to the large houses and gardens on the land to the north of the site or surrounding it as generally shown on the submitted location plan. When viewed from the access to the site, the open nature of the land affords an extensive view over a wider landscape because of the slope of the land.
10. I acknowledge that the three boundaries of the site along lanes are lined by hedges and trees but such natural enclosure and screening cannot be relied on in the long term. Moreover, the hedge/shrubs and trees appeared to be mainly deciduous and more open views across the land are likely to be present at other times of the year. Finally, although significant development is likely to take place in the future off Heavens Lea, taking account of the illustrative layout appended to Policy BE2 it does not appear to me that there would be much direct local effect from this strategic allocation on the appeal site land.

11. Overall, I find that there remains local justification for the Green Space designation and that this broadly accords with the relevant criteria set out in paragraphs 101 and 102 of the National Planning Policy Framework (the Framework). I will therefore not treat Policy DM12 as being 'out of date' and it is relevant in the appeal

Effect on Green Space

12. Policy DM12 indicates that because of the amenity value of the land it should be protected from development and fragmentation. Although much of the southern element of the site would be put over to orchard/public space, the main aspect of the site would be taken up by the footprint of the proposed house and its outbuildings and access. I acknowledge that views of the house would mostly be limited to the public realm along Hedsor Hill, with very limited views from footpath HED/1/3, nevertheless, spatially there would be a substantial change in the land's appearance. Given the considerable spread and height of buildings involved, the proposal would fundamentally change the character of the land and its open nature would be substantially fragmented or lost even though some of it would be the garden of the proposed house. As such the proposal would conflict with the main purpose of the policy.
13. The wording of the policy also allows for 'exceptional circumstances' and in this regard the appellant refers to various factors to be taken into account. I note the degree of open space to be retained with enhanced landscaping and there could be some benefit of public access, although there is no formal mechanism put before me as to how this might be achieved or maintained in the long term. There would also be the benefit of a short public footpath link which would enable users to walk away from narrow lanes with limited visibility. However, it is not clear to me how this short link would fit into a wider network other than linking with footpath (HED/1/3). There is also potential for a net gain in biodiversity of the land as also discussed in a following main issue.
14. Taking the submitted benefits together, I find that they do not amount to exceptional circumstances which outweigh the loss and fragmentation of the designed Green Space that the proposal would cause, and the proposed development has not been shown to be 'necessary' as per part 3 of Policy DM12.

Effect on risk of flooding

15. Since the refusal of the application the Council acknowledges that the appellant has submitted a drainage scheme which the Council considers to be acceptable. Having regard to the scheme and my observations on site I am satisfied that, if other aspects of the development were acceptable, the erection of the new house could be undertaken without increasing flood risk from the disposal of surface water, and that this issue can be addressed by normal planning conditions.

Effect on biodiversity

16. Additional evidence on biodiversity has also been submitted. The Council raises concerns about the timing and ground conditions for the habitat survey data and the weighting of factors within the assessment. The appellant's Ecologist has therefore reviewed the Biodiversity Impact Assessment and concludes that the minimum net gain achievable with the current proposal

amounts to 10.5% rising to 71% gain, depending on the quality of the new traditional orchard and new garden land achieved.

17. On the evidence submitted I am satisfied that the proposed scheme has the potential to result in a net gain for biodiversity and this element of the proposal accords with the provisions of paragraph 180 of the Framework and Policy DM34 of the WDLP 2019.

Other matters

18. Local people and the Parish Meeting also raise concerns about the additional traffic stemming from the new house on the local road system and that the improved access proposed would be dangerous. I considered these aspects at the site visit and noted the visibility that would be available at the improved access to the site. Reasonable sight lines are possible although I noted the local lanes are narrow and without footpaths. However, there is no objection to the proposal from the highway authority and otherwise there is insufficient evidence before me to show that additional traffic generation from the proposed house will make the use of these lanes less safe.

Planning balance

19. The appeal needs to be considered in the context that the most relevant part of the development plan is not 'out of date' as the justification for the Policy DM12 is still relevant to the local circumstances of the site and it is broadly consistent with national policy in the Framework.
20. On the main issue I have found that the new house proposed would result in a fundamental change to the main part of the area designated as Green Space and would involve its substantial loss and fragmentation, contrary to the policy. Although there are some benefits to the proposal they do not amount to 'exceptional circumstances' as per the 3rd part of the policy. However, concern regarding a risk of flooding is no longer an issue.
21. This conflict with the development plan needs to be balanced with other considerations. There is the potential for the proposed development to achieve at least a modest net gain in biodiversity and it could lead to the provision of a new small area of land for a public open space which could be accessed by a short new public footpath away from the narrow lanes. However, even if these factors can be secured, the net benefit to the public is limited. The proposal would also make a small individual contribution to housing land supply.
22. However, I find that the benefits put forward do not outweigh the conflict with the development plan and the environmental harm that would be caused by the loss and fragmentation of the Green Space. This indicates that the appeal should not be allowed.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR