



Appeal Decision

Hearing held on 14 March 2024

Site visit made on 14 March 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/K0425/W/23/3323862

Land adjacent to Pitch Green Farm, Chapel Lane, Pitch Green, Bledlow, HP27 9QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Jennings of Henry Douglas Homes Ltd against Buckinghamshire Council.
 - The application Ref is 22/07740/FUL.
 - The development proposed is the erection of a detached dwelling with access, parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling with access, parking and amenity space at Land adjacent to Pitch Green Farm, Chapel Lane, Pitch Green, Bledlow, HP27 9QG, in accordance with the terms of the application, Ref 22/07740/FUL, and the plans submitted with it, subject to the conditions in the Schedule at the end of this decision.

Applications for costs

2. An application for an award of costs was made by Mr A Jennings of Henry Douglas Homes Ltd against Buckinghamshire Council. This is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the setting of the adjacent listed buildings; and
 - whether the proposed development would be in an appropriate location for access to services.

Reasons

Character and Appearance

4. Pitch Green is a small rural settlement, comprising sporadic development. Dwellings comprise a range of ages, forms, and materials, with no consistency of plot size, or building line. Dwellings along Chapel Lane include cottages finished in brick and flint, and slightly larger brick houses with half dormers, both typical of the wider area and the nearby Chilterns National Landscape.

5. Many Pitch Green dwellings have a strong street presence. Those to the south of Chapel Lane are positioned closer together, with those to the north of Chapel Lane and along Sandpit Lane having wider plots which provide green gaps in between the built form, and some views to agricultural land behind. Overall, this distribution reinforces the settlement's rural and tranquil character, including a general absence of 20th century urbanisation.
6. The appeal site comprises a field accessed off Chapel Lane, opposite several dwellings and in between the Grade II listed buildings of Pitch Green Farmhouse (PGF) and Pitch Green Cottage (PGC). The site is predominantly bounded by mature hedges and trees, and joins open agricultural land to its rear. It has never contained any development. The proposal is for a dwelling set back into the site, using the existing access.
7. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed buildings. Section 16 of the Framework also requires that great weight should be given to the conservation of designated heritage assets, and Policy DM31 of the Wycombe District Local Plan (LP) (2019) aligns with this approach.
8. PGF is a part timber-framed, and part brick and flint 17th century farmhouse, altered and extended in the 18th century, with a gabled, tiled roof. PGC is an early 18th century timber framed cottage with colour-washed brick and plaster infill and a half-hipped thatch roof. Their significance arises from the appreciation of their historic function as a family farm holding, typified by many such small farms in the area at that period, and reflected in their materiality, architecture, positioning within their plots, and the historic field pattern.
9. The appeal site historically formed a field/orchard within the rural context of this PGF farm-holding. Its openness in between the listed buildings has remained constant, and it is therefore part of their setting. Its importance relates to its contribution to the ability to appreciate their significance, both visually, and in understanding the historical legibility of their farming origins and development of the area.
10. However, the banking and thick evergreen hedging between the site and PGF creates a very strong visual boundary and separation, with boundary vegetation also alongside PGC. There is therefore only limited inter-visibility between them and the appeal site. Public views across it, and public views which also encompass the listed buildings, are even more limited. It has not been suggested that the buildings were specifically designed to be seen from one another.
11. The Bledlow-cum-Saunderton Neighbourhood Plan (NP) (2017) identifies 3 key views for Pitch Green (Appendix B, Plan H). One is towards the appeal site along Chapel Lane in front of PGC, but the thick hedging along the majority of the northern side precludes views into the site, which would remain the same under the proposal. Any glimpses of the roofline of the new dwelling would be well set back from such that it would have no untoward impact on this view or on PGC. Similarly, the view of PGF along its entrance driveway would remain the same.
12. The public footpath opposite the site would provide a combined view of both PGF and the new dwelling, but a significant gap would remain in between. The

proposal would thus replicate the settlement's rhythm and character of detached buildings with open space to either side, and would also retain a clear gap at its front. The site and its visual contribution to the PGF setting would not be dominated or overwhelmed due to the proposed dwelling's size and scale. I find similarly for the relationship with PGC.

13. Although the Council suggests that the dwelling would be taller and deeper than others in Chapel Lane, the ground levels and the separation distances mean that it would not be perceived as higher. The depth would not appear excessive and is broadly similar to those nearby. It would be relatively modest, and be sufficiently separated from the listed buildings and set back from the frontage so as not to be dominant or prominent.
14. The proposal would create additional domestication, but domestic paraphernalia would be predominantly to the rear and very well screened. The front would remain as grassland plus only a modest driveway, which would thus retain the overall rural character, openness, and tranquillity. Screening could be further controlled and improved via a landscaping condition.
15. Therefore, in the context of the other Chapel Lane properties, I find that the dwelling would not be visually untoward within the streetscene, or from within the site or from within the grounds of the listed buildings. It would have a neutral visual impact on their setting.
16. I also find that a new dwelling within this spacious site would allow a continued ability to appreciate and understand the significance of the historic form of the farm-holding, the degree of separation and relationship between PGF and PGC, and the gradual development of Pitch Green on and around the original farmstead. The retention of field boundaries and significant vegetation would be a key component in retaining this setting and significance, as would the remaining openness. Experientially, the appeal proposal would be understood as a newer separate development forming part of the settlement's overall organic growth, including in conjunction with the changes which have been made to the listed buildings. PGF as the original host sits within its own extensive curtilage, and would remain bounded on its other sides by fields.
17. Overall, although the potential impact on the setting of the listed buildings is a finely balanced judgement, I conclude that there would be a neutral impact, and therefore the significance of the listed buildings would be preserved.
18. A larger dwelling was dismissed on the site at appeal in 2009¹, including for its harm to the listed buildings. Although the same physical considerations predominantly apply as were before that Inspector, I have come to a different conclusion due to the reduction of the size and scale of the proposal.
19. Directly opposite the site are a row of 19th century vernacular cottages, plus a locally listed Former Wesleyan Methodist Chapel, which derives significance from its architecture, materials, and the legibility of its former use. Although they collectively form a wider frontage setting for the appeal site, the Council confirmed at the Hearing that their heritage attributes and significance would not be affected to a harmful extent. Due to the separation and set back distance and the retention of the majority of the hedgerow in between, I agree that the proposal would not affect the setting of this group of buildings.

¹ Planning application reference: 08/07509/OUT, appeal reference: PP/K0425/A/09/2102169/WF

20. Regarding the proposal's effect on the wider character and appearance of the streetscene and the settlement, for the same reasons as outlined above I conclude that it would cause no harm. The dwelling would take design cues for size, scale, form, and materials, from those recently constructed on Land adjoining the Mill House², and particularly from Meadow Bank on Sandpit Lane³. It would be an appropriate scale and density for the size of the plot and the proximate housing. As such it would blend appropriately with the vernacular character of Chapel Lane and Pitch Green as a whole, and retention of much of its open plot would maintain the settlement's rural character.
21. The front and rear fenestration would not be fully symmetrical, but I consider that it is well proportioned, and as a contemporary detached dwelling, there is no compelling reason for it to be symmetrical. The Council also raised concern with the expanse of rendered wall below the eaves level. I note that render is not prominent within the settlement, but its extent could be reduced via the imposition of a condition to confirm materials.
22. The NP identifies a Pitch Green settlement boundary. The Council noted at the Hearing that PGF was synonymous with the settlement, and therefore had to be included within the boundary despite being slightly physically separate. As a result, the appeal site also had to be included, despite some local opposition. Notwithstanding this, the outcome is a boundary which includes the site.
23. The NP Policy 1 supports proposals for development within the settlement, provided they do not result in the loss of an important local open space of public, environmental, or ecological value, and they accord with other development plan policies. Although the Council considered the site's historic association is environmental value protected under Policy 1, I identified above that this would not be harmed. I address ecological value below. I also find it material that the NP Task Group Housing Development Report (2016) specifically considered the appeal site's inclusion, due to its green field status. Paragraphs 31 and 47 identify that its relevance from a landscape or townscape perspective is not considered important.
24. Therefore overall, I find the proposal would cause no harm to the character and appearance of the area, and would preserve the setting of the adjacent listed buildings. In this regard, it would comply with the NP Policies 1, 2, 4, and 6, and the LP Policies CP9, DM31, DM32, and DM35. Together, and amongst other matters, these aim for development to achieve a high quality of design, to preserve the essential open character of the parish, be of an appropriate scale and density for the size of the plot and the existing pattern of housing, conserve the historic environment, and protect and reinforce the positive key characteristics of the landscape and existing settlement and buildings. It would similarly comply with the Framework section 16 regarding the preservation of heritage assets.

Appropriate Location for Access to Services

25. In considering the site's physical location, the previous Inspector found a lack of provision of local services and public transport access. There appears to have been no physical changes to increase the site's sustainability since that

² Land adjoining the Mill House, Chinnor Road 17/07846/OUT and 21/07442/REM.

³ Meadow Bank, Sandpit Lane 18/07801/FUL.

- decision, with only a limited bus service. Occupants of the new dwelling would predominantly rely on the private car to access services.
26. Furthermore, there would be some threat to pedestrian safety for residents using the bus service due to the rural roads having no pavement or lighting. However, Chapel Lane is a cul-de-sac with only minimal traffic, and vehicle speeds would be very low on Sandpit Lane due to the junction proximity, so this harm would be minimal.
27. The Council identified that Pitch Green is unsustainably located, a factor which weighs against all development within it, and that the proposal would fail to comply with the area's settlement strategy identified within the LP Policies CP2, CP3, and CP4. These seek to direct new development to areas which have some local services, whereas Pitch Green falls outside of the 6 settlement 'Tiers'. Although within the Pitch Green settlement boundary, the site is not allocated. Thus, development under this criterion is restricted by Policy CP3 to that which is appropriate in a rural area.
28. However, the LP Policy DM21 also identifies that housing will be supported on windfall sites within settlement boundaries in accordance with a made NP. The site could also be considered to fall under Policy CP4 Criterion (4)(d), which identifies that homes will be delivered through windfall development, in accordance with other policies in the Development Plan. Therefore, the development plan context is somewhat circular regarding the principle of development.
29. The NP made since the site's previous appeal decision has been a material change. However, the subsequent adoption of the LP gives the LP policies more weight. The NP policies are also somewhat circular in that Policy 1 requires proposals to accord with other provisions of the Plan and the Wycombe Development Plan. The NP Policy 2 supports small scale development within the settlement boundaries, but again only provided the proposals meet all the relevant requirements set out in other policies in the development plan.
30. In considering the guidance in the Framework, locationally the proposal would conflict with paragraphs 108, 109, and 114. Amongst other matters these aim to increase opportunities to promote walking, cycling, and public transport use, through limiting the need to travel and offering a genuine choice of transport modes, and safe and suitable access to the site for all users. Harm would thus be caused on this basis.
31. I accept it is unclear why a NP was developed supporting development within Pitch Green in principle, if it is deemed so unsustainable that it would be unacceptably reliant on the private car. However, in bringing all the above considerations together, I therefore find that overall, the proposed development would not be in an appropriate location for access to services, and would cause harm. As well as conflicting with the Framework, it would be in some conflict with the LP settlement strategies Policies CP2, CP3, and CP4. It would thus also conflict with those aspects of the NP Policies 1 and 2 which require compliance with all other development plan policies.

Other Matters

32. The NP paragraph 5.34 explanatory text identifies that its underlying housing strategy is to improve the sustainability of Bledlow-cum-Saunderton as a demographically more balanced community. The NP acknowledges that new

- dwelling sites across its area will mostly be small-scale, and does not require additional betterment or specific benefits to be demonstrated in order for such development to be acceptable. A benefit of the proposal would be its contribution to the housing supply of a dwelling size specifically identified by the NP as in need in the parish. There would also be small-scale short term economic benefits from construction, and long term social and economic benefits from additional support for local services.
33. Dwellings permitted relatively recently on 3 other Pitch Green sites have very similar locational sustainability as the appeal site. The Council explained at the Hearing that other material considerations for those sites outweighed this harm, being previous trip generation for the former nursery on Meadow Bank, and betterment of the visibility for Land adjoining the Mill House, as well as its location directly adjacent to the bus stop.
34. However, no such reasons were identified relating to Coram House⁴. Moreover, officer reports for these permissions (documents 6-10) do not identify any concerns regarding sustainability, or discuss this overtly within the planning balance. Although the LP was not adopted at the time all of those permissions were granted, no conflict with the emerging settlement strategy was identified. Overall, I find the lack of any compelling evidence to suggest collectively such a difference between those sites and the appeal site, to be a material consideration providing precedent support for the proposal.
35. The Council identified that the site is 'important' under the NP Policy 1 due to its ecological value. The proposal is required to demonstrate measurable gains in biodiversity, in accordance with the LP Policy DM34, the Biodiversity Net Gain Supplementary Planning Document (BNG SPD), and the Framework section 15. The parties have agreed that this could in principle be achieved through the creation of an area of wildflower meadow to the north of the site, with a minimum of 30 years of management. This land is within the appellant's ownership. I agree that this would be appropriate and would secure positive gains to local biodiversity.
36. Prior to the Hearing the appellant submitted a Planning Obligation Deed under s106 of the Town and Country Planning Act, as a Unilateral Undertaking (UU) to secure this meadow. The Council considers that it should instead be secured via a bilateral s106 legal agreement. However, a detailed explanation for this was not provided, other than it being required by the BNG SPD. The SPD does not provide any specific reasoning for this stance.
37. Notwithstanding this, the Council's Legal Officer provided detailed proposed amendments to the appellant's UU (Document 5). Following the Hearing, a revised signed UU version dated 27 March 2024 was submitted which incorporates some of those amendments (Document 14). Amendments not incorporated were those which obligated the Council, and which related to additional off-site delivery, deemed to be unnecessary. Some proposed amendments to the 'Interpretation' section were also not included, but I am satisfied that the UU as drafted would achieve the same overall outcome. Importantly, the UU now includes a monitoring fee and indexation.
38. On the evidence before me, I am unconvinced the proposal requires a bilateral agreement. The undertakings within the UU are necessary to make the

⁴ Coram House, Sandpit Lane 19/07374/FUL

development acceptable in planning terms, directly related to it, and fairly and reasonably related in scale and kind. The UU therefore meets the tests within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and at Paragraph 57 of the Framework. On-site biodiversity measures could be controlled via conditions. The proposal would thus have a positive impact on the site's overall biodiversity. It would comply with the LP Policy DM34, with the overall aim of the BNG SPD, and with the Framework. It would thus not conflict with the protection for ecological important sites under the NP Policy 1.

39. Interested parties raised issues regarding flood risk and the lack of site drainage information, including reference to historic instances of flooding and the previous inspector's acknowledgement of such. However, the site is located in Flood Zone 1, and drainage issues from the past few years have been suitably demonstrated to be confined to puddling on Chapel Lane rather than on the site itself. No objections were raised by the Lead Local Flood Authority, and the Council is satisfied that drainage matters could be dealt with via condition. On the evidence before me, I therefore agree that this would be appropriate, and would comply with the LP Policy DM39.
40. An interested party also suggested a privacy impact due to overlooking, However, the dwelling would have no first floor side windows, and there would be a long distance from its front windows to the other dwellings. As such, I find that no harm would be caused in this regard.

Conditions

41. I have considered the Council's suggested conditions in accordance with paragraph 56 of the Framework and the Planning Practice Guidance. These were agreed in principle at the Hearing by both main parties. I have attached the statutory condition to limit the lifespan of the planning permission, and one to specify the approved plans to provide clarity for the terms of the permission.
42. A scheme for tree protection, and details of hard and soft landscaping, are necessary to protect and enhance biodiversity and to maintain the site's character. The required net biodiversity increase is addressed through the UU as outlined above, but I have also required consideration of on-site biodiversity measures as part of the landscaping details. Details of materials to be used in the walls and roof are necessary to reflect the local character.
43. Drainage details are required in order to ensure suitable drainage is provided and to mitigate against flooding. The access and parking is to be constructed and retained as such to avoid any negative impacts on the highway. The requirement to meet the Building Regulations optional water consumption target is to comply with the LP policy DM41, as the District is an area of water stress which needs maximisation of water efficiency opportunities.
44. I have not imposed the Council's suggested condition to provide electric vehicle charging points, because as I identified during the Hearing, this is no longer appropriate in the light of recent changes to the Building Regulations.

