



Appeal Decision

Site visit made on 20 March 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/K0425/W/24/3356095

266 Bowerdean Road, High Wycombe, Buckinghamshire HP13 6XR

- 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 Hussain against the decision of Buckinghamshire Council.
 - The application Ref is 24/05115/FUL.
 - The development proposed is the construction of a part single, part two storey front, side and rear extension, the conversion of the existing dwellinghouse to create 4 x self-contained 1 bed flats, and external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been provided with various versions of the proposed plans. These are named identically, they do not bear a drawing number or a revision suffix, and they are all dated 29 December 2023.
3. At the accompanied site visit the Council stated that it determined the application on the basis of the drawings submitted under the file name 'V3_HP136XR' as sent to The Planning Inspectorate. The appellant disputes this, and says that the drawings under the file name 'V4_HP136XR' were submitted to the Council prior to its determination of the application.
4. The evidence on this matter is incomplete and conflicting. Giving the benefit of the doubt to the appellant, I have determined the scheme on the basis of the drawings submitted to The Planning Inspectorate under the file name 'V4_HP136XR'. For clarity, and in the absence of any other means of identification, these comprise a 'Proposed_Ground_Floor_Plan' and a 'Proposed_Site_Ground_Floor_Plan' which, compared to the 'V3_HP136XR' versions of those drawings, show the proposed access widened to about 6 metres and positioned closer to the site's southern boundary. I refer to those drawings as the 'amended layout plans'.
5. The proposal is described by the appellant as a resubmission of a previously approved application (Ref: 20/07169/FUL). However, that permission has now lapsed, and I have dealt with this scheme, which differs slightly from it, on its planning merits and based on the evidence before me.
6. Finally, a revised version of the National Planning Policy Framework was published in December 2024 ('Framework'). I have had regard to it in my decision, rather than the now superseded 2023 version which was in place at the time of the

Council's decision, or the July 2021 version referred to in the appellant's full statement of case.

Main Issues

7. The main issues are:

- the effect of the proposal on the safety and convenience of highway users; and
- whether or not protected species are likely to be present and adversely affected by the proposed development.

Reasons

Safety and convenience of highway users

8. The appellant states that the amended layout plans were provided in response to comments from the Highways Authority ('HA'), and that they show the proposed access widened from 4.8 metres to 6 metres and re-located further to the north, with street furniture re-positioned, and two of the parking bays also widened. However, I note that the proposed access has actually been widened in a southerly direction - quite probably because the north arrow on those plans is incorrect.
9. Thus, rather than being positioned more centrally within the frontage as suggested by the HA, the amended layout plans show the access closer to the southern boundary. In that position, it would overlap with the nearest parking space, such that drivers entering the site could be directly confronted by the end of a parked car. Consequently, it would interfere with the southern parking space – a scenario that the HA explicitly stated should be avoided.
10. There is a mini-roundabout immediately to the south of the proposed access, and another slightly further to the north, as well as a bus stop on the opposite side of Bowerdean Road, and white chevrons down its middle. Notwithstanding the 30mph limit and streetlighting, drivers along this section of the highway are therefore confronted with an array of potential hazards and complex vehicular movements.
11. The position of the proposed access relative to the nearest proposed parking bay would introduce a scenario where drivers may need to stop across the pavement and potentially reverse back out to avoid a parked car, thus causing a significant hazard to pedestrians, and to occupants of other vehicles, including those emerging from the adjacent roundabout. This is not therefore a convenient layout, or good design, and it would be significantly detrimental to highway safety.
12. I have not been provided with extracts from the Buckinghamshire Council Local Transport Plan 4, so I am unable to fully assess the scheme against its advice. However, the amended layout plans show that the proposed parking bays would measure 2.8m x 5m each, which would accord with the advice in the Buckinghamshire Council Highways Development Management Guidance document (2018).
13. Nevertheless, for the above reasons, the scheme would conflict with Policy DM33 Part 1 b) of the Wycombe District Local Plan 2019 ('WDLP') and with paragraph 115 of the Framework, which require development to provide safe, convenient and suitable access.

Protected species

14. Circular 06/2005 sets out that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted.
15. The planning application was supported by a Preliminary Ecological Appraisal and Preliminary Roost Appraisal dated 8 April 2024 by Arbtech Consulting Limited ('the PEA'), following a survey that it undertook on 26 March 2024. Amongst other things, this identified moderate habitat value for roosting bats in the main building, and recommended that two emergence and re-entry surveys should be undertaken during the active bat season from May to September to confirm whether or not they are present.
16. The appellant states a bat survey was then emailed to the Case Officer two days later on 10 April 2024, but I have not been provided with a copy of that email; and, in any event, that date is before the period during which such a survey should be undertaken. He continues that a second bat survey was 'discussed with the Case Officer', and that it was 'commissioned' during the Council's assessment of the application, but that it was received post-decision.
17. The Council's Biodiversity Net Gain Officer submitted a holding objection on 26 April 2024 as a bat survey was still required at that time, and she re-iterated that such information was essential in advance of the grant of planning permission. The Council maintains that it did not receive the required information prior to its determination of the application. On the basis of the somewhat incoherent and incomplete evidence before me, that would appear to me to be the case.
18. I agree with the Council that to accept a bat survey at this stage would run contrary to the advice at paragraph 16.1 of the Planning Inspectorate Procedural Guide: Planning Appeals England 2024, which says that it is important that what the Inspector considers at appeal is essentially the same scheme that was considered by the Council and interested parties at application stage. In any event, neither the 'bat survey', nor the 'second bat survey', are listed as appeal documents at Part N of the planning appeal form, and I have not been provided with any such documents. I cannot therefore assess their findings.
19. Given the findings in the PEA, it appears to me that there is a reasonable likelihood that bats could be present. Having regard to Circular 06/2005, and for the above reasons, I cannot be certain whether or not protected species would be adversely affected by the proposed development. The scheme is therefore contrary to WDLP Policies DM13, DM14 and DM34. Amongst other things, these seek to maximise or to protect biodiversity, giving the highest level of protection to species of international or national importance, and state that proposals potentially affecting protected species shall be accompanied by reports setting out the impact on them.
20. It would also conflict with the Framework's requirement at paragraph 187 to minimise impacts on biodiversity.

Other matters

21. In an email dated 14 February 2025, the Council states that it is no longer able to demonstrate a five year supply of deliverable housing sites as required by

Framework paragraph 78. The scheme would result in a net increase of three housing units, which constitutes a significant benefit.

Planning Balance and Conclusion

22. I have found that the scheme would be significantly harmful to the safety and convenience of highway users, and that I have insufficient evidence before me to determine whether protected species are present and would be adversely affected by it.
23. As the Council cannot demonstrate a five year housing land supply, paragraph 11d) of the Framework and its footnote 8, set out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes.
24. However, in this case, whilst the site is sustainably located within an urban area, and the scheme would make an effective use of the land, for the above reasons it is not well-designed. The adverse impacts from granting permission would significantly and demonstrably outweigh the benefits. This provides a clear reason for refusal. Additionally, from the evidence before me, I cannot be certain that protected species would not be adversely affected.
25. For these reasons, and having regard to all other matters raised, including representations from interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR