



Appeal Decision

Site visit made on 22 July 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/J0405/W/23/3332710

Former Pumping Station, Main Road, Drayton Parslow MK17 0JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T. Ali against the decision of Buckinghamshire Council.
 - The application Ref 23/02218/APP dated 23 July 2023 was refused by notice dated 18 September 2023.
 - The development proposed is conversion of existing pumping station and construction of extensions to form a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal upon highway safety;
 - whether the proposal would provide suitable living conditions for future occupiers with particular regard to the standard of accommodation;
 - the effect of the proposal upon existing trees;
 - the effect of the proposal upon biodiversity and protected species;
 - the effect of the proposal upon the character and appearance of the area, and;
 - whether the appeal site is a suitable location for a new dwelling, having regard to the spatial strategy.

Reasons

Highway safety

3. The proposal would be accessed using the existing gated access to the site, which itself is taken from a shallow lay-by. The road is rural in nature and is subject to the national speed limit, but is sinuous and there is limited visibility from the site entrance, particularly towards the left when leaving the site, as traffic would approach from around a bend.
4. The existing layby provides some natural visibility splays, however it is unclear as to what extent the layby remains within the adopted highway, and a visually impermeable area of woodland abuts the road verge. Furthermore, the layby

can be occupied by parked vehicles, which themselves have the potential to further restrict visibility.

5. It is the Council's position that the proposed access should provide 154m x 2.4m visibility splays, in accordance with standards within Manual for Streets. Manual for Streets remains current guidance and I consider its use in relation to this proposal to be appropriate. In order to be effective, such splays would need to be clear of obstruction, and would likely require the clearing of vegetation.
6. I acknowledge that the site has an existing vehicular access, and that it may have operated in the past without incident. However, given the nature of the use of the building as a remote pumping station such use is likely to have been of a low frequency, and is unlikely to have been comparable with regular comings and goings which would be associated with a dwelling. On this basis, I consider the requirement to provide visibility splays to be reasonable in this case.
7. There is no indication that the appellant controls sufficient land to provide the necessary visibility splays, and the extent of the adopted highway is unclear. As a result, any planning condition to secure the provision and retention of visibility splays would fail the relevant tests set out in Planning Practice Guidance ('PPG') and the National Planning Policy Framework ('the Framework') as it would be unreasonable. Accordingly, I am not satisfied that an adequate and safe access would be provided for the development.
8. The fact that vehicles currently park in the existing layby does not weigh in favour of the proposal. The layby is informal and whether or not part of the highway, it is available for use by the general public. Its presence would not alleviate the need for vehicles to access the site, nor is it clear that its use could be restricted. As I have set out above, it is the case that vehicles parked in the layby could themselves be a source of conflict with vehicles seeking to enter or leave the appeal site.
9. VALP Policy T6 states that two-bedroom dwellings should provide two car parking spaces. The provided plans indicate that a single parking space would be provided within the appeal site, which would represent a suboptimum provision. The policy makes allowance for deviation from the optimum level, where specific local circumstances can justify such deviation.
10. The appeal site is accessible on foot only along the road which has no footway or lighting. While the road is rural in nature, it is sinuous and accessing local facilities by pedestrian means would be unlikely to be an attractive prospect for future occupiers of the proposal. There are bus stops within walking distance of the appeal site, however access to these would also require pedestrians to make use of unlit roads with no footways. The use of such bus stops would be unlikely to be an attractive prospect at night or in inclement weather. Overall, I consider it likely that future occupiers of the proposed dwelling would have a high level of car dependency. Therefore, despite being a conversion of an existing building, there is no justification for a reduction in parking from the optimum level in this case.
11. The appellant has indicated that a larger single space or two car parking spaces could be provided within the appeal site, however there is no substantive evidence before me to indicate that such provision could be accommodated

such that it would be of appropriate size and specification to allow safe access and egress in a forward direction. This being the case, it is possible that vehicles manoeuvring within, into or out of the site could come into conflict with other road users to the detriment of highway safety.

