



Appeal Decision

Site visit made on 9 September 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/X0415/W/25/3369155

62 The Broadway, Amersham, Buckinghamshire HP7 0HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Gadsden, W E Black Ltd against the decision of Buckinghamshire Council
 - The application Ref is PL/25/0683/PAPCR.
 - The development proposed is the change of use and conversion into 8 No. self contained flats.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use and conversion into 8 No. self contained flats at 62 The Broadway, Amersham, Buckinghamshire HP7 0HJ in accordance with the application PL/25/0683/PAPCR and the details submitted with it, including plan nos: 22/3525/1, 22/3525/2 and OS Plan and subject to the following condition:
 - 1) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the Local Planning Authority.

Background and Main Issue

2. Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to Class C3 (dwellinghouse).
3. It is common ground between the main parties that the appeal scheme meets the requirements of Class MA. Based on the evidence before me, I have no reason to reach a different conclusion. However, the Council has raised concerns about the site's location in relation to the Chilterns Beechwoods Special Area of Conservation (SAC).
4. Thus, the main issue is the effect of the proposal on the integrity of the SAC.

Reasons

5. The Chilterns Beechwoods SAC is made up of nine constituent Sites of Special Scientific Interest (SSSI) across three counties. The Ashridge Commons and Woods SSSI and Tring Woodlands SSSI are relevant sites for Buckinghamshire.
6. There is evidence that the integrity of the SAC is being harmed as a result of recreational disturbance. As such, there is a potential conflict between the conservation objectives for the protected features of the SAC and new housing development in the area around it.
7. Zones of Influence have been adopted around the SAC within which the site is located. Within these zones proposals for new residential development are required to assess their potential impact on the SAC and set out measures to mitigate any impacts. As the proposal would result in an additional 8 residential units, it would increase the local population and lead to additional recreational pressure on the SAC. It is therefore likely that alone and in combination with other development, the proposal would adversely affect its integrity.
8. The Council has agreed a Strategic Access Management and Monitoring Strategy, which is a financial contribution made for each new dwelling within the Zone of Influence to mitigate recreational disturbance. However, application of this Strategy is dependent upon a Suitable Alternative Natural Greenspace (SANG) being secured to divert visitors away from the SAC and help relieve recreational pressure. As a SANG has not yet been secured, it is the Council's case that a suitable mitigation strategy is not in place to permit residential development with the Zone of Influence.
9. Article 3(1) of the GPDO 2015 grants planning permission for the classes of development set out in Schedule 2, subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017 (the Regulations). Regulation 75 provides that it is a condition of any planning permission granted by the GPDO that development which is likely to have a significant effect on a European site, such as a SAC, alone or in combination with other plans or projects, must not be begun until the developer has received the Council's written notification of approval of an application made under Regulation 77.
10. Article 3(1) and Regulations 75-78 therefore operate to impose a pre-commencement condition on all development that is permitted by the GPDO and would affect a European site. Permitted development cannot be lawfully begun until the developer has made a Regulation 77 application and received written notification from the Council to the effect that the development would have no adverse effect on the integrity of the European site.
11. Neither the GPDO nor Regulations 75 to 78 prescribe a specific sequence for the submission of prior approval and Regulation 77 applications. Accordingly, although development may not commence until written notification of the Regulation 77 approval is received, that approval does not need to precede the prior approval process. The Regulation 77 process has not yet been completed for this proposal. However, given that development cannot begin until that process is concluded, I am satisfied that the proposal would not adversely affect the integrity of the SAC.

Conditions

12. Paragraph W(13) of the GPDO allows prior approval to be granted subject to conditions reasonably related to the subject matter of the prior approval. I have imposed the Council's suggested condition to ensure that any risks from land contamination are minimised, given the site's previous use as a petrol filling station.

Conclusion

13. For the reasons given, I conclude that the appeal is allowed, and prior approval is granted.

A O'Neill

INSPECTOR