



Appeal Decision

Site visit made on 5 June 2025

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/N0410/W/24/3355950

1-2 and 3 Well Cottages, Ballinger HP16 9LE

- 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 James Hick against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/1039/FA.
 - The development proposed is amalgamation of two residential dwellings to form single residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Within the context of an appeal under section 78 of the Town and Country Planning Act (as amended) (the Act) it is not within my remit to formally determine whether the proposal constitutes development and/or whether it is development that requires planning permission, as claimed by the appellant. However, I shall consider the evidence as to whether permission is required so far as it is material to the appeal. If the appellant wishes to ascertain whether the development is or would be lawful, they may make an application/s under sections 191 and 192 of the Act.

Main Issue

3. The main issue is the effect of the proposal on the Council's housing strategy for the area.

Reasons

4. Policy H9 of the adopted Chiltern District Local Plan (September 1997 including alterations adopted May 2001) (LP) sets out that dwellings and residential land should remain in that use and that planning permission will not be granted for any development that would result in the net loss of an existing dwelling or dwellings unless certain exceptions apply. As undisputed by the main parties, none of the exceptions listed therein would apply in this instance.
5. The explanation text of Policy H9 includes that, due to the constraints placed on the availability of land for new housing in the District, by policies relating to the Green Belt and the Chilterns Area of Outstanding Natural Beauty, the existing stock of dwellings has a very significant role to play in meeting local housing needs. Furthermore, the Council sets out that it does not have a 5 year housing land supply, with its supply stated to be 2.7 years at the time of its decision on the appeal proposal. Therefore, in view of such, as the site is within the Green Belt and

Chilterns national landscape area, the loss of any further dwelling would have a negative impact on the housing land supply position within the district.

6. It is undisputed that 1 and 2 Well Cottages have been used and occupied as one dwelling for some years, yet there is no Certificate of Lawfulness in respect of such. The appeal properties are owned by the appellant and have been for some time. Also, as asserted by them, 3 Well Cottage (No 3) has essentially been used as an annexe for an elderly resident of theirs for some years and they have no intention of selling No 3 separately. However, even though there are some restrictions in terms of access, parking, and refuse collection for No 3, it is still capable of being occupied as a separate dwelling unit, as the properties have independent layouts and facilities, with separate entrances thereto.
7. Notwithstanding the appellants' current intentions to not sell the property, and that there may be issues with buyers gaining a mortgage, due to the property's location in an area at high risk of surface water flooding, there would be nothing in place to prevent the properties from being sold or occupied separately at any time. Furthermore, that No 3 would remain vacant if permission were not granted would have no additional benefits in terms of housing supply compared to the appeal proposal.
8. In view of the above, even though No 3 is a small two-bedroom dwelling, the appeal proposal would involve the net loss of at least one dwelling, in an area where there is a demonstrated need for housing and there are constraints in delivering housing. As a result, the proposal would harmfully affect the Council's housing strategy for the area, in conflict with Policy H9 of the LP.

Other Matters

9. The appeal site is within an area at high risk of surface water flooding and, the evidence sets out that the properties have suffered invasive internal flooding in the past. Also, I observed during my site visit that there are flood protection measures in place at the entrances to the appeal properties. As part of the proposed amalgamation process, the appellant intends to implement further measures to make the appeal properties more flood resistant, to control water ingress. However, further flood risk measures could be implemented even without the appeal proposal. Furthermore, even if the flooding status of No 3 would likely cause some issues with its sale and use, this would be no different to the existing situation. Therefore, I give neutral weight to these considerations.
10. The appellant sets out that the appeal proposal is unlikely to constitute development requiring permission under section 55 of the Act, as No 3 would remain in the same use class¹ as existing, no external alterations are proposed, and only minor internal alterations would take place to facilitate the amalgamation of the properties. However, even if the proposal is not development, this would not outweigh the harm caused by the loss of a dwellinghouse and subsequent policy conflict arising therefrom.
11. No 3 may not have sufficient parking to meet the relevant Council's parking standards for new two bed dwellings, and although the appeal site is in an unsustainable, rural location, the proposal is not for a new additional dwelling and so the standards are not of relevance. Also, the local highway authority has raised

¹ Under the Town and Country Planning (Use Classes) Order 1987 (as amended).

no objections to the proposal. Additionally, the proposal would not cause any visual harm to the Green Belt or national landscape area. However, such matters, including the parking and access arrangements and rural location of the site are neutral considerations, which do not affect my findings on the main issue.

12. The appeal site is within the Zone of Influence for the Chiltern Beechwoods Special Area of Conservation (SAC). However, as no net gain in dwellings is proposed, there would be no likely significant effects alone or in combination with other development, caused to the integrity of the SAC in this instance.

Conclusion

13. For the reasons given above, the proposal would conflict with the development plan as a whole and material considerations do not indicate a decision should be made other than in accordance with it.
14. Accordingly, I conclude the appeal should be dismissed.

C Billings

INSPECTOR