



Appeal Decision

Site visit made on 9 February 2022

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/K0425/C/21/3279733

Land at Bunch Meadows, Woodway, Loosley Row, Buckinghamshire, HP27 0NW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr James Boyle against an enforcement notice issued by Buckinghamshire Council - West Area (Wycombe).
- The notice, reference: 20/00116/OP, was issued on 1 July 2021.
- The breach of planning control as alleged in the notice is without planning permission the replacement of fencing panels with brick walls, the erection of large entrance gates and the laying of a new enlarged hardstanding.
- The requirements of the notice are 1. Remove from the Land the brick walls and gates (outlined in blue on the attached plan); 2. Remove from the Land the hardstanding (outlined in green on the attached plan); 3. Remove from the Land (shown in red on the attached plan), all materials and debris resulting from carrying out steps 1 and 2 of this Notice.
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the replacement of fencing panels with brick walls, the erection of large entrance gates and the laying of a new enlarged hardstanding at Bunch Meadows, Woodway, Loosley Row, Buckinghamshire, HP27 0NW as shown on the plan attached to the notice **and subject to the following condition:**
 - 1) Unless within months 3 of the date of this decision a scheme for lighting the driveway is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the development shall be demolished to ground level and all equipment and materials brought onto the land for the purposes of the development shall be removed until such time as a scheme is approved and implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time specified in this condition will be suspended until that legal challenge has been finally determined.

The Appeal on Ground (a)

2. Bunch Meadows is a house with a curving drive that stands on the side of a hill. The lane known as Woodway runs north-south and eases down the contours of hill with Bunch Meadows on its uphill side. The drive curves up and back towards the house. On the uphill side the lane bends up and away from the house and then bends sharply away downhill where it is joined by Wardrobes Lane. Visibility for drivers leaving the house uphill is poor, but better downhill. The road is quite busy, and several buses passed during my site visit which caused a temporary blockage on the lane. The Council argues the walls harm the openness of the green belt and the drive as a whole fails to respect the character and appearance of the Chilterns AONB.
3. The background to the appeal is that the drive has always been there, but the walls have replaced grassy banks. As I saw the new walls hold back the sides of the hill, through which the drive has been cut, to enable access to the house. According to the appellant, and this has not been disputed, the previous banks collapsed and so works had to be made to stabilise them. In doing so the drive has been widened. The new gates sit in the drive, closer to the road than previously, with a wide area of hardstanding on the roadside within the arms of the curving walls.
4. In terms of the green belt the walls and hardstanding are engineering works, which are not inappropriate as long as the openness of the green belt is preserved. The banks have been cut back and the walls put in place of sloping earth. The appellant's evidence is that the walls are no higher than the grass banks, so although they appear to be more imposing, they do not affect openness, and it seems to me the green belt is no less open than it would have been. It is difficult to be sure but it seems from the photographs that the wall on the right hand side (as you look from the road) is higher than the previous bank and has had the effect of raising the ground level. However, the cross-sections provided with the application to regularise the development show the wall and fence on the left hand side to be lower than the combined bank and fence that were there previously. There does not seem to have been any encroachment into the countryside as the new development is still within the confines of the old drive. It may look different but that is an issue for the AONB not for the question of encroachment in the green belt. On balance therefore it seems to me the impact on openness is neutral and the development as a whole is not inappropriate.
5. It is clear that the previous grassy banks with a fence on top gave a gentler and more rural feel to the entrance. The walls and gate are more imposing, more prominent and do create more of an urban feel to the driveway. Judging by the photograph of the previous driveway there has been an urbanisation of the drive entrance and that has harmed the character and appearance of the AONB. Policy DM30 of the local plan requires development to at least conserve the natural beauty of the AONB while policy DM32 requires development to "*protect and reinforce the positive key characteristics of the receiving landscape*". The development is contrary to both these policies.
6. However, the harm is not great and there are a number of mitigating factors to take into account. Firstly, I accept the appellant's argument that the walls are not simply decorative but are retaining walls for the banks. The evidence suggests they were installed because the banks collapsed and an engineering

solution was required. The invoices provided show works to remove the fallen banks and regrade them to reduce recurrence of future collapse, and then the provision of the retaining walls. Consequently, I agree that the provision of walls was necessary and therefore there was bound to be some loss of the rural character. I am also aware that the gates and much of the walling could have been provided as permitted development. I also accept that the design guide for the Chilterns AONB recommends hedges or walls as preferable to fences and that hedges would not have been appropriate as retaining structures. Taking all this together, despite the new development being less attractive than the old, there are good reasons to allow it as it is difficult to see what else could have been provided to resolve the bank failure problem that would have had less impact on the AONB.

7. The drive has also been widened but this is hardly visible with the gates shut and was also a by-product of the cutting back of the collapsed banks. While it might be more convenient for users of the drive I am not convinced it adds materially to highway safety as there was always room for two vehicles to pull off the road to pass each other in the drive entrance. However, the impact on the character of the AONB is negligible and quite possibly inevitable given the cutting back of the banks for safety reasons.
8. A third party has mentioned the excessive lighting of the entrance, although this did not form part of the Council's case and I was not able to see it for myself. However, the design guide notes that the AONB can be harmed by insensitive lighting installations and provides advice on how to minimise the impact. I shall attach a condition to require the submission of the lighting scheme for the approval of the Council.
9. I shall therefore allow the appeal on ground (a) and grant planning permission for the development. I do not need to consider ground (f).

Simon Hand MA

INSPECTOR