



## Appeal Decision

Site visit made on 26 October 2021

Hearing held on 29 March 2022

Site visit on 30 March 2022

**by J P Longmuir BA(Hons) DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 August 2022**

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**Appeal Ref: APP/K0425/W/21/3272284**

**Orchard House, Amersham Road, Hazlemere HP15 7JH**

- 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 Mr Wesley McCarthy on behalf of Nicholas King Homes against the decision of Wycombe District Council.
  - The application Ref 20/07610/FUL, dated 30 September 2020, was refused by notice dated 2 December 2020.
  - The development proposed is construction of 8no. four-bedroom, detached houses with associated parking, landscaping and access amendments to retain Orchard House.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal was submitted as a written representation. However, following the site visit it was decided to change the procedure to a hearing due to the number and complexities of the issues. Both parties were given the opportunity to submit further evidence to provide an updated position for the hearing. The Council did submit further evidence.
3. A unilateral undertaking was submitted on the 6 April 2022 and copied to the Council. This provides financial contributions for off-site ecological enhancement to mitigate the appeal site impact and expansion of primary education facilities.
4. Immediately prior to the hearing the appellant submitted a landscape strategy plan LC-2782-01 for the appeal site. This did not change the layout of the development but provided an indication of the potential scope of new planting. The Council were able to consider the plan and did not raise any objection to the submission. No party would be prejudiced were I to take the additional information into account and I have determined the appeal accordingly.
5. During the hearing the Council stated that they no longer had objections to the living conditions of the intended occupants of plots one and eight. These are the subject of refusal reasons 7 and 8. In the case of plot one, a detailed drawing was submitted which shows a 25-metre separation distance between the house and the residential annex. The potential shadowing to plot eight

would be resolved by the removal of a row of mature conifers in the aforementioned landscape strategy plan, which the Council agreed could be secured by condition. I similarly concur that the future occupants would have satisfactory living conditions.

6. In terms of reason for refusal 10 relating to surface water disposal, prior to the hearing, the Council considered the details that had been submitted earlier at the end of the planning application stage when they had not been able to accept the submission. The Council accepted that in principle adequate surface water run-off could be adequately managed on the appeal site and it no longer objected on this aspect of the proposed development subject to a condition. I similarly concur that in principle surface water run-off could be managed.

## **Background**

7. The site is part of a larger allocation in Policy HW8 of the 2019 Wycombe Local Plan for 350 dwellings on 12.87ha of land. The policy requires a development brief to provide comprehensive development across the allocated site. Work on this development brief has only recently commenced and is likely to take several months to complete. Meanwhile the landowners of the adjacent sites, Inland Ltd and Bellway Homes, have submitted planning applications for development. The Inland Ltd site is the subject of an outline application for 101 dwellings. This takes in the northern part of the allocation, involving the demolition of an existing dwelling to gain access from Holmer Green. It was considered by the Council's committee in March and deferred pending the development brief. The Bellway Homes application is in full for 290 dwellings and is more recently submitted; this extends beyond the boundaries of the Local Plan allocated area with access from the Wycombe Road to the west of the appeal site.

## **The main issues**

8. I start by considering the appeal scheme on its own merits, then having regard to the reasons for refusal, I consider whether the appeal scheme would be likely to prejudice the implementation of this wider allocation. The main issues are therefore:
  - the effect of the proposal on the character and appearance of the area, including the Chilterns AONB;
  - the effect of the proposal on highway safety;
  - whether the site would be in an accessible location for the intended occupants of the new dwellings in relation to non vehicular access to everyday services and facilities;
  - whether the proposal should provide affordable housing;
  - the effect of the proposal on the delivery of services and infrastructure;
  - the effect of the proposal on biodiversity and;
  - whether the proposal would prejudice implementation of the wider HW8 allocated site.

## Reasons

### ***The effect of the proposal on the character and appearance of the area***

9. The HW8 allocated land is described in the accompanying text to policy HW8, as located on the edge of High Wycombe urban area and currently consists of a mix of farmland and woodland.
10. The appeal site is part of the southern area of the allocated site and includes the A404 frontage. It consists of the grounds to the front and side of Orchard House, although the dwelling itself is excluded from the appeal site. To the side of the site is a loosely surfaced track which leads behind the appeal site to a disused car repair yard, also part of the HW8 allocated area.
11. The site is prominent from the A404 Wycombe Road in both directions. There are a few houses in the area, towards the west, High Wycombe, but these are softened and partially obscured by trees and hedges; the site appears within the countryside. There is a low hedge on the Wycombe Road frontage over which the site is visible: it is largely open, and the existing house, annex and outbuildings are all set back, so that there is a sense of openness. It is therefore unassuming and does not attract attention. The focus of attention is away from the appeal site, towards the trees and hedges beside the A404 and the nearby woodland. On the opposite side of the road is a golf course which is largely obscured by frontage vegetation.
12. The Chilterns Area of Outstanding Natural Beauty (AONB) is on the opposite side of Wycombe Road and includes Penn Woods, which is on slightly elevated ground and in sight of the appeal site. The AONB is characterised by its undulating chalk slopes, open views and blocks of woodland.
13. The proposal is for development across the width of the site with minimal gaps in between. The elevations are similar for seven of the plots creating a repetitive appearance. When seen from most viewpoints the houses would appear in an almost continuous line across the site which together with the hard surfaces for the access and car parking would collectively create an intensive development. Such a line of development and the repetitive designs would be more likely to be associated with a suburban area, whereas informality (including variation in house designs), and a lesser extent of development, would be more typical in this rural context.
14. Car parking is proposed along the majority of the frontage and whilst the existing hedge could be reinforced as part of a landscaping scheme together with some tree planting, such landscaping would take significant time to mature, meanwhile the metallic texture and colours of the cars would be obtrusive. In addition, the hedge would need to be high to wholly obscure the roofs of cars.
15. The site is experienced in conjunction with the AONB and contributes to its setting by providing an open and rural appearance. This would be changed to one of a predominance of enclosed development. It would attract attention so that the nearby trees, hedges and woodland would not appear prominently.
16. Amongst other matters, Policy DM34 of the Local Plan seeks to deliver green infrastructure and enhance biodiversity. On sites outside of town centres it requires development to achieve a future canopy cover of 25% of the site area. In terms of the allocated site, policy HW8 includes requirements in respect of

green infrastructure, this is particularly relevant for the appeal site since it forms the frontage for the HW8 allocation. Whilst full planting details have not been provided, it is nonetheless evident that limited space would be available for planting new trees, with enough space for them to flourish thereafter. The extent of landscaping would be insufficient for the appeal proposal. Consequently, the proposed houses and cars would appear overly strident.

17. I therefore conclude that the proposal would be harmful to the character and appearance of the area including the setting of the Chilterns AONB.
18. Policy HW8 requires a sense of separation between Hazlemere and Holmer Green, which would not be achieved by the line of new houses. Similarly, policy DM34 requires a 25% [green] canopy, which would not be provided and Policy DM11 of the Adopted Delivery and Site Allocations Plan (DSAP) requires all development to contribute to improvements to the Green Infrastructure network. The proposal would be contrary to the above policies.
19. Policy DM35 of the Local Plan requires all development to improve the character of the area and the way it functions. Policy CP9 requires a distinctive high quality sense of place by conserving and enhancing the natural environment. Policy CP10 requires conserving, protecting and enhancing the AONB by its protection from harmful development. The proposal would be contrary to the above policies.
20. Paragraph 126 of the National Planning Policy Framework (the Framework) sees the creation of high quality, beautiful and sustainable buildings and places as fundamental to what planning should achieve. Paragraph 130 states developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 176 requires development to be sensitively located and designed to avoid or minimise the impact on the setting of AONBs. The proposal would be contrary to the above policies.

### ***The effect on highway safety***

21. The appeal site lies just off the A404 which links Amersham to High Wycombe. This is a busy road, which is confirmed by a 2019 survey<sup>1</sup> for the County Council. The road is a single carriageway, and the centre line is demarcated with hatchings to segregate the opposing traffic.
22. The A404 by the appeal site is limited to 50mph and drops to 40mph approximately 200m to the west nearer Hazlemere. The proposed access would be within the 50mph limit.
23. The proposed development would be a priority junction on Amersham Road. This would entail traffic leaving the site having to wait for a gap in the traffic. Inevitably frustration would be likely to lead to the potential of a vehicle using inadequate gaps into the traffic flow. Similarly, cars seeking to enter the site from the east (Amersham) direction would be likely to frequently have to wait in the centre of the carriageway for a gap in the incoming traffic. Such a position in the centre of busy traffic would be vulnerable to collision and equally judgment would be critical whether a gap would be adequate.

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<sup>1</sup> Traffic Data: Appendix E to Written Statement on Highway Matters

24. I therefore find that the access would lead to potential collisions through frustration and inevitable risks being taken to use inadequate gaps in the traffic as well as the risk from stationary vehicles waiting to turn. The County Council estimate that each dwelling would generate 4-6 vehicles per day, which was not disputed by the appellant. This traffic generation on an everyday basis would be significant, leading to the likelihood of accidents.
25. Policy DM33 requires safe access to a site. Similarly, paragraph 110 requires safe and suitable access. Paragraph 111 of the Framework states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposal would lead to an unacceptable impact on highway safety and the proposal would be in conflict with the above.

### ***The accessibility of the site***

26. The site is in the countryside approximately 2 kilometres away from Hazlemere, which has everyday facilities. It is linked by the A404 Wycombe Road which for a significant part has no pedestrian footway. There is a grass verge beside the road, but as I found out on my initial site visit, that is not conducive to walking in terms of its surface and the intimidating busyness of the traffic. It also has significant slopes which would deter some cyclists. There are slightly nearer facilities off Eastern Dene (road), which is an outlying part of Hazlemere, off Wycombe Road, but these facilities also involve walking along the grass verge by the A404. Bus services would also require walking to get to the bus stop.
27. The appellant's transport assessment refers to the site's accessibility as limited. I similarly consider that the occupants of the proposed development would have limited non-vehicular access and would be largely car dependent.
28. There are facilities at Holmer Green which includes education, a pub, various food and everyday shops, however these are only accessible via the A404 away from the High Wycombe direction and the offshoot Earl Howe Road, which are a circuitous long route around the appeal site.
29. I therefore find that the appeal site would not be reasonably accessible to everyday facilities without the use of private vehicles. Consequently, at the present time the occupants of the development would be car dependent, which would generate carbon emissions; the appeal site in isolation is therefore not in a suitable location for residential development. Whilst a suggested condition requires the provision of electric charging points, which would assist in carbon emissions, that would not necessarily account for all journeys.
30. I therefore find that the proposal would be harmful in terms of climate change and social isolation as the occupants would be disjointed from a community.
31. If the Bellway Homes land, was to be developed it is possible that a connection to Holmer Green could be established. However, the Bellway Homes and Inland Ltd schemes do not have permission and even if they did there is no certainty that they would be implemented or that such a link would be acceptable to the developer/owner of the site.
32. The proposal would contravene the Local Plan strategy: Policy HW8 seeks to promote walking and cycling to facilities, policy CP1 which requires sustainable development, as well as policy DM33 which seeks carbon efficient siting of

development. CP12 titled climate change also requires siting of development close to facilities. Similarly, the proposal would conflict with policy DM2 of the DSAP which requires walking and cycling routes to serve new development.

33. Paragraph 73 of the Framework states that large scale extensions to villages should be well located, designed and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Paragraph 104 seeks to promote walking, cycling and public transport. Similarly, paragraph 105 seeks to promote growth in locations to avoid emissions. The proposal would be contrary to the Framework.

### ***Affordable housing***

34. Local Plan policy DM24 seeks the provision of affordable housing. Based on the size of the appeal site and the number of dwellings proposed, the appeal proposal would not be expected to provide affordable housing based on the specified thresholds. Notwithstanding this, paragraph 3 of the policy states that 'where a development falls below the size thresholds but is demonstrably part of a potentially larger developable area above those thresholds the Council will require affordable housing on a pro rata basis'.
35. Whilst the appeal site and the remainder of the HW8 are both developable, the critical consideration is whether the appeal site is demonstrably part of a larger area. The red line of the appeal site is not contiguous with the remainder of the HW8 site, as the appellant made clear at the hearing there is a need to provide some garden area to the existing house and therefore the boundaries could not align. The red line on the location plan indicates the extent of the appeal site and excludes the existing dwelling and an area of garden due to that being retained by the dwelling.
36. Additionally, the sites are in a different ownership, and I am advised that this has always been the case. The sites have also had different uses. Although the site forms part of a wider allocation, I nonetheless conclude that it is not part of a larger developable site but is an existing residential property in separate ownership. Accordingly, it is not reasonable to expect affordable housing to be provided.
37. I therefore conclude that the proposal would not be contrary to Local Plan policy DM24. Similarly, there would be no conflict with paragraph 64 of the Framework which states affordable housing should not be sought for non-major development.

### ***Provision of infrastructure /facilities***

38. The submitted unilateral undertaking provides the required primary education contribution based on the number of pupils that would arise from eight houses. This would satisfy the requirements in paragraph 4 of policies HW8 and DM19 for adequate education facilities to be provided for the occupants of new dwellings.
39. The houses would also fall within the Council's adopted CIL charging scheme, which could provide a range of potential facilities to the Council's choosing.
40. The necessity for the proposal to contribute towards infrastructure for the wider allocated HW8 is discussed latterly.

41. I therefore conclude that the proposal, in terms of this appeal site, would meet its own particular infrastructure needs. In this particular respect the proposal would not be contrary to policies HW8 and DM19 of the Local Plan.

### ***Biodiversity***

42. The appeal site consists of closely mown grass, with only a few broad-leaved trees/shrubs, a row of conifers and boundary hedges. The site has limited vegetation and appears largely to have been used as a garden, which together with the adjacent main road would discourage some species. I have not been made aware of any record of protected species or habitat on the appeal site.

43. The proposal would provide some new landscaping. Moreover, the submitted unilateral undertaking provides a financial contribution towards ecological enhancement elsewhere, in schemes overseen by the Council.

44. Whilst the row of houses and siting of parking in the appeal proposal would discourage a wildlife corridor, this would not be significantly different to the existing situation. At the hearing both the main parties agreed that taken together the proposal would represent an enhancement. I similarly concur.

45. I therefore conclude that the proposal would not harm biodiversity on the appeal site and provision on the wider HW8 allocation.

46. Local Plan policy HW8 requires the retention of field boundaries and promotion of green infrastructure. Policy CP10 promotes biodiversity enhancement through green infrastructure. Policy DM11 of the DSAP requires provision of green links across developments, whilst Policy DM14 of the DSAP states that all development proposals should be designed to maximise biodiversity. Paragraph 179 of the Framework requires the promotion of biodiversity and wildlife corridors. The proposal in terms of biodiversity would not be contrary to the above policies.

### ***The effect of the proposal on the potential to implement the wider HW8 site***

#### The effect of the proposal on the wider HW8 site: Potential access

47. Policy HW8 criterion c requires a comprehensive development of the allocated site. This is a broadly rectangular shape stretching from Holmer Green village in the north and extending to the south up to the A404, the main road leading to High Wycombe. Policy HW8 envisages access from the High Wycombe Road to the appeal site and an arrow is shown indicatively as a potential access across the appeal site.

48. The submitted layout shows that the 8 houses, the subject of the appeal proposal, would use the existing drive to Orchard House, through the centre of the appeal site. This drive would be inadequate for a larger development.

49. There is an existing adjacent track to the side of the appeal site which leads behind into the wider HW8 allocation. There is an annotation on the submitted layout which denotes space left potentially for access to the wider site, using in part the existing loosely surfaced track to the side of the appeal site and in part land occupied by a row of conifers, identified in a blue (ownership) line on the site location plan. The row of conifers is shown for removal in the landscape strategy plan, which would increase the available space.

50. The submitted evidence produced does not prove that this track and the annotated land shown on the submitted layout, would be insufficient for an access serving a substantial development. Indeed, much would depend upon the particular design of the access which is unknown at this stage. However even if the space was limited, it is not inconceivable that a form of traffic management may be possible.
51. This access would join Wycombe Road. It would need visibility in both directions, which would be likely to be achievable with the straightness of the road. The design of the junction is not known. However, there are wide verges either side of the carriageway which would help towards the space needed for its provision, and the space required will vary depending upon the nature of the junction.
52. The submitted Bellway Homes scheme shows an access away from the appeal site nearer towards Hazlemere. This involves the demolition of an existing dwelling, and the creation of a splayed vehicle access with a lane for turning in the A404 main road. This scheme does not have permission, but the highways officer has indicated its potential acceptability. Whilst its provision is not guaranteed, this nonetheless indicates a potential alternative access.

The effect of the proposal on the wider HW8 site: Other matters

53. Policy HW8 promotes the ecological connectivity of corridors throughout the allocated development. An existing orchard to the north towards Holmer Green, is noted as an important habitat on the allocated site. However, the appeal site is currently segregated from the orchard/greenfield element of the HW8 allocation by a hard surfaced car repair yard which forms a discouraging barrier to most wildlife. Additionally, the busy Wycombe Road would limit the connectivity beyond the HW8 allocation. There would be wildlife movement along the site boundaries as shown on the landscaping strategy plan. I therefore conclude in respect of biodiversity, the development of the appeal site would not prejudice measures on the wider allocation.
54. In addition, the Council at the hearing did question the need for open space provision/recreation facilities on the HW8 allocation as a whole. However, the CIL payments could be used to supplement the provision provided as part of the development of the rest of the HW8 site. There was no other indication from the Council that other needs could not be met by the potential CIL payments. Additionally, the site and proposal do not have any particular characteristics which would constrain provision on the wider site.

The effect of the proposal on the wider HW8 site: Conclusion

55. Based on the evidence produced at the hearing and my own observations on site, I therefore conclude that the delivery of the HW8 allocation would not be prejudiced by this appeal proposal for eight houses. In this respect I conclude that the proposal would not conflict with policy HW8 as well as policy CP4 which provides for housing delivery across the plan area.

## **Planning Balance**

56. It was agreed at the hearing that the Council is meeting its five-year housing land supply requirements with between 6.4 and 6.5 years supply based on the need established in the 2019 Local Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise.
57. I have found that the proposal would be harmful to the character and appearance of the area and spoil the contribution of the site to the rural setting of the AONB. In addition, the movements associated with the proposed 8 houses would harm the safety of the A404.
58. The appeal site is located in an area of poor access for non-motorised travel. This has the potential to change if the cycling/walking connection to the existing facilities at Holmer Green is provided by the allocated site being developed in a coordinated way. The appeal site plan shows land in a blue line connecting the appeal site to the Bellway Homes land, so theoretically a connection may be possible. However, the Bellway Homes and Inland Ltd schemes do not have permission and implementation is at present uncertain. In addition, as stated at the hearing, these schemes do not link up in terms of their proposed footpaths and cycleways. Such connectivity may yet be achievable as there is intervening open space but that is not confirmed in either of their detailed schemes. It therefore cannot be assumed that such a link will be achieved, so the occupants of the appeal proposal would be car dependent for everyday living, leading to the generation of carbon emissions.
59. The proposal would provide 8 new dwellings which would have economic benefits through their construction but that would be very short term. The benefits would not be substantial and do not outweigh the harm that I have found.

## **Conclusion**

60. The proposal would be harmful and contrary to the Development Plan as a whole. I therefore conclude that the appeal should be dismissed.

*John Longmuir*

INSPECTOR

## **Plans presented during the hearing:**

Landscaping strategy plan LC-2782-01  
Tranquillity mapping [AONB]  
Transport assessment for Bellway Homes for residential development  
Planning application plans for the proposed access by Bellway Homes

## **Appearances**

For the Appellant:

Mr Wesley McCarthy BEcon MTP MRTPI Nicolas King Homes  
Mr Paul Dickinson BA(Hons) MRTPI MRICS MCMi Paul Dickinson Associates  
Mr Harry Cross BSc MCIHT Principal Transport Planner  
Mr Greg Nightingale BSc MCIEEM Principal Ecologist

For the Council:

Mr Declan Cleary MTCP MRTPI Principal Planning Consultant  
Mr Matthew Hardy BSc Team Leader Highways  
Mr Philip Simpkin MCIF MA MSc PD Arb BSc Team Leader Ecology  
Mr Yuen Wong BA(Hons) MA MRTPI Principal Planning Policy Officer