
Appeal Decision

Site visit made on 22 May 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/K0425/W/23/3336034

Billingshurst Stud, Harvest Hill, Hedsor, Buckinghamshire SL8 5JJ

- 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 Copas Farms against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 22/05430/FUL.
 - The development proposed is for the redevelopment of a brownfield site to provide 4 No. detached houses, with associated car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of a brownfield site to provide 4 No. Detached Houses, with associated car parking and landscaping at Billingshurst Stud, Harvest Hill, Hedsor, Buckinghamshire SL8 5JJ in accordance with the terms of the application, Ref 22/05430/FUL, subject to the conditions in the attached schedule.

Background and Reasons

2. The Council failed to determine the planning application within the prescribed period and therefore the appellants exercised their right to submit the appeal. The Council has confirmed that it would have been minded to grant planning permission had it been able to do so.
3. Thus, it become apparent that there are no issues in dispute between the Council and the appellant. Indeed, both the Council and the appellant are of the view that the appeal should be allowed, and planning permission granted. I have determined the appeal on that basis. In so doing, I have considered the key 'other matters' not in dispute between the Council and appellants below, as well as the main concerns of interested parties.

Other Matters

Whether or not the proposal would be inappropriate development in the Green Belt

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy DM42 of the Wycombe District Local Plan adopted August 2019 (WDLP) is generally consistent with the Framework as it sets out that inappropriate

- development within the Green Belt will not be permitted unless there are very special circumstances.
6. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. This includes paragraph 154(g) which deals with limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development. Policy DM42 of WDLP also sets out certain exceptions including development that the Framework classifies as not inappropriate subject to a number of clarifications that do not apply in this case.
 7. It is common ground between the main parties that the appeal site is previously developed land. Interested parties point out that there are some inconsistencies with this position and information that fed into earlier decisions. They recognise that they are beyond the scope of this decision, but they point out they have already resulted in the erosion of the rural character. I have taken account of the points made; however, I am satisfied that given the available evidence and my observations on the site visit that the appeal site has an established equine use and consequently does meet the definition of previously developed land.
 8. It is therefore necessary to consider whether the proposal would have a greater impact on the openness of the Green Belt than the existing development. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects.
 9. Interested parties suggest that as the proposed dwellings are substantially taller than the existing buildings and given the existing screening provided by mature vegetation, the proposal would have a much more significant impact on the openness of the Green Belt than the existing development. On the other hand, the Council highlight that the proposed redevelopment would result in a 56% reduction in building footprint, a 49% reduction in building volume and a 41% reduction in floor area when compared to the existing buildings.
 10. Although the Council acknowledge that the ridge height of the proposed residential buildings would be higher than the existing buildings, this would be counterbalanced by the overall reduction in building footprint, volume and floor area. Moreover, they highlight that the proposed landscaping scheme would result in significant enhancement due to the proposed new planting and would improve the landscape setting of the site by reducing the hardstanding area. As a result, they conclude that the proposal would not harm the openness of the Green Belt.
 11. I agree with the Council's analysis, and I find that both spatially and visually even taking account of the fact that the proposed development would be visible from Harvest Hill, the proposal would not have a greater impact on the openness of the Green Belt than the existing development. In considering this matter, given that the proposal does not involve the replacement or extensions of dwellings in the Green Belt, Policy DM43 of WDLP is not particularly relevant. In any event, the size of the proposed dwellings does not alter my findings on openness.

12. It follows that the proposal would not be inappropriate development in the Green Belt. Consequently, the proposal accords with Policy DM42 of the WDLP and the relevant parts of the Framework as set out above.

Character and appearance

13. The appeal site is located adjacent to the southern edge of the settlement boundary. In this regard, I agree with the appellant and interested parties that it is appropriate to have regard to policy WBE/HH1 of the Wooburn and Bourne End Parish Council Neighbourhood Development Plan 2013-2033 (WBENP) and DM32 of the WDLP which among other things seeks to preserve the character of Hawks Hill and Harvest Hill area and ensure that development protects and reinforces the positive key characteristics of the receiving landscape and existing settlement patterns.
14. The proposal would successfully do so. Although outside the settlement boundary, the proposed development would not result in isolated homes in the countryside, but rather would make use of previously developed land that is physically well-related to the existing settlement. Consequently, the proposal would accord with the Framework.
15. The architectural style of the proposed dwellings, the layout and scale of the proposal and the complementary landscape scheme would respond positively to the existing character of the area which comprises residential dwellings, an existing storage building, open fields and woodlands. The low scale and sensitively designed dwellings and ancillary development would not have an urbanising effect, nor result in the overdevelopment of the appeal site. Further, the removal of the existing Leylandii trees along the road frontage and the introduction of a comprehensive landscaping scheme would enhance the character and appearance of the area. I am satisfied that no trees of high amenity value would be lost as a result of the proposed development.
16. Moreover, the proposed access would result in the removal of a section of native hedgerow and existing vegetation and would necessarily be wide enough to ensure that the proposal would not harm highway safety. However, it would incorporate attractive planting on either side of the entrance which would satisfactorily soften its appearance. As a result, the proposal would preserve the character and appearance of the area.
17. I therefore conclude that the proposal would not harm the character and appearance of the area and consequently the proposal would not conflict with the relevant parts of Policy DM32 of the WDLP or with Policy WBE/HH1 of the WBENP as set out above. Further, the proposal would not conflict with Policy CP3 of the WDLP as the proposal would be an appropriate use of the appeal site in this rural area. The proposal would also comply with the Framework which seeks to ensure development is sympathetic to local character.

Other miscellaneous matters

18. I note that interested parties have indicated that it is important to establish what will happen to the wider site if permission is granted as they are concerned that the existing buildings will be replaced elsewhere and that there is also an on-going need for equestrian facilities within the area. However, I have determined this appeal on its own merits and found that it would not result in unacceptable harm. Any future development proposals that require

planning permission would also be determined on their individual planning merits both on the site and for further equestrian facilities within the area. In any event, a theoretical concern about what may happen to the wider site or that there may be future demand for equestrian facilities does not justify dismissing the appeal.

Conditions

19. I have had regard to the conditions suggested by the Council and amended and reordered them as necessary in the interests of precision and clarity, as well as to comply with advice in the Framework and Planning Practice Guidance (PPG). It is necessary to impose some pre-commencement conditions and the appellant has confirmed that they agree to such conditions.
20. A condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure that there is a net gain in biodiversity it is necessary to impose a pre-commencement condition to require that details of a construction environment management plan and a habitat management plan are agreed and implemented. There is a significant degree of overlap between that condition and the Council's proposed condition requiring a landscape and ecological management plan as they both seek to protect and enhance biodiversity. Given the scale of development and as details of the construction environment management plan and a habitat management plan will need to be submitted to the local planning authority for approval it is reasonable to impose only one condition which I am satisfied will comply with the relevant advice in the Framework and the PPG.
21. A condition requiring that details of external and finished surfaces materials to be used is necessary in the interest of the appearance of the scheme and the surrounding area. To protect the openness of the Green Belt there are exceptional circumstances in this case which make it necessary to impose a condition to restrict permitted development rights. In the interests of highway safety, it is necessary to impose a condition in relation to access, parking, manoeuvring and visibility splays.
22. Given that building regulations now deal with electric vehicle charging requirements it is not necessary to impose a condition. To protect the living conditions of future occupants it is necessary to prevent windows and other openings from being constructed in certain elevations and to ensure one window is obscure glazed. In the interests of sustainability and to protect the area from flood risk it is necessary to attach a condition requiring the implementation of a sustainable drainage system.
23. In the interests of the appearance of the scheme it is necessary to impose conditions to ensure appropriate landscaping is implemented. To ensure that newts are protected it is necessary to impose a suitably worded condition. In the interests of sustainability, it is necessary to impose a condition restricting the use of water. In the interests of protecting the character and appearance of the area it is reasonable to impose a condition to prevent an increase in the height of the site.

Conclusion

24. For the reasons given above the appeal should be allowed.

S Rawle

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 3727.100 B, 3727.101 F, 3727.102 D, 3727.103 C, 3727.104 E, 3727.105 E, 3727.106 B, 3727.107 A, 3727.108 A, 22-25-PL-201 A and 22-25-PL-202 A.
- 3) Before any construction works hereby approved are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation and biodiversity net gain as detailed within the Biodiversity Net Gain Report, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:
 - a) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
 - b) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
 - c) Details of both species composition and abundance where planting is to occur;
 - d) Proposed management prescriptions for all habitats for a period of no less than 30 years;
 - e) Assurances of achievability;
 - f) Timetable of delivery for all habitats; and
 - g) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

- The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP.
- 4) No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
 - 5) Prior to the commencement of any work to the finished surfaces of the development hereby permitted details/samples of all surfacing materials to be used shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A-E of Part 1 of Schedule 2 to the Order shall be undertaken.
 - 7) The dwellings hereby permitted shall not be occupied until the means of access for vehicles has been constructed in accordance with the approved plans. The access shall be retained thereafter.
 - 8) No dwelling shall be occupied until the parking, garaging and vehicular manoeuvring scheme as indicated on the approved plans has been implemented and that space shall thereafter be kept available at all times for those purposes.
 - 9) No other part of the development shall begin until the visibility splays shown on the approved plans have been provided and the area contained within the splays shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.
 - 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed on the first-floor side elevations of Plots 2, 3 and 4.
 - 11) The dwelling on plot 2 hereby permitted shall not be occupied until the first-floor dormer window serving the master bedroom in the side elevation facing towards plot 3 has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 12) No dwelling hereby permitted shall be occupied until the sustainable drainage scheme as set out in the Flood Risk & Drainage Statement Issue 3, 7 February 2022 has been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the submitted management and maintenance plan.
 - 13) Before any of the dwellings hereby permitted are first occupied the landscaping works shall be carried out in accordance with the approved

plans. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 14) The development shall be implemented in accordance with the mitigation scheme contained within the Precautionary Working Method Statement: Great Crested Newts, Land at Billingham Stud, AA Environmental, February 2023. Any variation to the mitigation scheme shall be agreed in writing with the local planning authority before any such variation is implemented.
- 15) The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
- 16) Unless otherwise first agreed in writing by the local planning authority there shall be no building up or increase of the existing ground levels on the site.