Planning Balance and Conclusion

45. This is a finely balanced judgement. I take into account the conflict with some of the LP settlement hierarchy policies and the harm from the proposal's unsustainable location, weighed against the NP aim to promote smaller sized dwellings in settlements across its area, the other dwellings recently approved

in Pitch Green, and the proposed biodiversity improvements. I also note the lack of any other harm, including relating to character and appearance, particularly because the Council confirmed at the Hearing that its third reason for refusal would 'fall away' if all the other policies had been met.

46. I conclude that while the proposed development would be in some conflict with the development plan as a whole, the material considerations weigh in its favour to the extent to outweigh this conflict and the harm. I therefore allow the appeal.

L N Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - PL95B Proposed Site Location Plan and Block Plan
 - PL96A Proposed Site Plan
 - PL110A Proposed Ground Floor Plan
 - PL111A Proposed First Floor Plan
 - PL113A Proposed Roof Plan
 - PL210 Proposed Elevations
 - P500 Site Plan (Landscaping, Biodiversity and Curtilage)
- 3) No site clearance, preparatory work, or development shall take place until a scheme for the protection of retained trees (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out and maintained as approved.
- 4) No development shall take place until a Sustainable Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system. Where a sustainable drainage system is to be provided, the submitted details shall:
 - (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (b) include a timetable for its implementation; and
 - (c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 5) No development shall take place until a scheme to demonstrate details of the proposed means of disposal of foul drainage, and separate systems of drainage for foul and surface water on and off site, has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the foul drainage works have been completed in accordance with the approved scheme, and the implemented drainage works shall be retained as such thereafter.
- 6) Prior to any above ground works, full details of both hard and soft landscape works and their implementation programme shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping details shall include proposed materials, parking layout, means of enclosure, and measures relating to biodiversity. The soft landscaping details shall include specification of

species, tree and plant sizes, number and planting densities, measures relating to biodiversity, and the timing of the implementation of the scheme, including any earthworks required. The landscape works shall be carried out in accordance with the approved details before any part of the development is first occupied, in accordance with the agreed implementation programme. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant specified in the approved details, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or shrub, or plant of the same species and size as that originally planted, shall be planted at the same place.

- 7) Prior to any above ground works, details of the materials to be used in the construction of the external walls and roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 8) Prior to first occupation of the development, the means of access and the parking area shown on the approved plans shall be provided and retained thereafter free of obstruction, in order to allow for the access and parking of resident and visitor vehicles. The access shall be constructed in accordance with the Buckinghamshire Council technical guidance for private vehicular access.
- 9) The dwelling hereby permitted shall not be occupied until it has complied with the Building Regulations Optional requirement of water consumption targets of 110 litres or less per person per day.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Mr Jennings	Director, Henry Douglas Homes Ltd (Appellant)
Mr Webster	Barrister, 3PB Barristers
Mr Collinge	Director, JCPC Ltd
Dr Doggett	Managing Director, Asset Heritage Consulting Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Zabala-Beck	Development Management Officer
Mr Hardy	Highways Development Management Team Leader
Mrs Oborn	Senior Heritage Officer
Mr Gurney	Council Officer

INTERESTED PERSONS:

Mr Schmidt	Local resident
Mr Carter Barker	Local resident

DOCUMENTS SUBMITTED AT/FOLLOWING THE HEARING

1. (Appellant) – Planning history pack for:
 - 1) Coram House
 - 2) Meadow Bank
 - 3) Land adjoining the Mill House
 - 4) Pitch Green Farm
 - 5) Brew House Farm Stables
2. (A) – Suggested condition to secure monitoring funding
3. (A) – Condition option 1
4. (A) – Condition option 2
5. (Council) – Comments on Unilateral Undertaking dated 1 March 2024.
6. (C) – Coram House planning history summary sheet
7. (C) – Coram House – Officer report for 19/07374/FUL
8. (C) – Meadow Bank – Officer report for 18/07801/FUL
9. (C) – Land adjoining the Mill House - Officer report for 17/07846/OUT
10. (C) – Land adjoining the Mill House - Officer report for 21/07442/REM
11. (C) – Pitch Green Farm – Officer report for 12/05273/FUL
12. (C) – Pitch Green Farm – Officer report for 14/06165/FUL
13. (C) – Pitch Green Farm – Officer report for 23/06107/FUL
14. (A) – Executed Unilateral Undertaking dated 27 March 2024