



Appeal Decision

Hearing held on 3 December 2024

Site visit made on 4 December 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/N0410/W/24/3347094

Wilton Park, Defence School of Languages, Gorell Road, Beaconsfield HP9 2RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Bewley Homes PLC against Buckinghamshire Council.
 - The application Ref PL/22/3703/DE sought approval of details pursuant to condition No.02 of a planning permission Ref P17/01763/OUT granted on 20 September 2019.
 - The development proposed is for Phase 3 (part), comprising 37 dwellings, landscaping, access within the site and car parking.
 - The details for which approval is sought are: access within the site, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed and permission for reserved matters approval pursuant to planning permission Ref. P17/01763/OUT for Phase 3 (part), comprising 37 dwellings, landscaping, access within the site and car parking (matters of access within the site, appearance, landscaping, layout and scale to be considered) is refused.

Applications for costs

2. An application for costs has been made by Bewley Homes PLC against Buckinghamshire Council. This is the subject of a separate decision.

Preliminary Matters

3. Whilst work has commenced on the new Buckinghamshire Local Plan, as it has not reached publication stage, no policies have been put forward as relevant to the determination of this case.
4. Revised elevation and floor plans have been submitted as part of the appeal. These comprise minor amendments which the Council has commented on. I am, therefore, satisfied that no party would be prejudiced by considering the revised plans within my determination of this appeal.

Background and Main Issues

5. The appeal site comprises part of Wilton Park, an Opportunity Site identified in Policy CP14 of the South Bucks Core Strategy (the Core Strategy). Outline planning permission for Wilton Park was granted in 2019 for 350 dwellings, employment and community uses, public open space, part of the Beaconsfield Relief Road, on site access roads, footpaths, cycleways, car parking and

landscaping works. The Wilton Park Design Code (WPDC) formed part of this approval and a condition was imposed on the outline planning permission which stated that all reserved matters applications shall accord with the details of the submitted design code, subject to any additions or variations agreed in writing by the LPA and be accompanied by a statement which demonstrates compliance with the code. A further condition required additional details to be added to the WPDC within a separate appendix. The evidence before me indicates that this condition has been discharged¹ and the appendix forms part of the WPDC.

6. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. Had a decision been made, the Council has indicated the application would have been refused for three reasons relating to character and appearance, living conditions of future occupiers and the integrity of the Burnham Beeches Special Area of Conservation.
7. While not a reason for refusal indicated by the Council, the main party's views were sought on the relationship between the requirements of the conditions imposed on the outline planning permission and the proposed development's deviations from the approved Wilton Park Design Code (the WPDC).

Reasons

8. Although the principle of residential development on the appeal site has been established through the grant of outline planning permission, the details of any subsequent reserved matters applications must accord with the outline planning approval, including any condition attached to it.
9. Phase 3 comprises the majority of the Estates Village character area detailed in the WPDC. With specific reference to residential development fronting Gorell Road, the WPDC states that building heights will generally be 2.5 storey with the occasional 3 storey buildings at key locations. The appeal scheme proposes generally 2 storey buildings along Gorell Road and 2.5 storey at key locations. Although the term generally is not defined, no 3 storey dwellings are proposed. Irrespective of the reasoning for this design approach or its compliance with other parts of the WPDC, including the Building Heights Plan, the appeal scheme clearly deviates from the WPDC in this regard.
10. The proposed apartment block (Plots 1-7) along Gorell Road incorporates dormer windows in the roofscape. These have been calculated by the Council to occupy over 46% of the horizontal dimension of the roof plane. This is not contested by the appellant. The WPDC stipulates, however, that dormer windows individually or collectively will occupy no more than 40% of the total horizontal dimension of any roof plane. Even if I were to conclude that the proposed dormers would not result in a cluttered appearance on the apartment block roofscape, particularly given the amount of roof plane visible above them, nonetheless the appeal scheme does not accord with the WPDC in this aspect.
11. The key fixed structural elements of open space for the whole of the Wilton Park development are shown on the Open Spaces Plan in the WPDC, including a play area within Phase 3. However, no play area is proposed within the appeal scheme, although the Council have confirmed, within the Statement of Common Ground,

¹ Ref: PL/20/3791/CONDA

that a play area is now not required as part of the appeal scheme. Nevertheless, it remains that the proposed development conflicts with the WPDC.

12. Even if I were to agree that the proposed development would create the character envisaged for the Estate Village, or that the deviations set out above are minor, nonetheless the appeal scheme does not accord with the WPDC. Nor does it comply with the design code condition imposed on the outline planning permission. Therefore, if I were to allow the appeal, it would lead to the approval of reserved matters which include details not agreed by the local planning authority (in this case the Council) resulting in a breach to a condition attached to the aforementioned outline planning permission. Despite there being no definition of what constitutes a 'non-material' amendment before me, the differences proposed concern key features of the Estate Village character area and relate to several properties along the Gorell Road frontage. As a result, they comprise material changes.
13. The evidence before me demonstrates that there are numerous variations between the WPDC, including the regulating plans therein, and the approved Phase 1 and 2 reserved matters² scheme. I verified this to be the case during my site visit and the Council do not dispute these variations. Irrespective of my view on whether the deviations within Phases 1 and 2 are more significant than the elements indicated above and even if not specifically highlighted within Council's Planning Committee report, they were approved by the Council. Whether these breach the outline conditions is not a matter for this appeal.
14. I conclude that the proposed development does not accord with the approved WPDC and consequently, is not consistent with, and authorised by, the outline planning permission. It is not, therefore, necessary for me to consider the appeal scheme against the other main issues above as my conclusions on these matters will not alter the outcome of this appeal.

Other Matters

15. Given I have found that the appeal scheme is not consistent with, nor authorised by, the outline planning permission, even if I were to agree that it accords with the development plan or the National Planning Policy Framework, the outcome of this appeal would not change. Nor does the established principle of development on the appeal site or the Council's severe shortfall³ in deliverable housing sites lead me to conclude otherwise.

Conclusion

16. For the reasons given above, the appeal is dismissed and reserved matters approval is refused.

Juliet Rogers

INSPECTOR

² Reserved Matters approval Ref: PL/20/1718/DE, dated 17 February 2021.

³ As agreed within the Statement of Common Ground at Land at Broad Lane: APP/N0410/W/24/3347882

Appearances

For the appellant:

- Mrs Emily Woods – Land and Planning Manager, Bewley Homes
- Mr Ian Gillespie – Director, Igloo Planning
- Mr Colin Pullan – Senior Design Director, Pegasus Group

For the local planning authority:

- Mrs Rebecca Jarrett, Principal Planning Officer

Documents

- ***Housing Land Supply Statement of Common Ground*** – relating to APP/N0410/W/24/3347882 - Land at Broad Lane, Beaconsfield: prepared by Icen Projects, dated November 2024