12. Although it is indicated that the proposal could be reduced to a single bedroom dwelling in order to reduce the level of optimum parking provision, this is not the scheme which is before me.
13. The proposal does not indicate that an Electric Vehicle charging point would be provided, however I am satisfied that such provision could be secured by means of an appropriate planning condition, should I have been minded to allow the appeal.
14. The proposal would have an unacceptable effect on highway safety as there is no mechanism before me to provide and secure the maintenance of visibility splays of an appropriate specification at the site access, and there would be a suboptimum provision of parking. It would therefore be contrary to VALP Policies T5 and T6 which state that new development will only be permitted where mitigation is provided against any unacceptable transport impacts, and that appropriate levels of car parking are provided. It would however, accord with VALP Policy T8 which requires the provision of Electric Vehicle charging points.
15. The Council has also stated that the proposal would be contrary to VALP Policy T1 in this regard, however this policy relates to the delivery of a sustainable transport vision, and I have not been directed to any specific text within it which would relate to the proposal before me. It is not, therefore, determinative within my considerations of this main issue.

Living conditions

16. There is no dispute between the parties that the proposal would accord with the Nationally Described Space Standards ('NDSS') in relation to the overall floor space of the proposed dwelling. However, NDSS state that a two-bedroom property should provide at least one double bedroom, which should measure at least 11.5sqm, with a width of 2.75m. It is not disputed between the parties that although Bedroom 1 would be of a large enough overall size, that it would not be sufficiently wide.
17. VALP Policy BE3 requires that new development should achieve a satisfactory standard of amenity for future residents. The policy does not require adherence with NDSS and it has not been otherwise shown that the standards have been adopted by the Council in its development plan. Therefore, while the NDSS are a material consideration, the weight I can attribute to them in this case is limited.
18. However, it is clear that the nature of the proposal means that Bedroom 1 would be constrained, despite being of an appropriate size overall. At a stated width of 2.5m, occupiers of this double bedroom would potentially find movement around the space challenging if a double bed of appropriate size and other common bedroom furniture was also to be provided. In these circumstances, such a room would likely feel enclosed and restrictive.
19. It is stated that this issue could be addressed by means of moving a proposed internal partition wall. However, such an arrangement is not before me, nor is

it clear what implications such an alteration would have upon the overall layout of the proposed dwelling. As a result, this would not mitigate the harm that I have found.

20. The proposal would not provide acceptable living conditions for future occupiers. It would therefore conflict with VALP Policy BE3, the requirements of which I have set out above.

Effect on trees

21. I have been provided with an arboricultural report which identifies 9 trees which are likely to have root protection areas ('RPA') within the appeal site. These trees surround the appeal site and are part of a wider woodland area. Of the surveyed trees, five are identified as being Category B (moderate) quality and it is apparent some would be potentially affected by building work associated with the proposal. The remaining surveyed trees are considered to be Category C (low) quality. Although the surveyed trees are relatively unremarkable in themselves, they have group value as part of a wider area of woodland and contribute to the enclosed character of the appeal site.
22. The arboricultural report acknowledges potential implications of the proposal upon the trees as being incursion of foundations and hard-surfacing into RPAs leading to root damage, severance or soil compaction, the need to carry out heavy pruning to facilitate the scheme, close proximity of canopies leading to future pressure to prune or remove trees, and shading also leading to pressure to prune or remove. The Council shares these concerns.
23. Given the location of the proposal in established woodland and the level of tree cover, it is likely that works to trees would be required in order to facilitate the development. It is also probable that construction works would be required within RPAs. It is stated that construction practices could be utilised in order to minimise effects, and while only brief details of these have been provided, I am satisfied that such details could be adequately addressed by means of a planning condition to secure an arboricultural method statement.
24. However, the locational circumstances also mean that the proposed dwelling would continually experience high levels of shading from tree canopies. It is also likely that without pruning, canopies would extend into close proximity of the proposed dwelling. While there are some benefits to shading during warmer months, it is nevertheless likely that future occupiers would seek to prune trees where they would overhang the appeal site, potentially on a regular basis. While the trees are not within the control of the appellant, it remains possible that future occupiers could also seek the removal of trees by the relevant landowner. Overall, while I accept that a level of maintenance could be beneficial to the trees in question, I consider that it is likely that the health of the relevant trees would ultimately be undermined by the level of pressure and resultant pruning work.
25. The Council has highlighted that developers should retain a buffer of 100m, with a 25m natural buffer around woodland. This is clearly stated within VALP Policy NE8 as an aspiration and not a minimum requirement. Clearly, it would be impractical to maintain such a buffer given the size of the appeal site and the fact that it is entirely surrounded by woodland. Therefore, while the proposal would fail to meet this aspiration, the effect of the proposal upon nearby trees can nevertheless be otherwise considered, as I have set out

above, and this failure is not determinative in my consideration of this particular case.

26. The proposal would have an adverse effect upon existing trees. It would therefore be contrary to VALP Policy NE8 which states that development that would result in the unacceptable loss of, damage to, or threaten the continued well-being of any trees or woodland which makes an important contribution to the character and amenities of the area will be resisted.

Biodiversity and protected species

27. The provided Preliminary Ecological Assessment ('PEA') concludes that the appeal site is a highly suitable location for roosting bats. Although it states that there were no obvious signs of the existing building being used as a roost at the time of inspection and rates the potential of the building being used as low, it also acknowledges that areas of lined roof could not be examined. It also establishes that adjacent woodland, outside of the appeal site, includes trees with potential roosting features.
28. The PEA acknowledges that bat roosts may be present at or near the site, and that the area has high suitability for commuting and foraging bats. It recommends that if potential roosts are affected, that additional survey work be carried out. It also recommends additional surveys for badger setts and breeding birds.
29. The appeal site itself is considered within the PEA as being of otherwise relatively low ecological value. However, the surrounding woodland and nearby hedgerows are identified as Priority Habitats.
30. The weight that I can afford the conclusion within the PEA that the existing building is of low potential for hosting bat roosts is reduced by the acknowledgement that not all of the building could be inspected, and the PEAs own conclusion that further survey work could be required. While a badger sett survey would involve land outside of the appeal site, it is possible that the site has habitat value for badgers potentially present in the wider area of woodland.
31. Given the protected status of both bats and badgers, it is important to fully understand the potential impacts of the proposal upon these species, prior to planning permission being granted. While I understand the appellant's reluctance to commit to further costs without certainty of success, this is not a matter which could be appropriately managed by means of planning condition.
32. Furthermore, although the proposal is not subject to mandatory biodiversity net gain ('BNG') enacted by the Environment Act 2021, VALP Policy NE1 states that a net gain in biodiversity on minor development will be sought. It also requires these gains to be measurable.
33. While the proposal would incorporate a green roof, without an understanding of the biodiversity baseline of the site, through the use of an appropriate metric, it is not possible to measure the potential of the proposal to deliver BNG. It is also not currently possible to fully understand the effect of the proposal upon protected species.
34. Overall, it has not been shown that the proposal would not lead to harm to protected species or that it would deliver biodiversity net gain. It would therefore be contrary to VALP Policy NE1 which states that the protection and

enhancement of biodiversity will be achieved. It would also be contrary to Chapter 15 of the Framework which states that biodiversity should be protected and enhanced.

Character and appearance

35. The proposal would result in the existing building being converted to a single dwelling, including an increase in overall height to allow the incorporation of a second storey and an extension. This would mean that the existing pitched roof would be replaced by a more contemporary green roof and the additional upper storey would be clad in timber. Combined with the large window openings, the resultant dwelling would have an individualistic design approach.
36. However, there is little context to the existing building which has no neighbours and is concealed within existing woodland. The current structure is almost imperceptible from outside of the woodland area, and while the conversion of the building and provision of amenity space and car parking would have the potential to open the site to some extent, it would nevertheless remain substantially screened. In any event, the proposal would be viewed very much in isolation, and the fact it would not reflect the local vernacular of Drayton Parslow would not, in such circumstances, be harmful.
37. The proposal would not harm the character and appearance of the area. It would therefore accord with VALP Policy BE2 which states that new development proposals should respect and complement the characteristics of the site and its surroundings, local distinctiveness and vernacular character of the locality.
38. It would also accord with the broad principles set out at Parts C1, I1 and I2 of the National Design Guide in relation to responding to existing local character and context and achieving well-designed places. It would also accord with advice set out in Chapter 12 of the Framework in these respects.

Suitable location

39. It is not a matter of dispute that the appeal site is located outside of any settlement, and as a new dwelling in the countryside, that it would conflict with the spatial strategy set out at VALP Policies S2 and S3. I have no reason to disagree.
40. However, VALP Policy C1 sets out support for the re-use of existing buildings subject to a number of criteria, which should all be met. These include that conversion works should not involve major reconstruction or significant extensions, that conversions should not adversely impact upon wildlife, and that they should not have an adverse impact on surroundings.
41. It is not disputed that the additional floorspace would amount to 48 square metres (sqm) in addition to the 21sqm of the existing building. The appellant acknowledges that the height of the building would increase by a third.
42. When considered as a whole, and although the resultant dwelling would be modest in scale, in relative terms the proposal would include a significant level of extension to the existing building. The level of screening around the building would not mitigate this fact.

43. Moreover, given the conclusions I have set out in relation to protected species and biodiversity, and effect on trees, the proposal would fail to accord with this policy in these respects also. Whilst the proposal would accord with some of the criteria of the policy, it is clear in stating that all criteria must be met in order for a proposal to convert an existing building to be considered acceptable. For these reasons, the proposal does not therefore draw support from VALP Policy C1.
44. As a result, the appeal site would not be a suitable location for a new dwelling as it would conflict with the spatial strategy. It would conflict with VALP Policies S2, S3 and C1, which together and amongst other factors, seek to direct residential development into the most sustainable locations, or allow the conversion of existing buildings only where a number of criteria are all met.
45. The Council has also cited conflict with VALP Policy S1, however this largely reiterates the approach to sustainable development set out in the Framework, and which I consider later in this decision.

Other Matters

46. The appellant has raised numerous concerns in relation to the conduct of the Council, including its refusal to accept amendments to the proposal during the planning application process or enter into negotiations. However, such matters fall outside the scope of this appeal, and I have considered the proposal on its planning merits and on the basis of the proposal as before me.
47. It is also stated that in order to overcome concerns regarding the standard of accommodation for future occupiers, and the provision of car parking, that the proposal could be considered on the basis of being a single bedroom property. However, as the provided plans indicate a two-bedroom dwelling, I have proceeded on this basis.

Planning Balance and Conclusion

48. As I have set out above, although acceptable with regard to its effect upon the character and appearance of the area, the effect of the proposal upon highway safety, existing trees and biodiversity interests, as well as its failure to provide adequate living conditions for future occupiers, or represent an appropriate location for a new dwelling, means the proposal would be contrary to the development plan when read as a whole. I afford these harms substantial weight.
49. The Council cannot demonstrate a five-year supply of deliverable housing sites. I am therefore taken to paragraph 11 (d) (ii) of the Framework. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
50. The proposal would make a positive, albeit modest contribution towards boosting housing where the Council has stated that it can demonstrate only 4.7 years supply of housing sites. It would also result in some economic benefits during the construction phase and through local expenditure by future residents. Although paragraphs 60 and 85 of the Framework highlight the importance of ensuring an adequate supply of housing sites, and the need to support economic growth and productivity, having regard to the small scale of the proposal, I give these considerations limited weight as benefits.

51. Taking account of paragraph 11 (d) of the Framework, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development does not apply in this case.
52. The proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that a decision should be taken other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR