



Appeal Decision

Site visit made on 5 August 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND August 2025

Appeal Ref: APP/K0425/W/25/3366680

Land at 91 Mayhew Crescent and to the rear of 83 to 93 Mayhew Crescent, High Wycombe HP13 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by RAP Bluebell Ltd against the decision of Buckinghamshire Council.
 - The application Ref is 24/07630/PIP.
 - The development proposed is the erection of a 2 pairs of semi detached houses (4 in total), with access from Mayhew Crescent involving the demolition of 91 Mayhew Crescent to form an access and remediation works to number 93 Mayhew Crescent.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of 2 pairs of semi detached houses (4 in total), with access from Mayhew Crescent involving the demolition of 91 Mayhew Crescent to form an access and remediation works to number 93 Mayhew Crescent at land at 91 Mayhew Crescent and to the rear of 83 to 93 Mayhew Crescent, High Wycombe HP13 6DF in accordance with the terms of the application, Ref 24/07630/PIP and the plans submitted with it.

Preliminary Matters

2. Permission in principle is part of a two stage planning consent process which provides an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for proposed development on a site from the technical detail of that development. The permission in principle consent route has two stages: The first stage, or permission in principle stage, establishes whether a site is suitable in principle, and the second, Technical Details Consent (TDC) stage is when the detailed development proposals are assessed. A full planning permission is only secured when both stages have been passed.
3. The appeal relates to the refusal of permission in principle, for which the Planning Practice Guidance (PPG) describes that matters within its scope are limited to location, land use and amount of development.
4. The appeal was submitted with additional documentation including a site plan, site sections and a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA). The Council, on the basis of the PEA and PRA, decided not to pursue its first reason for refusal. However, I am not satisfied that sufficient consultation has been carried out in relation to this new information.

5. This is of a particular concern here as many neighbouring residents expressed concern in relation to the site's topography and the ecological significance of the site. These third parties may, therefore, have been deprived of the opportunity to comment on these matters.
6. When considering revisions to a proposed development, it is important to have regard to the Wheatcroft¹ and Holborn² principles. In this case, there is no substantial difference or a fundamental change to the nature of the application. Therefore, the substantive test has been passed. However, were I to take account of this additional information, it may cause unlawful procedural unfairness to anyone involved in the appeal. Accordingly, and despite the outcome of this decision, I have not considered the new information submitted with the appeal in reaching my conclusions here.

Main Issues

7. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development and being mindful of the effect of the development on the character and appearance of the area, neighbours and future occupants living conditions and protected species.

Reasons

8. The appeal site is set within the established built-up area of High Wycombe. It is not affected by any other statutory or Local Plan designations. The site forms a fairly large tract of land that is sandwiched between Amersham Hill Drive and Mayhew Crescent. It is notable due to the change in levels which drop quite substantially from the western corner of the site down towards the north east. At the time of my site visit, there was evidence that the site was mown and managed.
9. Policies CP1 to CP4 (inclusive) of the Wycombe District Local Plan 2019 (WDLP) set out the spatial and settlement strategy for the (former) District. These policies direct development to sustainable locations with the High Wycombe area, this being a Tier 1 location for most forms of development.
10. Due to the site's location within this established urban area, proximity to services, facilities and public transport infrastructure I find that the proposal is in a suitable location for residential development. Its proposed land use aligns with that of the neighbouring land uses which are predominantly formed of a mix of semi-detached and detached houses with gardens. The amount of development is proposed, as four homes, which given the site size, is a density that is broadly commensurate with the density of homes along Amersham Hill Drive and lower than that along Mayhew Crescent. Accordingly, in this context, I must conclude that the principle of the proposed development is acceptable as it aligns with the objectives of policies CP1 to CP4 of the WDLP.
11. In reaching my conclusions here I have been mindful of the observations of the Council and local residents. I fully recognise and appreciate the concerns expressed by all parties in relation to the ecological status of the land, the site topography and resultant impacts on the character and appearance of the area together with living conditions of neighbours and future residents. Indeed, I do not

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

disagree and share these concerns. This includes the practical difficulties of introducing four dwellings on a site with such challenging characteristics.

12. However, as I have set out above, and is explained in the PPG, if the appeal is allowed, the site must receive a further grant of TDC before the development could proceed. Only at the time of approval of such consent would the development have planning permission and there is no implication through the grant of permission in principle that this would be granted. Such an application would be able to explore the concerns that have been expressed by the Council and third parties. These are issues which are not within my gift to consider here.
13. The site may well present challenges due to (inter alia) its gradient and the presence of protected species. However, it is not apparent that these matters should provide reasons to withhold the grant of permission in principle.

Other Matters

14. The Council accepts that it cannot demonstrate a five year supply of deliverable housing land. However, as I have concluded that permission in principle can be granted on the merits of the case, I do not need to consider this further here.

Conditions

15. The PPG makes clear that it is not possible for conditions to be attached to a grant of permission in principle. Whilst I have noted the Council's request for a single condition relating to the time limits for the submission of a TDC application, this is prescribed by Legislation and therefore is not required here.

Conclusion

16. Although I recognise the concerns expressed by the Council and local residents, the proposed development is for permission in principle only. Therefore, those matters expressed as reasons for refusal are only able to be considered at the TDC stage. I have found the location, the proposed land use and the amount of development, delivering a net of three new dwellings, to be acceptable. Therefore, for the reasons given above the appeal should be allowed.

N Bowden

INSPECTOR