



Appeal Decision

Site visit made on 20 November 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16th January 2025

Appeal Ref: APP/K0425/W/24/3346181

**Westfield Farm, Henley Road, Westfield, Medmenham, Buckinghamshire
SL7 2HE**

- 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 R Copas of Copas Farms against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 23/08030/FUL.
 - The development proposed is the demolition of existing buildings and structures and the erection of an office building (Use Class E(G)) with associated parking and five detached and semi-detached dwellings with parking and amenity space, together with access and flood compensation works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have had regard to the updated National Planning Policy Framework (the Framework) which has been recently published. I note that national policies relating to housing land supply have changed and consequently it has been necessary to consult the parties on these changes and I have taken account of their comments on the updated Framework in the determination of the appeal.

Main Issue

3. The main issue is whether or not the appeal site would represent an appropriate location for the proposed development with particular regard to its existing status as a Scattered Business Site.

Reasons

4. The appeal site comprises three commercial buildings that extend across the site on an east-west orientation with each building separated by hardstanding. It is part of a larger mixed-use area with larger scale commercial buildings located to the north and east with an area of open landscaped land to the south. There is an access drive serving existing residential dwellings to the west.
5. The proposal would involve the demolition of the existing commercial buildings and the redevelopment of the site for predominantly residential use comprising three detached dwellings and a pair of semi-detached houses. These dwellings would be served by the existing access drive to the west which currently serves residential dwellings. There would also be a commercial office block

located in the north-east part of the appeal site which would be served by the existing access which serves other commercial buildings in the vicinity.

6. The appellant accepts that the appeal site meets the definition of a Scattered Business Site (SBS). I agree. Policy DM5 of the Adopted Delivery and Site Allocations Plan, July 2013 (DSAP) sets out that planning permission for residential uses will only be granted on such a site if it has been clearly demonstrated that the re-use of the site for B1, B2 and B8 use classes of the Use Class Order or employment generating sui generis uses is no longer practicable. The policy also sets out how it can be demonstrated that a site is no longer practicable for employment generating uses. This requires marketing the site for a sufficient period, at a reasonable price and the site should be unencumbered from certain restrictions.
7. It is not part of the appellant's case that the appeal site has been marketed as required. It follows that the proposed development is at odds with Policy DM5 of the DSAP. I note that the policy was adopted some considerable time ago. However, I am satisfied that it was retained as part of the development plan when the Wycombe District Local Plan (WDLP) was adopted in August 2019. Consequently, I am satisfied that it is not out of date.
8. The appellant sets out that Policy DM6 of the DSAP, which incidentally was also retained when the WDLP was adopted, is relevant as they consider it does not relate only to allocated sites as each of the allocated site-specific policies set out in a previous section of the DSAP include policy requirements for mixed use developments and all "DM" prefaced policies are included in Chapter 6 of the DSAP which deals with district wide policies and is not a policy related to the site-specific policies in a previous section of the DSAP.
9. However, I do not agree with that analysis. Reading Policy DM6 of the DSAP in a straightforward manner, it makes specific reference for the need to meet the development principles and requirements identified in site specific policies, which are the policies contained in a previous section of the DSAP. Moreover, it also sets out that proposals for mixed-use developments will be required to deliver a comprehensive development which covers the whole of the allocated site. The explanatory text is also helpful as it sets out the context of the policy and explains that a key component of a relevant core strategy policy is to facilitate the regeneration of sites to provide new business development and allocating sites for mixed-use development offers the potential to bring about this regeneration.
10. Even if my analysis is wrong and Policy DM6 of DSAP does not only deal with allocated sites, Policy DM5 of the DSAP cannot be ignored and as outlined above, the proposal is at odds with this policy as the proposed development would result in the loss of employment land. Although the proposal includes an element of office space, which would be secured by an executed planning obligation, the proposed development would comprise mainly residential development.
11. Consequently, Policy DM5 of DSAP which is the most relevant development plan policy that deals with SBS does not support the proposed development. I am also satisfied that the purpose of Policy DM5 of DSAP is clear as the explanatory text sets out SBS are a valuable part of the employment land portfolio in the district and the policy seeks to protect such sites which have an important role to play in accommodating small to medium size businesses. I

