



Appeal Decision

Site visit made on 2 May 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/J0405/W/22/3308809

Unit 3A, Drakes Farm, Long Crendon HP18 9BA

- 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 N Morgan (of Goodfabs) against the decision of Buckinghamshire Council.
 - The application Ref 21/03548/APP, dated 25 July 2021, was refused by notice dated 9 May 2022.
 - The development proposed is the 'erection of detached workshop building for use in connection with occupation of Unit 3A, together with alterations to parking layout'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the development on effective flood risk management;
 - whether the appeal site would be a suitable location for the proposed development, with particular regard to the local development strategy and the effect of the development on the character and appearance of the area; and;
 - the effect of the proposed development on the conditions of users of neighbouring units, with particular regard to parking stress and the free flow of traffic.

Reasons

Flood risk

3. The proposed development would take place on land beyond the terminus of the access road which runs alongside the building at Unit 3A Drakes Farm (the building). For the most part, this land is either laid to grass or gravelled. The implementation of the development proposals would formalise the use of parts of the site for car parking. They would also result in the construction of a new building, which is proposed to be occupied by Goodfabs - an engineering firm dedicated to the design and manufacture of race exhaust systems.
4. Policy 14 of the Buckinghamshire Council Vale of Aylesbury Local Plan 2013-2033 dated 2021 (the Local Plan), seeks to minimise the impacts of and from all forms of flood risk. Where a development proposal would affect land in flood zone 1, where evidence indicates that there are records of historic flooding or other sources of flooding, the policy requires that a site-specific flood risk assessment be undertaken. It also requires a flood risk sequential test as set

out in the latest version of the strategic flood risk assessment (SFRA) to be passed. Furthermore, for development proposals, other than those allocated in the Local Plan, the policy also requires the satisfaction of the exception test as set out within the latest SFRA.

5. 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. 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.
6. It is not disputed by the main parties that the appeal site is within flood zone 1, with a low probability of flooding from rivers and the sea. Furthermore, the total site area is less than 1 hectare. Notwithstanding this, the evidence reveals that parts of the site are susceptible to surface water flooding, and in the absence of cogent information to the contrary I proceed on that basis.
7. No site-specific flood risk assessment has been submitted to demonstrate whether the development proposals would comply with the requirements at (d)-(n) of Local Plan Policy 14. Nor has it been shown that the sequential, and, if necessary, exception tests could be met. I am therefore unable to conclude that the proposed development would not have a harmful effect on surface water flooding within the site or to identify what, if any, mitigation may be necessary to minimise the flood risk to an acceptable level. In light of the foregoing, relying on a condition would not be sufficient to satisfy my concerns with regard to flood risk. I accord these considerations significant weight.
8. My attention has been drawn to a number of appeal decisions where conditions have been imposed requiring the details of surface water drainage schemes to be provided. From the evidence before me, and with the exception of the appeal at 58 Bishopstone¹, it is not apparent that any of the sites were susceptible to an identified risk of surface water flooding. In the case of the 58 Bishopstone appeal, the proposal involved the demolition of an existing dwelling on the site and the construction of further residential development. As such that scheme is not directly comparable with the proposals subject of this appeal. Based on the evidence before me, I cannot be certain that a condition requiring the submission and approval of a proposed drainage scheme could ensure the compliance of the development proposals with the requirements of Policy 14 of the Local Plan.
9. In the absence of sufficient evidence to the contrary, I conclude that the proposals would have a harmful effect on effective flood risk management. Consequently, and in this respect, the development would conflict with Policy 14 of the Local Plan.

Development strategy

10. An existing building with car parking to the front, occupies approximately half of the appeal site. However, the development proposals subject of this appeal would be undertaken on land to the rear of the building which is mainly outside

¹ APP/J0405/W/18/3216281

of the Long Crendon Business Park (the business park) - a key employment site as identified within Policy E1 of the Local Plan, and also within a countryside location. Notwithstanding its countryside location, this land does not share either the rural characteristics and sense of openness of the field and countryside beyond, or the characteristics of the more highly developed business park. Instead, the presence of the neighbouring industrial buildings; the existing areas of gravel hardstanding and grass within the site; and the trees and shrubbery nearby, as well as the presence of post and wire stock fencing separating the appeal site from the fields beyond, inform its separate and distinctive character and appearance.

11. Policies S1, S2 and S3 of the Local Plan provide general support for development, including the provision of employment land and associated infrastructure where it would comply with the principles of sustainable development. However, these policies generally direct new development to settlements and away from countryside locations where it would compromise the open character of the countryside between settlements or have a negative impact on the identities of neighbouring settlements.
12. Local Plan Policy D6 indicates that employment development will be generally supported in sustainable locations, through the intensification or extension of existing premises. Furthermore, Paragraph 84 (a) of the Framework offers support for proposals that would facilitate sustainable growth and expansion of existing businesses in rural areas by the provision of a well-designed new building. Whether or not the site is within a rural area, paragraph 81 of the Framework, guides that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs.
13. The proposed development would provide additional accommodation which would be used in association with an existing engineering business already operating from the site, and which provides employment for over 20 members of staff. The appellant advises that the proposed building would enable manufacturing equipment to be laid out to provide a safer working environment, and more efficient working practices. I accept that the proposals would support the business by helping to future-proof it; afford greater flexibility in how space is used within the 2 buildings; and thereby safeguard existing jobs. These are clear benefits in favour of the proposed development.
14. Even if there is an oversupply of employment land within Aylesbury Vale, I attach moderate weight to the fact that the appellant is running an existing business enterprise within the appeal site, and that the proposal would allow the business to continue to develop from a single site.
15. The appeal site is within an area of attractive landscape (AAL) as defined within the Local Plan. Policy NE4 of the Local Plan advises that such areas have particular landscape features and qualities considered appropriate for particular conservation and enhancement opportunities. The business park is within the AAL. Notwithstanding the undulating topography of the neighbouring countryside and the presence of nearby trees, woodland and shrubbery, the appeal site may be discernible from public vantages beyond the business park. However, from such locations it would be read in the context of the other buildings within the business park, rather than in isolation. For these reasons, it would not compromise the open character of the countryside between

settlements or be visually prominent in the landscape. Furthermore, and for the same reasons, it would not be materially harmful to the appearance of the AAL.

16. As the proposed building would be constructed on land adjacent to a key employment site, and for the reasons given above, I find that its countryside location does not preclude the proposal from representing a form of sustainable development which would support existing employment levels and provide a good working environment.
17. Given the limited scale of the proposals, I can attribute only moderate weight to the previously identified benefits that would result from the implementation of the proposed development.
18. For the reasons provided, I find the appeal site to be a suitable location for the proposed development with particular regard to the local development strategy, and its effect on the character and appearance of the area. Consequently, and in respect of this main issue, the proposals would not conflict with the objectives of Policies S1, S2, S3, or NE4 of the Local Plan, where they seek to deliver sustainable development and support employment development.
19. Policy E1 of the Local Plan identifies a series of measures to protect designated key employment sites. Given that the land upon which the development proposals would be undertaken is outside of such a designation, this policy is not determinative in this appeal.

Conditions of users of neighbouring units

20. It is agreed by the main parties that the proposed parking layout would not result in highway safety concerns, and I have no reason to conclude otherwise.
21. Policy T6 of the Local Plan indicates that all development must provide an appropriate level of car parking, in accordance with standards set out within Appendix B of the same document. Local Plan Policy T8 requires the provision of at least 2 parking bays and charging points for electric vehicles for development other than houses or flats and where less than 50 bays are to be provided.
22. It is not disputed by the main parties that the proposed parking provision as indicated on the plans forming part of the planning application does not meet the standards required by Local Plan Policies T6 or T8. However, I do not doubt that there is sufficient space within the site to provide the level and type of parking provision indicated as being necessary by the Council.
23. Furthermore, I accept that the layout of the parking could be configured to ensure that there is adequate space for cars as well as service vehicles to park and manoeuvre within the site without causing a harmful reduction to the free flow of traffic in the area. If this appeal were not being dismissed for other reasons, a condition would have been imposed requiring an amended parking scheme which would include electric car charging provision as well as parking suitable for blue badge holders, to be provided and agreed upon.
24. In common with the case officer during their site visit, I witnessed a small number of cars parked within the carriageway close to the site. However, it is not clear from the evidence that cars so parked are necessarily linked to the

use of the appeal site, as opposed to one of the other businesses within the business park.

25. Within previous schemes for development on the site, there may have been proposals to increase staff numbers, and I cannot rule out any future increases resulting from the implementation of the development proposals. Notwithstanding this, and although a snapshot in time, during my late-morning mid-week site visit, there were several parking spaces available within the appeal site, and the evidence indicates that such availability is not atypical.
26. Even if the implementation of the development proposals would result in the displacement of a small amount of the existing informal car parking provision to the rear of the building; and, a modest increase in employment levels, I am unable to conclude that the effects would be of a scale that would cause a harmful increase in parking pressure within the wider industrial estate.
27. Whether or not the building subject of this appeal were to be used independently of the existing building, suitable levels and standards of vehicle parking and manoeuvring space could be provided to serve the proposals.
28. For the reasons given above, the proposed development would not have a harmful effect on the conditions of users of neighbouring units, with particular regard to parking stress and the free flow of traffic. Consequently, it would not conflict with the requirements of Policies T6 or T8 of the Local Plan.

Other matters

29. Planning permission was previously granted (15/02424/AOP and 11/00466/ADP), for development within the appeal site. The planning permission authorised the construction of an extension to the rear of the building and a car parking area. It is agreed by the main parties that the car parking area subject of that permission does not accord with the approved details. However, no compelling evidence has been put forward from which to doubt that discreet works associated with the formation of an access way/drive were undertaken prior to the expiry of the permission, and in accordance with the approved details. I therefore consider that there is a real prospect, that the 'fallback' position has been implemented.
30. Notwithstanding the planning history, the proposed building would be larger than that previously consented, and would occupy a greater footprint. Furthermore, the previously consented scheme included a substantial soft landscaping scheme, which is not matched within the current appeal scheme. Given these considerations, and in the absence of cogent evidence to the contrary, I find that the proposed development would have a more harmful effect on flood risk than the previously consented scheme. As such only limited weight is ascribed to the fallback position.

Conclusion

31. In the absence of sufficient evidence to the contrary, I have found that the proposals would have a harmful effect on effective flood risk management. I accord substantial weight to this harm.
32. Although I have also found that the development would accord with the local development strategy and that adequate parking and vehicle manoeuvring space could be provided, the absence of harm in connection with car parking,

and the benefits that would result from the implementation of the development proposals do not justify a different conclusion being reached regarding the acceptability of the development.

33. 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

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

V Simpson

INSPECTOR