



Appeal Decision

Site visit made on 4 February 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Appeal Ref: APP/X0415/W/24/3352151

Land off James Orchard, Holmer Green HP15 6DQ

- 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 Jake Collinge against Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/24/2214/FA.
 - The development proposed is the erection of a detached chalet-style self-build dwelling with access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.
3. The Council refer to policies GC1, GC3, and H3 of the Adopted Chiltern District Local Plan¹ (CDP) and policies CS20 and CS24 of the Core Strategy for Chiltern District² (CS) but copies were not provided. I have therefore viewed the online versions of the CDP and CS.

Background and Main Issues

4. This appeal has been lodged following the Council's failure to determine the application within the relevant timescale. The Council in their submission include reasons for refusal had they been able to determine the application. This includes reference to those development plan policies that it considers to be relevant to each of the refusal reasons put forward. I have therefore taken its reasons into account in determining the main issues. Therefore, the main issues are the effects of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of neighbouring properties in respect of outlook; and
 - biodiversity.

¹ Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011

² Adopted November 2011

Reasons

Character and Appearance

5. The appeal site is located in the defined settlement of Holmer Green between the dwellings that front Watchet Lane and the newer properties behind them. Two linear building lines are a feature along this length of Watchet Lane, one behind the other, with the properties all facing the same direction. James Orchard provides the access to the properties behind 53-61 Watchet Lane.
6. Built form locally is defined by detached and semi-detached properties in long rectangular plots, with private rear gardens, a strong linear building line, common design approach, scale and orientation. The properties in the rear building line tend to be long and narrow and smaller than those fronting Watchet Lane. This provides a planned appearance and sense of cohesion that positively contributes to the character and appearance of the area.
7. The proposed dwelling would be positioned awkwardly between the two linear building lines and facing a different direction to surrounding properties. The plot size and position of the proposed dwelling within it would also be at odds with the established layout of properties, as the proposal would be centrally positioned within a wider plot with the main garden area to the side. As a result, the proposal would fail to respect the established layout and orientation of properties in the area.
8. The scale and design of the proposed dwelling fails to reflect the prevailing character of built form in the area. This is because it is significantly wider than the properties to the rear of 53-61 Watchet Lane. In addition, the bay windows at ground floor, and gable fronted dormers, are at odds with the characteristic projecting two storey bays with hipped roofs that are features of the properties to the rear of 53-61 Watchet Lane.
9. Reference is made to the character of the area significantly changing since the previously refused scheme³ and subsequent dismissed appeal. Whilst there are implemented planning permissions⁴ for development to the rear of properties on Watchet Lane, unlike the proposal, these schemes respect the pattern of two linear building lines, with comparable plot sizes and dwellings orientated in the same direction. Similarly, the schemes that have been approved but not implemented⁵, respect the established layout of the two building lines. As such the altered character of the area does not justify the harm I have identified above.
10. A car port has been erected broadly adjacent to the appeal site on Silverwood Place. Whilst the position and size of this development is comparable to the proposal, the car port has no sides and does not appear as a building when viewed from Silverwood Place. As such this structure, and the effect that it has on the character and appearance of the area, differs.
11. Since the previous appeal, the scheme has been re-sited, reduced in height and the plot size altered. Whilst these amendments have reduced the prominence of the proposed dwelling from Watchet Lane, the amendments do not address the schemes failure to respect the pattern of development in the vicinity.

³ CH/2016/2112/FA

⁴ CH/2017/2018/FA, PL/19/3616/FA and PL/18/2797/FA

⁵ PL/23/3903/FA and PL/20/4358/FA

12. For the reasons above, the proposed development would have an unacceptable impact on the character and appearance of the area. It would therefore be contrary to policies GC1, and H3 of the CDP and policy CS20 of the CS. These policies amongst other things require a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.

Living Conditions

13. The proposed dwelling would be positioned to the rear of 61 Watchet Lane and in front of 1 and 2 James Orchard. It would be positioned centrally in the plot so that the private amenity space would adjoin the rear garden of 61 Watchet Lane and the proposed car parking space would be adjacent to the turning area in front of the properties on James Orchard. A 2.5m mixed native hedge is positioned between the appeal site and the rear garden of 61 Watchet Lane.
14. With reference to the impact on 1 and 2 James Orchard, the separation distance between the proposal and these properties, combined with the intervening features of the parking area for these properties, turning head, proposed new native hedgerow and proposed car parking area, would ensure that the proposal would not appear visually intrusive from these properties. In terms of the impact on 61 Watchet Lane, the separation distance and screening effect of the retained mixed boundary hedge would ensure that the proposed dwelling would not be overbearing when viewed from the rear of 61 Watchet Lane.
15. For the reasons identified above, I conclude that the proposed development would have an acceptable effect on the outlook of the occupants of neighbouring properties. It would therefore be compliant with policy GC3 of the CDP insofar as it seeks to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.

Biodiversity

16. Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) requires grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met. The condition is deemed to apply to every planning permission granted for the development of land in England, unless exemptions or transitional provisions apply.
17. One of the exemptions refers to self-build and custom build development comprising of no more than nine dwellings. Whilst this scheme is detailed as a self-build in the description of development, a self-build exemption claim form has not been submitted, the appellant has not demonstrated that he is on the self-build register and there is no mechanism to ensure that the proposal would be constructed or used in this manner. A s106 obligation is the most appropriate method of ensuring that the development is self or custom build housing rather than market housing.
18. In light of the above and because the application has not been accompanied by the minimum information set out in Article 7(1A) of the Town and Country Planning (Development Management Procedure) (England) Order, it has not been demonstrated that the proposal is a self-build property, or that the proposed development would result in the required Biodiversity Net Gain (BNG). It would therefore have an unacceptable effect on biodiversity and would be contrary to

policy CS24 of the CS insofar as it requires proposals to protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity.

Other Matters

19. As the proposed dwelling would face James Orchard there would be increased natural surveillance along the access. However, given 2 James Orchard faces the access and can see along its length there is already a sufficient level of natural surveillance.

Planning Balance and Conclusion

20. The proposal would cause harm to the character and appearance of the area, and it fails to protect biodiversity and provide mandatory BNG. Whilst it would result in appropriate living conditions for neighbouring properties in respect of outlook, the harm identified above brings the scheme into conflict with the development plan taken as a whole. As the policies with which I have identified conflict are consistent with the Framework, I attach substantial weight to these conflicts.
21. The proposal would deliver one additional dwelling in the district. This would make a small but useful contribution as indicated by paragraph 73 of the Framework, particularly given that the Council is unable to demonstrate a five-year supply of deliverable housing sites. The five-year housing land supply statement issued for Buckingham East in January 2025 details that there is a 0.73-year housing land supply. Small and medium sites can make an important contribution to meeting the housing requirements of an area. I attach significant weight to this benefit.
22. Taking all of the above into account, I conclude that the harm identified in relation to the character and appearance of the area and biodiversity, significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the Framework does not indicate in favour of the proposal. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be determined other than in accordance with it.
23. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR