



Appeal Decision

Site visit made on 18 October 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/K0425/W/22/3291161

Land lying to the Southeast of Lower Icknield Way HP27 9RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Mario Battaglia of Golden Waratah Properties against the decision of Buckinghamshire Council.
 - The application Ref 21/08188/PIP, dated 25 October 2021, was refused by notice dated 3 December 2021.
 - The development proposed is application for permission in principle for the development of 7 - 9 dwellings onsite.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Buckinghamshire Council against Mr Mario Battaglia of Golden Waratah Properties. This decision is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

5. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

Location, land use and amount of development

6. The appeal site is located between a railway line embankment and Meadowbrook House. It is separated from the Lower Icknield Way road by a mature roadside hedgerow. At the time of my site visit the site was laid to rough grass and the majority was being used for the grazing of horses, with the remainder vacant. Lower Icknield Way forms a clear divide between built-up land within the village of Longwick, and the appeal site, which has a pleasant and intrinsically rural character and appearance.
7. Development on the far side of the railway embankment is not visible when passing the appeal site. Furthermore; infrastructure development; housing; and the fuel station all close to the roundabout connecting Lower Icknield Way, Longwick Road and Thame Road, do not reduce the rural character and appearance of the site. This is due to their distance from the site and the presence of intervening grassland, trees and hedgerows.
8. Policy PR4 of the Wycombe District Local Plan 2019 (the Local Plan) sets out the concept for the expansion of Princes Risborough. One of the objectives of this policy is to maintain a green gap between development within Princes Risborough and Longwick.
9. Although not precluding all development outside of the strategic buffer, an aim of Policy PR5 of the Local Plan is to direct development towards towns and villages and to protect the countryside from inappropriate development. A settlement boundary and strategic buffer have been identified for Princes Risborough, and policy PR5 requires built development related to the main expansion of the town to be contained within the settlement boundary. The appeal site is located within land which is outside of the defined settlement boundary and within the strategic buffer as identified by Policy PR5. Within the amplification of this policy, it is indicated that that once the town has been expanded the gaps around the town will become critical to the protection of the countryside and surrounding settlements. It further indicates that certain small-scale development, such as infill between existing buildings may be appropriate. Even if I found the proposal to represent infill development between buildings, given the rural character and appearance of the site, a proposal for 7-9 dwellings would not represent small-scale development.
10. Local Plan Policy RUR5 affords further protection to the strategic buffer, indicating that development proposals will not be permitted which would encroach on the strategic buffer defined by Policy PR5. In addition to the above, an objective of Local Plan Policy DM32 is to prevent development which either individually or cumulatively would result in the actual or perceived coalescence of settlements.
11. Local Plan policy DM21 indicates that housing will be supported on sites allocated for housing shown on the policies map, on windfall sites within settlement boundaries, or in accordance with a made neighbourhood development plan. However, I have been presented with no compelling evidence to indicate that any of these criteria would be met.
12. Policy A3 of the Longwick-cum-Ilmer Parish Neighbourhood Development Plan 2018 (the NDP) seeks to ensure the retention of the rural identity of the village

of Longwick by retaining the rural green gap (a rural identity buffer) between Longwick and Princess Risborough. The appeal site is located within this rural identity buffer.

13. Due to the substantial width of the site frontage and the rural character of the area, the infilling of housing development within the green gap between the railway line and Meadowbrook House would erode the existing rural character and appearance of the site. Whilst it would not project further towards Princess Risborough than other existing development within the strategic buffer, it would nonetheless be harmful to the rural identity of Longwick. It would also contribute towards the coalescence of the Longwick and Princess Risborough settlements, reducing the effectiveness of the strategic buffer between the two settlements. The introduction and/or strengthening of landscaping to the rear of the site, would not mitigate these harms.
14. Between the roundabout and the railway line on Lower Icknield Way, and on the appeal site side of the road are located some limited sporadic development, as well as a residential development scheme which was allowed on appeal in August 2017 (Land at Ivy House Farm ref: APP/K0425/W/17/3166948). These developments are within the Policy PR5 strategic buffer. In determining the Ivy House Farm appeal, the Inspector accorded little weight to the policies of the then emerging Local Plan. Due to its separation from the appeal site and close proximity to a roundabout and fuel station, the Ivy House Farm site has a distinctly more urbanised setting than the appeal site.
15. The subsequent adoption of the Local Plan and NDP have established a formal strategic buffer between Longwick and Princess Risborough, at the same time as making provision for the strategic growth of Princess Risborough.
16. Furthermore, it is not in dispute that the Council can now demonstrate a five-year housing land supply, unlike at the time that the Ivy House Farm appeal was determined. Even if I had been provided with the policies on which the previous appeal was determined, the development authorised on land at Ivy House Farm is not comparable with that subject of this appeal, and does not lead me to an alternative conclusion regarding the harms which would be caused by the proposed development.
17. Flood risk is a matter which may indicate whether or not a site is suitable to accommodate residential development, and as such it may be considered at permission in principle stage.
18. Local Plan Policy DM39 seeks to manage flood risk by directing development to areas at least risk of flooding and prevent inappropriate development in areas with a high risk of flooding. Part 4 of this policy indicates that where development is proposed in any area at risk of flooding, evidence be supplied demonstrating compliance with the sequential test, and where appropriate, the exceptions test as set out in national policy and guidance. There are exceptions to the requirements of part 4 of this policy, but it has not been satisfactorily demonstrated any of the stated exceptions would apply to the development proposal. The amplification of the policy indicates that areas with medium or high surface water flood risk, or within the Wycombe Critical Drainage Area, as identified within the strategic flood risk assessment, should be considered to be area at risk of flood.

19. Paragraph 159 of the Planning Policy Framework (the Framework) advises that inappropriate development in areas at risk of flooding should be avoided, by directing development away from areas at highest risk. Paragraph 167 of the Framework indicates that where appropriate, applications should be supported by a site-specific flood-risk assessment. Footnote 55 indicates that such an assessment should accompany all proposals involving sites where; land is identified by the Environment Agency as having critical drainage problems; a strategic flood risk assessment indicates the land has an increased flood risk in the future; or, where they may be subject to other sources of flooding, where such development would introduce a more vulnerable use.
20. The evidence indicates that the site lies within Flood Zone 1. Whilst it also indicates that the majority of the site is at low risk of surface water flooding, a portion (closest to the railway embankment) is shown to be at high risk of surface water flooding, and a narrow strip adjacent to this is within the Wycombe critical drainage area. These areas are indicated on the plan at appendix b of the Council's statement. I accept this evidence and proceed on the basis that the requirements of footnote 55 of the Framework are engaged.
21. Planning Practice Guidance (PPG) advises that where an assessment shows that flood risk is a consideration the sequential test should be applied, and if needed the exception test to ensure that flood risk is minimised and appropriately addressed.
22. The Council determined the scheme that was before them. Although the layout of development is not for consideration as part of this appeal an indicative concept layout plan has been submitted demonstrating one way of accommodating 8 plots within the site. As indicated, at least 1 house would be located on land which has a risk of flooding. I accept the views expressed by both appellant and the planning officer within the delegated report, that the remaining area [not identified as being at high risk of surface water flooding or within the Wycombe critical drainage area] is of a sufficient size to accommodate between 7 and 9 houses. However, in the absence of a flood risk assessment and information to satisfactorily demonstrate that the sequential, and, if necessary, exceptions tests could be met, I am unable to conclude that the development would be safe from flooding for its lifetime. Nor can I conclude that it wouldn't increase flood risk elsewhere.
23. Having regard to its location, the proposed land use and the amount of development, I conclude the site is not suitable for residential development as it would not accord with Policies PR4, PR5, RUR5 of the Local Plan or Policy A3 of the NDP which seek to protect the rural identity of Longwick and provide a strategic buffer preventing coalescence between the settlements of Princess Risborough and Longwick. It would also conflict with the parts of Local Plan Policy DM32 which seeks to protect positive characteristics of the landscape and prevent development which would individually or cumulatively result in the actual or perceived coalescence of settlements. Furthermore, it would conflict with the requirements of Local Plan Policy DM39, which seeks to manage flood risk and sustainable drainage systems. In addition, it would conflict with the parts of paragraphs 159 and 167 of the Framework which seek to avoid inappropriate development on land at risk for flooding, and require that more vulnerable development proposals on land where there is an existing or future flood risk, be supported by a flood risk assessment, sequential test, and where appropriate, exceptions test. I cannot therefore conclude that the development

would be safe for its lifetime and that it would not increase flood risk elsewhere.

Other Matters

24. It is not possible to attach conditions to any consent granted for permission in principle.

Planning balance

25. The delivery of housing is supported by paragraph 60 of the Framework. However, given the scale of the scheme, any benefits in housing delivery would be small, and as such the weight that can be attributed to these benefits is limited.

26. This benefit would be outweighed by the harms caused by the proposal in terms of the degradation of the rural identity of Longwick, its contribution towards the coalescence of the settlements of Princess Risborough and Longwick, and in terms of flood risk.

27. The proposed development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

Conclusion

28. For the reasons given above, this appeal is dismissed.

V Simpson

INSPECTOR