



Appeal Decisions

Site visit made on 27 February 2024

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal A Ref: APP/K0425/W/23/3324244

84 High Street, Princes Risborough HP27 0PB

- 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 - West Area (Wycombe).
 - The application Ref is 23/05741/FUL.
 - The development proposed is described as change of use of the existing building from a mixed-use comprising Class E (Commercial Business and Service) and Class C3 (Dwellinghouse) use to a single residential dwelling (Class C3 (Dwellinghouse) Use) with associated works.
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Appeal B Ref: APP/K0425/Y/23/3324243

84 High Street, Princes Risborough HP27 0PB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr A Jennings of Henry Douglas Homes Ltd against Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 23/05742/LBC.
 - The works proposed are described as change of use of the existing building from a mixed-use comprising Class E (Commercial Business and Service) and Class C3 (Dwellinghouse) use to a single residential dwelling (Class C3 (Dwellinghouse) Use) with associated works.
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Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for change of use of the existing building from a mixed-use comprising Class E (Commercial Business and Service) and Class C3 (Dwellinghouse) use to a single residential dwelling (Class C3 (Dwellinghouse) Use) with associated works, at 84 High Street, Princes Risborough HP27 0PB, in accordance with the terms of the application Ref: 23/05741/FUL, and subject to the conditions in the attached Schedule 1.
2. **Appeal B:** The appeal is allowed and listed building consent is granted for change of use of the existing building from a mixed-use comprising Class E (Commercial Business and Service) and Class C3 (Dwellinghouse) use to a single residential dwelling (Class C3 (Dwellinghouse) Use) with associated works, at 84 High Street, Princes Risborough HP27 0PB, in accordance with the terms of the application Ref: 23/05742/LBC and the plans submitted with it (Refs: D001, D002 and D003), and subject to the conditions in the attached Schedule 2.

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023, after the appeal was submitted. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. I have had regard to the revised Framework in my determination of the appeals.
5. The appeals are against the Council's failure to give notice of its decisions on the applications within the appropriate period. In its statement, the Council assess the case and set out that, had it been in a position to determine the applications, officers would have recommended to the planning committee¹ that the applications be approved subject to conditions.
6. Nonetheless, the appeal property is a Grade II listed building located within a conservation area and, in those regards, I am mindful of the statutory duties set out in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (The Act). I also note the comments and representations submitted by consultees and interested parties. These matters are reflected in the main issues below.
7. The Council cites ambiguity in the appellant's evidence as to whether the proposal would incorporate the area at the rear of the appeal property, which is accessed from New Road and is stated by the Council to currently be in use as a separate commercial car park. The red line boundary of the appeal site (the site) as illustrated on the 'Site and Location Plans' (Ref: D003) takes in No 84, a 'garden' and the 'car park'. Moreover, the application form sets out that the proposal would result in the loss of 17 parking spaces². On this basis and for the avoidance of doubt, I have considered the proposal as applied for, namely, that the proposed residential use would incorporate the whole of the site.

Main Issues

8. The main issues are:
 - Whether the proposal would i) preserve the Grade II listed building known as Barclays Bank or its setting or any features of special architectural or historic interest which it possesses; ii) preserve the settings of nearby listed buildings; and iii) preserve or enhance the character or appearance of the Princes Risborough Conservation Area (Appeals A&B); and
 - The effect of the proposal on i) the vibrancy of Princes Risborough town centre; and ii) highways, access and parking (Appeal A).

Reasons

9. No 84 High Street (No 84) is prominently located on High Street near to the junction with Duke Street, and the site extends to the north east to New Road. It is a two-storey property with single-storey additions at the rear. The ground floor is currently vacant, being most recently in use as a bank; with the first

¹ Councillors had requested that the applications be brought to planning committee for determination.

² Application Form – Vehicle Parking: Vehicle Type: Cars, Existing number of spaces: 20, Total proposed (including spaces retained): 3, Difference in spaces: -17.

floor in use as a single residential unit. The proposal is for the conversion of the building to a single, five bedroom, residential dwelling with associated works.

Heritage matters

Special interest and significance

10. No 84 is a Grade II listed building referenced as Barclays Bank³. Dating from the late 18th century, with early 19th and late 20th century alterations, it was originally built as a single residential dwelling. The historic core of the building is two-storey and constructed of brick with a pitched tiled roof and painted timber fenestration. The later additions to the rear are single-storey, and built of brick with flat mineral-felt roofs. The property has also undergone extensive internal changes to accommodate its use as a bank. Notwithstanding these alterations, the building's heritage merit is still legible.
11. From the evidence available to me, I find that the special interest and significance of the listed building to be largely derived from its historic and architectural interests. Important contributors in these regards, which are pertinent to the appeals, are its illustration of a late 18th century dwelling and the legibility of that historic use; its surviving historic fabric, including fenestration; its polite architectural style; its contribution to the composition of the townscape along High Street; and its immediate and wider market town setting.
12. The submitted evidence references other listed buildings located in proximity to the site. The two which lie either side of No 84 have the list entry references of BB Ladies Hairdresser Domestic Appliance, Market Square⁴ and 80 and 82 High Street⁵. These listed buildings date from the 17th and mid-late 18th century respectively, with both being altered in either the 19th and/or 20th centuries.
13. From the submitted information, the special interest and significance of these assets largely stem from their architectural and historic interests, as well as their group value in combination with No 84. Pertinent to the appeals, they are also derived, in part, from their settings. The thoroughfare of High Street and associated townscape, which includes No 84, are the main surroundings within which these assets are experienced. This route and built backdrop permit an appreciation of the listed buildings and their part in the development of Princes Risborough. As such, their settings contribute in a positive way to their special interest and significance.
14. The site is also located within the Princes Risborough Conservation area (the CA). The CA's character and appearance are derived, in part, from its surviving historic street pattern and tight-knit form of development, as a market town with a mix of uses; along with the rich variety and merit of its historic buildings, that denote the town's evolution and which underpin its local distinctiveness. As an important, grand and prominent building within the CA's townscape, No 84 supports and sustains the positive qualities which contribute to the character and appearance of the CA as a whole and thus to its special interest and significance as a designated heritage asset.

³ National Heritage List Entry Number: 1332030.

⁴ National Heritage List Entry Number: 1332053.

⁵ National Heritage List Entry Number: 1159707.

Proposal and effects

15. In heritage terms, the proposal would secure a use within the currently vacant part of the listed building whilst also reinstating its historic use as a single residential dwelling, both of which would support its long term conservation and optimum viable use. In addition, the use of the whole site for residential purposes and resultant loss of 17 car parking spaces would maintain, and have the potential to enhance, the building's immediate setting.
16. There are few changes proposed to the fabric of the building and, from the information submitted, none would involve the loss or harmful alteration of historic fabric and/or any surviving features of special architectural or historic interest, thus sustaining the asset.
17. In this regard, I note the comments made in Council consultee responses⁶ regarding the building's location, external noise and the living conditions of occupiers, which may necessitate works to the windows and/or their reveals, such as the installation of secondary glazing. The building's historic fenestration is a recognised key feature of value. No noise report has been submitted by the appellant to enable an assessment of any works that may be required to address this matter. Nonetheless, similar to the Council's view, I find that this matter could be satisfactorily controlled by a suitably worded condition.
18. Taking all of the above into account, although the proposal would result in change to the listed building and its setting, I find that the elements which contribute to its inherent special interest would be preserved and its significance would not be harmed.
19. As a result of the nature and extent of the proposal, it would not have a negative effect on how the listed buildings of BB Ladies Hairdresser Domestic Appliance and 80 and 82 High Street are experienced. Nor would it alter the ability to appreciate their significance. Consequently, the proposal would preserve the settings of the nearby listed buildings and the contribution they make to the assets' significance.
20. Furthermore, given all of the above, it follows that the proposal would also preserve the positive qualities which define the character and appearance of the CA as a whole and would not harm its significance as a designated heritage asset.

Conclusion on heritage matters

21. Accordingly, I conclude that the proposal would preserve the Grade II listed building known as Barclays Bank and its setting and any features of special architectural or historic interest which it possesses. It would also preserve the settings of nearby listed buildings, and preserve the character and appearance of the CA. It would therefore comply with the statutory presumptions set out in sections 16(2), 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also accord with Policies CP11 and DM31 of the Wycombe District Local Plan (2019) (the Local Plan) in so far as they seek to conserve and, where possible, enhance the Historic Environment.

⁶ Environmental Protection Officer and Conservation and Listed Buildings Officer.

22. In finding no harmful effects to the significance of the designated heritage assets, it is not incumbent on me to consider any public benefits that would flow from the proposal.

Vibrancy of Princes Risborough town centre

23. The site is located within the settlement and Town Centre of Princes Risborough, and forms part of the Primary Shopping Area, defined as a Primary Shopping Frontage (the PSF). In terms of use class, the proposal involves a change of use from mixed-use comprising Class E (Commercial Business and Service) (formerly Class A2 – Financial and Professional Services) and Class C3 (Dwellinghouse), to a single Class C3 (Dwellinghouse). Representations made by interested parties raise concerns regarding the harmful effects this may have on the vibrancy of the town centre.
24. The Development Plan for the District does not prevent residential uses within the town centre or the PSF, and the Framework recognises the important role residential development often plays in town centres. Additionally, whilst I note Policy PR1 of the Delivery and Site Allocations Plan (2013) (the D&SA Plan) which controls changes of use within Princes Risborough's PSF from, the formerly, Class A1 to other use classes (mainly Class A3), I have not been directed to any policies which restrict changes of use from, the formerly, Class A2 to other use classes.
25. I am also mindful that, notwithstanding the appeal building's former use as a bank, given its original use as a dwelling, it does not possess what could be reasonably described as a traditional shopfront and thus an active frontage. In this respect, the proposed change of use would not result in the loss of an 'active ground floor frontage'. As such, in my judgement, the proposal would not undermine or have an adverse effect on the vibrancy of the town centre.
26. Accordingly, I conclude that the proposal would not have a harmful effect on the vibrancy of Princes Risborough town centre. As such, it would not conflict with Policy PR1 of the D&SA Plan referred to above. It would also comply with the provisions within the Framework which seek to ensure the vitality of town centres.

Highways, access and parking

27. The proposal would retain the existing vehicular access into the site from New Road. There would be a net loss of 17 car parking spaces which, the Council states, appears to only be associated with the use of No 84 as a bank. This would lead to a subsequent decrease in vehicular movements associated with the site. Additionally, three car parking spaces and sufficient manoeuvring space would be provided as part of the change of use of the site⁷. This would meet the Council's requirements when assessed against the Buckinghamshire Countywide Parking Guidance (2015).
28. On the basis of the above, the Council's Highways Development Management had no objections to the proposal, subject to condition. There is nothing before me which would cause me to reach a different conclusion on these matters.
29. I have had regard to the representations made by a neighbour concerning rights of access over land at the rear of their property which is within the

⁷ Illustrated on plan D003 Site and Location Plans.

appeal site. I also note the Council's comment that the proposal does not include the provision of any parking for occupiers/users of neighbouring buildings.

30. Nonetheless, these are civil matters between the parties concerned and not within the scope of my considerations in the context of an appeal under section 78 of the Town and Country Planning Act 1990 (as amended) (the T&CP Act). Moreover, the Council state, in planning terms, there does not appear to be any existing parking provision within the site for these properties. It is open to any interested party to apply to have the use of the land in question determined under sections 191 or 192 of the T&CP Act. Any such application would be unaffected by my determination of this appeal.
31. Accordingly, I conclude that the proposal would not have a harmful effect on highways, access and parking. As such, it would not conflict with Policy PR13 of the Local Plan in so far as it relates to parking and town centre sites.

Other Matters

32. Representations made by a neighbour and the Council's statement raise the matters of the loss of a commercial waste bin storage area and the loss of a neighbour's residential bin storage area, respectively, as a result of the proposal. However, these are civil matters between the respective parties and not within the scope of my considerations in the context of an appeal under section 78 of the T&CP Act.

Conditions

33. As part of its statement, the Council provided a list of matters which it suggested should be covered by conditions should the appeals be allowed. From these I prepared fully worded conditions having regard to relevant advice set out in both the Framework and the Planning Practice Guidance. In the interests of fairness, the parties were given the opportunity to comment on these. The appellant made no comments on the wording of the conditions and gave their written agreement to the pre-commencement conditions. No response was received from the Council.
34. Standard time commencement conditions are necessary. A condition as part of the planning permission specifying the relevant plans is necessary as this provides certainty. However, it is not necessary as part of the listed building consent, as adherence to the plans which accompany the application is part of the formal decision.
35. To ensure the adequate provision of parking and to promote sustainable transport, conditions relating to parking facilities and an electric vehicle charge point are necessary.
36. In the interests of the living conditions of occupiers, a condition requiring the submission of a noise survey or a detailed written scheme for protecting the development from noise is necessary.
37. To promote mitigation and adaptation to climate change, a condition requiring compliance with higher water efficiency standards is necessary.
38. To ensure the provision of bio-diversity net gain, a condition requiring the submission of a landscaping scheme is necessary.

39. In the interests of preserving the special interest and significance of the designated heritage assets, conditions requiring details in respect of any works to the windows and the removal of paraphernalia associated with the building's former use are necessary.

Conclusions

40. **Appeal A:** The proposal would not conflict with the development plan when taken as a whole. Therefore, for the reasons given and subject to conditions, I conclude that Appeal A should be allowed and planning permission granted.
41. **Appeal B:** For the reasons given and subject to conditions, I conclude that Appeal B should be allowed and listed building consent granted.

F Cullen

INSPECTOR

Appeal A Ref: APP/K0425/W/23/3324244

Conditions: Schedule 1.

- 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 the following approved plans:
 - D001 Existing Plans and Elevations
 - D002 Proposed Plans and Elevations
 - D003 Site and Location Plans
- 3) The development hereby permitted shall not be occupied until the vehicle parking spaces and manoeuvring area have been provided in accordance with Drawing Ref: D003 Site and Location Plans, and shall thereafter be retained and kept available at all times for those purposes.
- 4) The development hereby permitted shall not be occupied until an electric vehicle charge point has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The approved electric vehicle charge point shall then be retained thereafter.
- 5) The development shall not commence until a noise survey is submitted which demonstrates that the use will not be detrimental to occupiers due to noise; **or** until a detailed written scheme for protecting the development from noise is submitted to and approved by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 6) Detailed drawings to a scale of no less than 1:10 in respect of any works to the windows (including secondary glazing) shall be submitted to and approved in writing by the local planning authority before those works are begun, and the works shall be carried out in accordance with the approved details.

- 7) The development hereby permitted shall not be occupied until higher water efficiency standards have been complied with.
- 8) No development shall commence until a scheme of landscaping which provides for bio-diversity net gain has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) The development hereby permitted shall not be occupied until the signage/ paraphernalia associated with the former use of No 84 High Street as a bank is permanently removed.

End of Conditions: Schedule 1.

Appeal B Ref: APP/K0425/Y/23/3324243

Conditions: Schedule 2.

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Detailed drawings to a scale of no less than 1:10 in respect of any works to the windows (including secondary glazing) shall be submitted to and approved in writing by the local planning authority before those works are begun, and the works shall be carried out in accordance with the approved details.

End of Conditions: Schedule 2.