also do not consider that Policy DM5 relates only to wholly residential schemes, and it follows that I am satisfied that the policy is relevant to the proposal before me. Notwithstanding the proposal would include a commercial office block, overall, the loss of the majority of the appeal site for employment use would be unacceptably harmful as it would undermine the valuable role played by this SBS and I afford this harm significant weight.

12. I therefore conclude that the appeal site would not represent an appropriate location for the proposed development with particular regard to its existing status as a Scattered Business Site. Consequently, the proposal would conflict with Policy DM5 which seeks to protect SBS which are a valuable part of the employment land portfolio in the district.

Other Matters

13. I fully accept that the proposal would make effective and efficient use of the appeal site and would boost housing supply in accordance with the objectives of the Framework. However, this is tempered to a certain extent as the existing use also makes effective use of the land, there is an extant planning permission for either storage or light industrial purposes which would provide modern premises which would comply with the SBS status of the appeal site and the proposal would only contribute five additional houses where it is not part of the appellant's case that the Council cannot demonstrate a five-year supply of housing land.
14. I have also taken account of the fact that the appeal site is not located within a settlement and so although the Framework sets out that substantial weight should be given to the value of using suitable brownfield land for housing, this applies to land within settlements. In any event it also sets out that substantial weight should be given to the use of such land within settlements for other identified needs, which would in my view include employment land.
15. I have also taken account of the fact that the proposal would result in an area in excess of 25% of the site area would be delivered with additional tree canopy coverage, the proposal would not increase flood risk, there would be a significant increase in biodiversity net gain, there would be an improvement to the turning head at the southern end of Westfield Cottages and there would be modest economic benefits associated with the proposal during construction and in the longer term to the local economy.
16. The appeal site is located within the Chilterns National Landscape (CNL) and the proposal would result in the replacement of commercial buildings with a more attractive well designed residential and office development. However, although the proposal would not result in any harm to the natural beauty of the National Landscape it would nevertheless involve the replacement of existing buildings on an existing commercial estate. Although the appeal site comprises a wider area including some agricultural land and the access, any improvements would not be to the countryside itself but would be to an area of existing developed land.
17. I also note that the proposal would not harm highway safety, drainage, the living conditions of neighbouring and future residents. However, these are neutral factors in the determination of the appeal.

18. I am aware that the appeal site is located within the wider setting of 1-12 Westfield Cottages which are Grade II Listed built around 1900 comprising lower storeys of red brick with render above and half hipped plain tile roofs. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving their setting. The historic built context of these period agricultural workers cottages positively contributes to their significance. Nevertheless, given the location and extent of the proposed development and the fact that there are commercial buildings on intervening land, the proposal would preserve the setting of these listed buildings and the contribution that setting makes to their significance. I note the Council has no concerns in this regard either. Consequently, this matter is a neutral factor in the determination of the appeal.
19. Having considered all other matters I afford the totality of the benefits associated with the proposed development moderate weight. As I afford the harm that would result from the loss of employment land on an existing SBS significant weight, the benefits do not sufficiently outweigh the harm to justify allowing the appeal.
20. In reaching that view I have taken account of the fact that the Framework has very recently been updated. However, although there is a particular focus on increasing the supply of housing and the Framework reiterates the value and importance of securing the effective and efficient use of previously developed land, the updated Framework does not alter my findings. That is because I have taken account of the contribution the proposal would have on boosting the supply of housing and the fact it would make effective and efficient use of the appeal site. However, I have nevertheless found that overall, the harm associated with the proposal would clearly outweigh the benefits.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As a result, I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR