
Appeal Decision

Site visit made on 9 September 2025

by **Rachael Pipkin BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/K0425/W/25/3367476

Land adjacent 166 Cock Lane, High Wycombe HP13 7EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Patel of K M P Surrey Quays Ltd against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref is 24/06867/OUT.
 - The development proposed is site clearance and erection of 9 no. new detached and semi-detached houses, with new access road and associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs is made by Buckinghamshire Council against Mr M Patel of K M P Surrey Quays Ltd. This is the subject of a separate decision.

Preliminary Matters

3. The application was made in outline with matters relating to layout and scale to be determined at this stage. Access, appearance and landscaping are to be determined as reserved matters. I have had regard to the plans but have treated these as indicative where they do not relate to layout or scale. I have determined the appeal accordingly.
4. The Council submitted a factual update letter¹ to the appellant's final comments on the appeal. This relates to other planning applications and appeals for development within the wider site allocation to which the appeal belongs. I have taken this into account where relevant to my decision.

Main Issues

5. The main issues are whether the proposed development:
 - would be in a suitable location, having regard to its position within the adopted site allocation (Gomm Valley and Ashwells) in the local plan and the comprehensive development of this allocated site, with particular regard to protected trees, green infrastructure and character;
 - would comprise high quality design, having regard to local character and safety;

¹ Letter dated 29.08.25 from Buckinghamshire Council 'Factual Clarification'

- would provide satisfactory living conditions for future occupants, with particular regard to private garden space;
- would provide inclusive development, having regard to the provision of accessible parking and homes;
- would be in an accessible location, avoiding reliance on the use of private cars;
- would satisfactorily incorporate renewable or low carbon energy resources;
- would provide suitable surface water drainage;
- would affect protected species;
- would deliver mandatory biodiversity net gain;
- should provide affordable housing; and
- should make financial contributions towards transport and infrastructure provision.

Reasons

Suitable location

6. The appeal site forms part of a larger site, the Gomm Valley and Ashwells site (the GVA site) allocated for a residential led mixed use development under Policy HW6 of the Wycombe District Local Plan 2019 (the LP). This occupies a large area of land primarily comprising open fields and woodland between High Wycombe and Tylers Green to the north. The appeal site is a relatively small area within this.
7. Policy HW6 along with the adopted Gomm Valley and Ashwells Development Brief 2017 (the DB) set out a framework for the comprehensive development of the GVA site. The policy includes an illustrative layout of how it could be developed. This shows the appeal site as 'land not identified for development'. The intention behind leaving some of the land undeveloped is to deliver both ecological and recreational benefits alongside each other whilst respecting the valley's landscape character and avoiding the coalescence of Tylers Green and High Wycombe.
8. The entire GVA site and Gomm's Wood to the west of the site are designated as forming part of the Green Infrastructure Network under Policy DM11 of the Wycombe District Delivery and Site Allocations Plan 2013 (the DSAP). This designation overlaps with the allocation of the GVA site under Policy HW6 in the LP as illustrated on the extracts of the 2019 Proposals Map provided to me. Where such overlaps occur, Policy DM11 requires that any future development on those sites should be designed to provide strong and continuous links to the surrounding parts of the identified network. This accords with the objectives of Policy HW6 which seeks to conserve and enhance green infrastructure, minimising effects of severance and disturbance on habitats caused by access and development. It is evident that the provision of green infrastructure is an important aspect of planning for this area.
9. The appeal site is heavily treed and overgrown with vegetation, separated into two areas of woodland by a relatively narrow, open grassy area traversing the site. This

- connects to an informal path through the woodland from the end of the linear residential development along Cock Lane to the south.
10. An area of ancient woodland, Little Gomms Wood, links to the eastern edge of the site with a more substantial ancient woodland, Gomms Wood, directly opposite it on the western side of Cock Lane. Whilst the site itself is not a designated nature conservation site it is undeveloped and includes hedgerows and trees, forming part of an ecological corridor and positively contributing to green infrastructure.
 11. In addition, the trees provide good public amenity value, benefitting the local landscape and the sylvan character of the setting. Due to their importance, a Tree Preservation Order² (TPO) was made in recognition that they would represent a constraint to development on the GVA site and would need protection.
 12. The proposal would require the removal of several individual trees and most of the largest tree group on the western side of the site. This would be significant, resulting in around half the site being cleared of trees. Despite some being non-native species, they are amongst the largest and highest quality trees on the site, with the individual trees being removed having been categorised in the appellant's tree survey as Category B2 and of moderate quality under the British Standards³. Their loss would be harmful to public amenity, the local landscape and the character of the area.
 13. Trees would be retained along the site's frontage to Cock Lane, on the eastern part of the site and a strip of land around 10 metres wide between 166 Cock Lane (No 166) and the developed area within the site. In combination with additional planting, this would ensure sufficient tree canopy cover to comply with policy. It would also provide a suitable buffer between development and the ancient woodland. It would also help to mitigate some of the visual impact arising from the tree loss, but less so during winter months when the trees are not in leaf. Some harm to character would arise.
 14. More fundamentally, the proposed tree retention and additional planting would not be sufficient to address the loss of connectivity between the two areas of ancient woodland and its role in providing space for ecology and contributing to green infrastructure. Furthermore, it is proposed to use the existing informal path through the woodland as a pedestrian access to the development. The additional pedestrian activity through the area and the proximity to housing either side, in combination with a reduced area of vegetation would not provide effective connectivity for ecological purposes.
 15. It has been accepted, in relation to a proposal for development of Land at Gomm Valley⁴ within the GVA site, that severance between the site and other areas would occur due to the position of an internal spine road through the site. That scheme was dismissed on appeal⁵ (the Gomm Valley appeal) but not for ecological reasons. However, a road forms less of a barrier to ecological connectivity than large expanses of hardstanding, two-storey buildings, fencing, lighting and general noise associated with domestic living. The appeal before me results in a much greater scale of change compared to a road and that previous appeal does not therefore lead me to any different conclusions.

² TPO 62/2019

³ BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

⁴ Council Ref: 22/06485/OUTEA

⁵ APP/K0425/W/23/3332257

16. The DB is not statutory guidance, nevertheless, it was informed by technical, independent experts and subject to public consultation. The Gomm Valley appeal considered this document, recognising that it is a high level, strategy guide to site development but also that detailed technical work may identified alternative and more suitable ways of achieving its objectives. I have no reason to disagree with the findings of that previous Inspector. However, in the scheme before me, I have not been provided with technical evidence that demonstrates the development of the appeal site would be an appropriate way to achieve the objectives for the GVA site.
17. The proposal would provide publicly accessible open space. However, whilst a gain in biodiversity is claimed, there remain outstanding questions about the effect on protected species and the effect of the further fragmentation of the wider network of sites which would be harmed by this proposal.
18. The site is set away from Tylers Green and development in this location would not result in the coalescence of settlements.
19. The site would be viewed in the context of other housing development that will come forward on this allocated site, most of which is to the western side of the site near to Cock Lane. In this context it would not be a standalone development but part of a wider scheme, albeit brought forward separately. However, the loss of trees and green infrastructure would harm the landscape setting and there are problems in the design which I come on to in my next main issue. These are all factors which would be harmful to the character of the area.
20. In conclusion, the proposed development would not be in a suitable location, having regard to its position within the GVA site and the comprehensive development of this allocated site, with particular regard to protected trees, green infrastructure and character. It would therefore conflict with Policies HW6, CP7, CP9, CP10, DM32, DM34, DM35 of the LP and Policies DM11 and DM14 of the DSAP. Together these policies seek a residential led mixed use development, adopting a landscape led design approach which establishes a strong sense of place, reinforcing positive key characteristics of the receiving landscape, retaining undeveloped areas to deliver both ecological and recreational benefits, conserving and enhancing green infrastructure, minimising severance to existing habitats, providing strong and continuous links to the green infrastructure network.

Design

21. The Residential Design Guide Supplementary Planning Document 2017 (the RDG) advises that development should follow a perimeter block structure unless there is a compelling reason not to, as this is considered the most successful way to arrange residential layouts. It is efficient and promotes good connectivity and legibility. Whilst it recognises that in some situations a perimeter block layout may not be achievable, developments would still be judged on their connectivity, legibility and safety.
22. The proposed development would be arranged around a cul-de-sac. Several of the houses would have short rear gardens and elevations facing towards Cock Lane where they would be set behind retained vegetation. This is at odds with the character of development along Cock Lane which faces the road. Furthermore, the houses would be larger in depth than development along Cock Lane but with short rear gardens, compared to those serving existing dwellings to the north. In the

context of these, the properties would appear unduly cramped and uncharacteristic and would fail to integrate with the existing pattern of development along Cock Lane. As I have already found, the retained trees would not sufficiently screen the development from Cock Lane to mitigate these adverse impacts. Furthermore, its anomalous nature would be apparent to users of the proposed new open space within and around the development.

23. Development proposed for the GVA site, including the Gomm Valley appeal and a revision to that scheme, both show housing laid out with dwellings facing towards roads. Their rear elevations are either back-to-back with other dwellings or backing onto areas of undeveloped land, rather than highways as proposed in the appeal before me. Precise dimensions for proposed dwelling and plot sizes in these other developments are not before me. However, their layouts do not indicate such large dwellings in comparison to their private garden areas as the appeal scheme does. The appeal scheme would not be consistent with the pattern of development coming forward on the GVA site.
24. The inward facing nature of the development with rear garden boundaries facing onto what is proposed to become public open space, including a footpath, would leave rear garden boundaries relatively unprotected. This gives rise to safety concerns. The appellant has indicated fences would be erected around the entire perimeter of the private gardens and communal areas and 1.8 metres high. Whilst details of that means of enclosure would be determined as part of a reserved matters, the position of the fencing forms part of the layout. A high fence could provide some mitigation but not to the same extent that development around a perimeter block would. Furthermore, it would not add to the quality of the area.
25. Moreover, with properties oriented and enclosed as proposed, there would be few comings and goings throughout the day and only a limited number of upstairs windows overlooking the space. Neither the public open space proposed nor the existing informal private path through the site would benefit from much passive surveillance.
26. There are examples of cul-de-sac development locally. However, none of the examples to which I have been referred replicate the appeal proposal and do not lead me to different conclusions on this matter.
27. Drawing together my findings, the design of the proposed development would have an unsatisfactory layout, out of character with the existing patterns of development. It would also not align with future development proposals for the wider area. The layout would give rise to concerns about crime as well as fear of crime. In this respect, it would be harmful to the quality and character of the area. It would therefore conflict with Policies HW6, CP9, CP10, DM32 and DM35 of the LP. Together, these require development to provide a high quality design, to improve the character of the area and how it functions, reinforce positive key characteristics of the receiving landscape and existing settlement patterns.

Living conditions

28. The RDG requires development to provide private, attractive, useable and conveniently located amenity space of an appropriate size for every dwelling, which in most cases would be achieved by gardens of a minimum depth of 10 metres.

29. The gardens would be various sizes but less than the minimum depth set out in the RDG. Some would be very small for large, 4-bedroom houses as proposed here. This would limit their use for a range of purposes including recreation, eating, relaxing as well as carrying out domestic activities, such as hanging clothes out to dry alongside any structural soft landscaping to make the space attractive. Even if not occupied by keen gardeners, large households need a reasonable amount of private external garden space. Moreover, the north-west facing gardens would be adjacent to tall, mature trees which together with the shallow depth of the gardens would limit the amount of sunlight to these outdoor spaces, rendering them of poor quality for future occupants.
30. The RDG refers to the 10 metres depth as a general principle, coming on to dealing with matters in respect of privacy under a separate sub-heading which does not set any specific size requirements. Whilst there would be no privacy issues arising in relation to the garden space, this does not make the space acceptable in other respects.
31. The proposal would not provide satisfactory living conditions for future occupants with regards to private amenity space. It would therefore conflict with Policies HW6 and DM35 of the LP which require a level of amenity and a functional living environment to be provided.

Provision of accessible homes

32. Policy DM41 of the LP requires all new dwellings to achieve the standards in Building Regulations Approved Document M4(2). This relates to 'accessible and adaptable dwellings'. It also sets out that where on-site affordable housing is required, as it is here, a percentage of the dwellings will be required to meet the Building Regulations Approved Document M4(3) which relates to the provision of wheelchair user dwellings.
33. In this regard, the Council has set out that each dwelling should have a parking space that is capable of being widened to 3.3 metres and for step free approach routes with a minimum clear width of 0.9 metres. Where a wheelchair user dwelling should be provided, the parking space would need to be 3.6 metres in width and 6 metres long, with a step free approach route to the dwelling.
34. The submitted layout does not demonstrate sufficient space to meet these accessibility requirements. I therefore cannot be certain that the scheme can comply with the provisions of Policy DM41. I appreciate that landscaping is a matter still to be determined, however, the layout is the determining factor in respect of the parking space requirements. As there would not be sufficient space based on the current layout, it would be unreasonable to impose a planning condition to secure these matters if this could not be achieved.
35. The scheme fails to make adequate provision for accessible, adaptable and wheelchair user dwellings. It therefore conflicts with Policy CP4 of the LP which requires homes to meet the needs for different types of housing, including accessible housing and it conflicts with Policy DM41 as referred to above.

Accessible location

36. Notwithstanding that the appeal proposal is made in outline and access is a matter for consideration, the location of the access is established through the layout. A

footway runs along Cock Lane, stopping some distance south of the main site access. Pedestrians walking to or from the site would have to walk along the highway which is both narrow, dark even during daylight hours due to the presence of trees on both sides of the carriageway and largely unlit where it runs along the site frontage. This would not provide safe or suitable access to the site by foot.

37. The Cock Lane footway is a shorter distance from the informal site entrance onto an unmade, narrow footpath through the site. However, access to that entrance would be across land that is not highway land nor in the appellant's ownership. There is no evidence that there is a right of access from this land on to the site and whilst it has been suggested an agreement could be reached to provide access, I have no information about that before me. Moreover, even if there were access, the footpath is too narrow to provide accessible access suitable for all users which is required to be 2 metres minimum width.
38. Whilst the path within the site could be upgraded to meet the required standards, this runs through the area of retained woodland which the appellant relies upon to maintain connectivity in terms of green infrastructure. Whilst I have already determined this would be unsatisfactory in providing green infrastructure, with increased activity arising from a more formal pathway through the space, that could further undermine any ecological value from the retained woodland.
39. As and when development occurs on the wider HW6 site, there would be potential for the site to be able to access more appropriate pedestrian and cycle connections. However, as there is no permission on this land currently, both pedestrian and vehicle access to the site would be reliant on the existing unsatisfactory access onto Cock Lane.
40. The nearest bus stop, albeit that the service is reasonably frequent during peak times, is further south on Cock Lane, more than the 300 metre maximum recommended distance from the site which in any event would be unsatisfactory for pedestrians to access due to the lack of suitable footpath as I have already found. I come on to matters relating to making provision for bus access within the GVA site later in my decision, but as things currently stand, there is no such service available to future occupants of the proposed development.
41. For these reasons, I conclude that the site does not provide safe and suitable pedestrian access and does not benefit from suitable access to public transport. Consequently, future occupants would be reliant on the private car to access services and facilities to meet their day-to-day needs. This would be contrary to Policies HW6, DM33 and CP7 of the LP and Policy DM2 and DM19 of the DSAP which together require development to be conveniently located to provide safe access to jobs, service and facilities by sustainable transport modes.

Carbon emissions

42. Policies CP12 and DM33 of the LP seek to secure the integration of renewable and low carbon technologies into development to address carbon emissions and climate change. Whilst such matters could be addressed through a suitably worded condition, such a condition needs to be imposed where there is certainty that it can be achieved without leading to other unacceptable impacts, such as visual or residential amenity.

43. The scheme is relatively constrained due to the proposed layout and the retention of landscape features. Information has not been provided to demonstrate how this requirement could be met and how renewable or low carbon energy sources could be integrated satisfactorily into the development.
44. The proposal would therefore fail to incorporate renewable or low carbon energy sources. It would therefore conflict with Policy CP12 and DM33 of the LP as referred to above.

Flood risk / drainage

45. The site lies with Flood Zone 1 and is in an area at low risk of surface water and groundwater flooding. Nevertheless, Policy CP12 of the LP requires all developments in the Wycombe area to incorporate sustainable drainage systems (SuDS). Whilst the appellant's statement of case describes management of surface water, technical information to support this is not before me. In the absence of this, it is not possible to establish that surface water could be effectively managed in accordance with the drainage hierarchy so as to not increase flood risk elsewhere or to future occupants. The principles of how this can be provided are directly related to the layout of the scheme and are not therefore matters to be dealt with as a planning condition.
46. The scheme is therefore contrary to CP7, CP12, DM39 and HW6 of the LP which, amongst other things, require development to provide flood management measures including SuDS, integrating these with the design of new development to mitigate and adapt to climate change.

Protected species

47. The site is well vegetated, with extensive tree cover and undergrowth, adjoining additional woodland and farmland with more woodland on the opposite side of the road.
48. The Council's ecologist has advised that its location, nature and adjoining landscape makes it suitable to support a range of protected species. This could include reptiles, birds, badgers, bats and invertebrates. This is supported by evidence associated with assessments relating to the wider HW6 allocation and the DB. It is therefore reasonably likely that species are present,
49. Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed in making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances.
50. A Preliminary Ecological Assessment (PEA) should have been provided together with surveys to identify which species are present and reports to enable the impact upon these to be assessed. In the absence of this, I cannot be certain that the proposal would not adversely affect protected species and therefore I must conclude that the proposal is in conflict with Policies DM13 and DM14 of the DSAP and Policies DM34 and HW6 of the LP. These policies require assessment of

impacts of development on protected species including how biodiversity can be increased and conservation and enhancement of existing nature conservation interests on site.

Biodiversity net gain

51. The appeal proposal is required to deliver a mandatory 10% biodiversity net gain (BNG). The original application was accompanied by a Small Site Metric (SSM). However, due to the appeal site including an area of priority habitat, Deciduous Woodland, and the likely presence of European protected species, the application should have been accompanied by a Statutory Main Metric (SMM) rather than the SSM.
52. In the absence of the SMM and the supporting ecology evidence, it has not been demonstrated that BNG, as required by the Environment Act 2021, can be delivered. Given this uncertainty, it would not be reasonable to use planning conditions to secure BNG in these circumstances.

Affordable housing

53. The appellant has not disputed the Council's requirement that a minimum of four affordable housing units be provided on site in accordance with Policy DM24 of the LP and has indicated that four of the dwellings could be affordable. A section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) (s106 agreement) would be required to secure this provision. However, no such agreement has been provided.
54. In the absence of this, the scheme would fail to provide affordable housing. It would therefore conflict with Policies CP4 and DM24 of the LP which together seek a portion of on-site affordable housing to be provided on developments of more than 1,000 square metres of residential floorspace.

Infrastructure

55. Policy HW6 of the LP requires either direct provision or appropriate contributions to off-site transport works in respect of the comprehensive development of the GVA site. In this regard, financial contributions are required towards the provision of a shared use pedestrian, cyclist and equestrian route through King's Wood, to connect Cock Lane to the A404 Amersham Road; A40 highway works to mitigate the impact of the development; and the provision for bus access through the site. It also requires provision of a primary school within the site, for which contributions from development would be required.
56. With regards to open space, Policy HW6 refers to undeveloped areas of land within the GVA site being used to deliver recreational benefits and for management of those areas to be secured by agreement. The Infrastructure Delivery Plan⁶ sets out the GVA site requires contributions to tennis and bowls facilities. This is based on Policy DM16 of the DSAP which sets out the Council's policy for open space in new development.
57. Occupants of the site, albeit a modest number of households, would together with the development of the GVA site create additional pressures on the road network, need suitable connectivity and access to services and facilities by sustainable

⁶ Local Plan Publication Version Infrastructure Delivery Plan (September 2017, Wycombe District Council)

modes, including buses. Furthermore, they would have a need for school places, maintained open space and sporting facilities.

58. For these reasons, contributions to secure the provision of the transport and highway works, education infrastructure, open space management and sporting facilities are necessary to make the development acceptable in planning terms and directly related to the development. No information has been provided as to what those contributions would be and I am unable to reach a conclusion as to whether the level of contributions being sought would be fairly and reasonably related in scale and kind. The appellant has accepted the contributions can be made, subject to being proportionate to the size of this scheme when compared to the development of the GVA site in its entirety.
59. A s106 agreement would be required to secure these requirements. However, as one has not been provided the scheme fails to sufficiently mitigate the impacts of development. The proposal would therefore conflict with Policies HW6 and DM16 as referred to above. It would also not accord with Policies DM33 and CP7 of the LP and Policies DM2 and DM19 of the DSAP which together require measures to increase use of sustainable transport modes, mitigate adverse impacts on traffic conditions and make provision for education, sports and recreation facilities.

Other Matter

60. The National Planning Policy Framework (the Framework) confirms that land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape does not fall within the definition of previously developed land (PDL). The appeal site was previously used as a pumping station. However, it would appear that use has not been operational for over 30 years. I observed small remnants of a structure, heavily overgrown with vegetation during my site visit. The parties are in agreement that, despite its previous use, the site does not fall within the definition PDL, as am I.

Planning Balance

61. The Council cannot demonstrate a five year supply of deliverable housing sites. It is agreed that the figure is around 1.96 years supply for the Wycombe area and only a marginally higher number for the wider Buckinghamshire Council area. The Council's policies for the delivery of housing are therefore deemed to be out of date and the provisions of paragraph 11 d) ii) of the Framework are applicable.
62. In this case, the Council has allocated the site for residential led mixed used development. In the context of the shortfall in housing supply, the provision of nine dwellings carries weight in favour of the development but given the overall number of houses that would be delivered by the scheme, this carries modest weight. Nine dwellings would bring with it associated economic benefits, but likewise modest due to the size of the scheme. The scheme would additionally deliver an area of open space, but nothing to secure its management and maintenance once provided. I therefore give this benefit modest weight.
63. Whilst benefits are stated including the provision of affordable housing, contributions to transport and highway improvements, education and sporting facilities, none of these are secured and therefore I can accord these benefits of the scheme very limited weight in favour of the proposal. Cumulatively, the benefits of the scheme carry moderate weight.

64. Weighed against this, the proposal would undermine the approach to the development of the GVA site, resulting in the loss of a significant number of protected trees of some quality and public amenity value, harming the character of the area. It would result in a loss of green infrastructure with associated impacts on linked areas of ancient woodland. In the absence of sufficient information, it has not been demonstrated that harm to protected species would not occur and that gains to biodiversity could be achieved. The proposal would not provide safe or suitable access for pedestrians nor access to public transport, therefore future occupants would be reliant on private vehicles to travel to and from the site. The proposed houses would provide poor living conditions in terms of private outdoor space. The design of the proposal would harm character and give rise to safety concerns.
65. A viable method of surface water disposal has not been demonstrated which could increase flood risk. The proposal has not demonstrated how it would satisfactorily integrate renewable or low carbon energy, nor how it would provide inclusive or accessible development. Together, the adverse impacts of the scheme carry significant weight against the proposal.
66. My finding is therefore that the adverse impacts of approving the proposed development 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, individually or in combination. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

67. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed

Rachael Pipkin

INSPECTOR