



Appeal Decision

Site visit made on 7 December 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2022

Appeal Ref: APP/K0425/W/21/3278115

Tifnams, Owlswick Lane, Owlswick HP27 9RJ

- 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 and Mrs P Pope against the decision of Buckinghamshire Council- West Area (Wycombe).
 - The application Ref 20/07950/FUL, dated 1 November 2020.
 - The development proposed is the alteration and subdivision of the existing dwelling to form two dwellings with parking and amenity space.
-

Decision

1. The appeal is dismissed and planning permission is refused for the alteration and subdivision of the existing dwelling to form two dwellings with parking space and amenity space.

Procedural Matters

2. The appeal is against the non-determination of a planning application by the Council. Had it been in a position to do so, the Council would have refused the planning application based on the main issue listed below. For clarity, the comments of the main parties have been considered in respect of whether the appeal development lies within the hamlet of Owlswick or in a 'rural area', having regard to the settlement strategy under the Wycombe District Local Plan (LP), adopted August 2019.

Main Issue

3. The main issue is whether the appeal site is a suitable location for a new dwelling, having regard to local and national planning policy for the delivery of housing.

Reasons

Suitable site for housing

4. The appeal site comprises part of an extended two storey dwelling, known as Tifnams, set in spacious grounds, and accessed from Owlswick Lane by a long drive. The dwelling has small-scale outbuildings close to its frontage and a swimming pool and tennis court to the side of it, adjoining a neighbouring road, Bar Lane, which leads to the village of Longwick. A pair of semi-detached dwellings on Bar Lane are located behind the appeal site. Owlswick, a hamlet,

- lies further along Owlswick Lane where there is a cluster of dispersed dwellings and buildings, including a chapel and a former public house.
5. Owlswick has few facilities and services. In contrast, Longwick has a good range of facilities and services, including a shop, post office, primary school and businesses providing employment opportunities. There are bus stops on the main road in Longwick and Owlswick Lane, approximately 0.7 miles and 0.3 miles distant, respectively, from the appeal site. Services to other larger settlements are available from them.
 6. LP Policy CP3 details a settlement strategy that directs the location of new development to settlements and areas following a tiered approach, based on sustainable criteria, including accessibility to services and facilities, and environmental constraints, such as the Chilterns Area of Outstanding Natural Beauty and the Green Belt. Under the strategy, larger settlements with a greater range of facilities are more sustainable in terms of minimising the need to travel by private vehicle and environmental impact, and therefore suitable for development. LP Policy DM21 secures the delivery of new homes in a sustainable manner by supporting new housing on allocated and windfall sites within settlement boundaries. Amongst its requirements, LP Policy DM33 indicates that development is required to provide safe, direct and convenient access to jobs, services and facilities via sustainable transport modes.
 7. Under the settlement strategy, Longwick is a Tier 3 'Higher Order and Other Service Village' with facilities and services to support further development. LP Policy RUR5 sets out a requirement for 300 dwellings within Longwick which is allocated through the Longwick-cum-Ilmer Parish Neighbourhood Plan (NP) 2018. Owlswick is a Tier 6 'Small village and hamlet' settlement, with limited amount of services and facilities to support it.
 8. Tifnams flanks onto Bar Lane which leads to Longwick, and the appeal site is approximately 600m from the built-up edge of this settlement. However, the development would be within a 'rural area' under the settlement strategy outside of policy boundary of Longwick and built-up areas of Owlswick, taking into account the latter's dispersed pattern of development. Therefore, under settlement strategy, the appeal site would be restricted to that which is 'appropriate' which are detailed under Policies DM42-DM45 of the LP.
 9. LP Policy DM45 indicates that the conversion of existing buildings to new uses is permitted in the countryside subject to meeting certain criteria. However, the proposed conversion would not involve a new use because it would remain in residential use. As such, it would not comply with this policy. Additionally, none of the other 'appropriate' categories of development would be relevant and thus, the proposal would conflict with LP Policy CP3.
 10. Turning to LP Policy DM33, there is a dispute over walking times to Longwick village in terms of services and facilities. Nevertheless, the new dwelling would be located at the end of a long drive and there are no footways or lighting along Owlswick Lane and Bar Lane. Owlswick Lane would also be subject to traffic capable of reaching 60 mph given the speed limit. Access is available to a public right of way alongside the rear boundary of Tifnams and this would provide quicker access to Bar Lane and Longwick. However, this is similarly unlit and at risk of becoming unsuitable during inclement weather. Consequently, new residents would be discouraged from walking and even cycling to the Longwick, especially during the winter and inclement weather,

and there would be limited sustainable transportation options for new residents. Accordingly, the proposal would conflict with LP Policy DM33.

11. For all these reasons, the proposal would not be a suitable location for residential development having regard to the LP's settlement strategy and approach to sustainable development in conflict with LP Policies CP3, DM21 and DM33.
12. Under the National Planning Policy Framework (the Framework) 2021, the proposal would be an isolated home in the countryside, as it would be physically separated from any settlement, including hamlet or group/cluster of dwellings. Such a view is shared by the appellants. In this regard, Tifnams is physically separated from both Longwick and Owlswick by significant undeveloped fields/paddocks. For the semi-detached dwellings on Bar Lane, there would be significant separation provided by intervening gardens. The Framework states isolated homes should be avoided but the proposal would involve the subdivision of an existing residential building, an exception circumstance to this policy, that was introduced in the version dated July 2018. Such compliance with national policy would therefore be in contrast with the conflict of the proposal with the identified LP policies.

Other matters

13. In 2018, planning permission was granted for the conversion of an outbuilding near to Tifnams to create a one bedroom dwelling. In Owlswick, planning permission has also been granted for the conversion of the public house and the provision of five detached dwellings in July 2019 and for the conversion of separate nearby outbuildings to residential use in 2014. Occupiers of these developments would be reliant upon the use of private motor vehicles to access facilities and services. Although there has been a dismissed appeal for a dwelling at Little Kimble, the appellants indicate further residential development has been permitted by the Council in this rural settlement.
14. However, every proposal will inevitably differ in its nature, benefits and policy context, which can lead to different planning balances and outcomes. In terms of policy context, many of the permissions were granted prior to the adoption of the current adopted LP and its sustainable settlement strategy. For the new additional dwellings at the public house, this permission was just prior to the adoption of the LP but this development, was located within the built-up area of Owlswick. At Little Kimble, the LP indicates the parish to have good accessibility to bus and rail services and classifies the settlement as a Tier 4 where additional development would be permitted under LP Policy RUR6. Therefore, there are material differences between these developments and the appeal scheme considered here, and they serve to demonstrate that every proposal has to be considered on its particular planning merits.

Planning Balance

15. The dwelling would boost housing supply and additional proposed landscaping would visually improve the surroundings. However, the contribution of a single dwelling to supply would be negligible and its location would conflict with the sustainable settlement strategy of the LP, its Policies CP3, DM21 and DM33. The LP's settlement strategy is central to the location of development across Wycombe District and is based on its district evidence based sustainability

- criteria and constraints. Accordingly, the proposal would be contrary to the development plan taken as a whole.
16. Amongst other matters, Paragraph 11.d) ii of the Framework indicates granting permission for development where the policies which are most important for determining the application are out-of-date, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
 17. LP Policy DM45, relating to the conversion of existing buildings to new uses, makes no specific reference to the sub-division of a residential building as an exception circumstance to isolated homes in the countryside as the Framework does. The appellants have argued the proposal to be compliant but also inconsistent with the Framework. However, even if this was so, and LP Policy DM45 was a most important policy, the basket of the most important policies, would include LP Policies CP3, DM21 and DM33. These directly relate to the settlement strategy, based on the district sustainability criteria and constraints, and in this instance, there would be significant conflict with LP Policy DM45 due to the new residents' accessibility to services and facilities by sustainable transportation means being poor. Therefore, such policies would be more important than LP Policy DM45 and the overall basket of most important policies would not be out-of-date.
 18. Under material considerations, the proposal would be an exceptional circumstance to the avoidance of isolated homes in the countryside as indicated under the Framework. The Framework also permits the conversion of redundant or disused buildings in the countryside and these development result in residential uses where occupiers would have to make significant use of a private motor vehicle, like that here.
 19. Nevertheless, the Framework also requires the planning system to actively manage patterns of growth in support of sustainable transport objectives, including promoting opportunities for walking, cycling and public transport, which the proposal would not comply with. Additionally, the conversions of redundant or disused countryside buildings have sustainability benefits in terms of the re-use of a building resource that would otherwise fall into state of dereliction. In the appeal proposal, resident's accessibility by sustainable transportation means would be poor and there is no evidence that building is redundant or in a state of disuse. Accordingly, national policies in the Framework would not be persuasive in granting planning permission for this development.
 20. The July 2018 Framework introduced the exception circumstance to homes in the countryside as detailed. Paragraph 214 of this Framework detailed transitional arrangements for the examination of plans and this would have resulted in the policies of the 2012 Framework applying to the examination of the adopted LP and not that of the July 2018 Framework.
 21. However, planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework also makes clear that the planning system should be genuinely plan-led and the LP is based on a settlement strategy based on sustainable transport accessibility and environmental evidence for the district. Therefore, in my view, there are no material considerations, including the Framework as it is now, of sufficient

weight or importance that determine that the decision should be taken other than in accordance with the development plan for all the reasons indicated and therefore, planning permission should be refused.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed, and planning permission is refused.

Jonathon Parsons

INSPECTOR