



Appeal Decision

Site visit made on 5 December 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Appeal Ref: APP/N0410/W/22/3307919

**The Old Post House, 18 London End, Beaconsfield, Buckinghamshire
HP9 2JH**

- 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 Steve Leahy of Bijou Living Ltd against the decision of Buckinghamshire Council - South Bucks Area.
 - The application Ref PL/22/1887/FA, dated 20 May 2022, was refused by notice dated 30 August 2022.
 - The development proposed is described on the application form as the 'conversion of existing building and outbuilding to form 5no apartments, with associated external spaces, bin and cycle storage.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development comprises the conversion of existing building and outbuilding to form 5 apartments, addition of rear balcony, changes to windows and doors, dwarf walls and railings to front and rear, associated external spaces, bin and cycle storage. The Council dealt with the proposal on this basis and so shall I.
3. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issues.
4. Since the decision for this scheme was issued by the Council, planning permission¹ has been granted at the site for, amongst other things, the conversion of the building to form 4 apartments. That permission has been implemented. I have had regard to this permission in making my decision.
5. The appeal property is a grade II listed building² and the proposal is the subject of a separate application for works to a listed building. This matter is dealt with in further detail below.
6. The Council does not object to the proposed external works, including balcony, boundary treatments, bin and bike stores and replacement windows and doors.

¹ PL/22/3626/FA

² List Entry Number: 1310478

Based on the evidence before me and from my site visit, I have no reason to disagree with those findings.

Main Issue

7. The main issue is the effect of the proposed development on employment generating floorspace.

Reasons

8. The appeal site comprises a two-storey mid-terraced building positioned within London End. The site is surrounded by a variety of uses, including office, retail and residential. The building is set back from London End behind a small forecourt.
9. The building, until recently, consisted solely of employment generating floorspace. However, planning permission was granted under reference PL/22/3626/FA for the part change of use of the building to form 4 residential units. That scheme retained a proportion of the ground floor as employment generating floorspace. The main difference between that previous planning permission and this appeal scheme is the loss of the retained, and therefore all, employment generating floorspace at the site. This is a matter I return to subsequently.
10. Core Policy 10 of the South Bucks Core Strategy (CS, 2011) seeks to retain important employment sites. The policy also sets out that in limited circumstances, including where there is no reasonable prospect of a site being used for its permitted purpose, the priority will be for the site to be reused or redeveloped for an alternative economic (employment) use. A footnote to this policy specifies that in seeking to demonstrate that there is no reasonable prospect of a site being used for the permitted purpose, the applicant will need to have undertaken a prolonged period of unsuccessful marketing. The Council advises, amongst other things, that sites should be continuously marketed for at least one year, although a longer period of marketing may be appropriate for larger sites, or where the economic climate is more challenging.
11. The appellant has submitted a marketing report from an experienced local agent. This provides details of where, when and how the site was marketed. It includes the rates at which the site was marketed, and the particulars used. An Addendum was also provided. This sets out the market interest in the property and the reasons that some interested parties did not commit to making formal offers or agreeing terms. Common reasons included a lack of dedicated parking or drop-off points, limitations in adapting the space due to its listed status and the expense of maintaining a large historic building. Although there were some limitations to the use of the building by certain occupiers, it is nevertheless evident that multiple offers were received.
12. Whilst I acknowledge that marketing has taken place over a significant period of time, the circumstances at the site have since changed. As noted above, planning permission was granted to convert much of the building to residential use, which has been implemented. The marketing exercise before me was focussed on attracting potential tenants/buyers to the entire building (approximately 3,000sqft of floorspace). There is no substantive evidence before me that demonstrates that the appellant has appropriately marketed the

significantly smaller retained commercial floorspace, which may well be more attractive to some occupiers.

13. Even if the recent change of use had not been permitted, there is limited detail before me to demonstrate that the price at which the site was advertised was realistic, that it reflected the market value for similar premises in the locality or that this was kept under review. Indeed, the price actually increased, as described in the appellant's evidence, due to the level of interest from different occupiers. The Council's guidance is clear that sites should be marketed at a price and terms which are commensurate with market values, for example including verification from commercial agents and by using equivalent and comparable expressions of price per unit of floorspace. This has not been demonstrated.
14. During my site visit I observed that a number of nearby office buildings and ground floor commercial units were to let or for sale within Beaconsfield. Be that as it may, I do not have the details of those properties before me, their terms or the length of time they have been actively marketed to come to any conclusion about wider economic conditions in the locality. Moreover, I noted a higher number of occupied commercial units within the surrounding area.
15. Based on the information provided, I do not find that the marketing exercise clearly indicates whether the marketed price of the appeal site was realistic. Moreover, there is no evidence before me to demonstrate that the retained commercial floorspace (rather than the entire building) has been appropriately marketed such that there is no reasonable prospect of this part of the site being used for its permitted, or an alternative economic, use. Consequently, the proposed development would result in a harmful loss of floorspace available for employment generating purposes.
16. For the above reasons, I conclude that the proposed development would be contrary to the relevant provisions of CS Core Policy 10, which in summary seeks to protect employment sites. This is in a similar vein to the Framework insofar as employment sites are concerned.

Other Matters

17. The appeal site falls within the 'Zone of Influence' (5.6km) of the Burnham Beeches Special Area of Conservation (SAC). The Council has identified that the proposed development has the potential to have an adverse effect on the ecological integrity of this protected site. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) states that a competent authority, before giving permission, must make an appropriate assessment of the implications of the plan or project for that site. I also acknowledge that a unilateral undertaking has been provided by the appellant, seeking to secure the provision of financial contributions towards the mitigation measures to rule out adverse effects on the SAC. However, given my reasoning in respect of the main issue and that the appeal is dismissed, there is therefore no requirement upon me in that regard. Even were I to find that the proposal was acceptable in this respect, it would be neutral in my determination of the case.
18. The submitted evidence indicates that the Council cannot currently demonstrate a five-year housing land supply, at 2.94 years. As such, and noting the Government's objective of significantly boosting the supply of

homes, the provisions of Framework paragraph 11.d(ii) are engaged. The proposed development would represent a contribution of one extra dwelling to housing supply in an area with an acknowledged lack of future provision. There, too, would be some other economic benefits of the proposed development, including in supporting employment during construction. However, these benefits would inevitably be limited given the scale and nature of the development proposed. Accordingly, and given the significant harm I have identified above, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

19. The appeal property is a grade II listed building and is located within the Beaconsfield Old Town Conservation Area (the CA). I have therefore had regard to my duties under sections 66(1) and 72(1) of the Act.
20. Bearing in mind the position, nature and extent of the proposals, taken together with the separate application for works in connection with the change of use of the building, I consider that the proposal would preserve the grade II listed building and the character and appearance of the CA as a whole. As such, the proposal would not harm the significance of these designated heritage assets. I note that the Council had no concerns in these respects either. Nevertheless, the lack of harm in these respects does not weigh for or against the appeal and does not alter my conclusion on the main issue.

Conclusion

21. For the reasons above, having regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR