



Appeal Decision

Hearing held 14 January 2026

Site visits made on 9 October 2025 and 14 January 2026

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026.

Appeal Ref: APP/K0425/W/25/3367809

Holly Tree Farm, Lower Icknield Way, Great Kimble, Buckinghamshire HP17 9TX

- 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 Bugler Homes Limited against the decision of Buckinghamshire Council.
 - The application Ref is 23/08171/FUL.
 - The development proposed is the demolition of existing buildings and erection of 7x residential units (Use Class C3) and 1x commercial unit with associated access, parking, cycle spaces, hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 7x residential units (Use Class C3) and 1x commercial unit with associated access, parking, cycle spaces, hard and soft landscaping at Holly Tree Farm, Lower Icknield Way, Great Kimble, Buckinghamshire HP17 9TX, in accordance with the terms of the application Ref 23/08171/FUL and subject to the conditions in the appended schedule.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character of the area; and
 - Whether the proposal would optimise the use of the site, having regard to local policy.

Reasons

Character

3. The appeal site is a plot of land, behind four existing residential properties. This land currently hosts a collection of sheds and also includes areas of relatively undeveloped rough grazing.
4. Although inside the village marker for Great Kimble, the site is separated from that nearest significant settlement by open farmland. Some of the existing buildings were originally constructed as chicken sheds, the planning history indicates the buildings currently have permission for storage and light industrial uses. With this commercial use, while the appeal site has a distinct rural setting, its appearance is somewhat anomalous, in an area where outside the settlements, development is largely limited to sporadic farmsteads or scattered single dwellings.

5. The former chicken sheds are accompanied by other storage buildings such that the site layout is haphazard. Also, I saw that these buildings are not particularly well maintained. However, these relatively low profile buildings are largely screened in the wider landscape by the existing vegetation at the site boundaries and the existing dwellings that front Lower Icknield Way. With these existing factors, favourable visual elements of the appeal site are largely limited to its green features, and I saw these verdant attributes positively contribute to the rural character of the area.
6. The proposal would replace the existing structures with seven detached dwellings. These new built forms would be sizeable but limited to no more than one and a half storey. The individual plot sizes would also be similar to existing dwellings that front this part of the main road. These design details would ensure that the new residential units would generally be in keeping with the existing dwellings that characterise this rural area. Moreover, the proposed residential units would largely be located on land that currently hosts existing buildings. Also, there would be space in this scheme for green boundary features to be largely maintained or enhanced on this site, and this benefit can be conditioned.
7. It is asserted that the proposed business unit would have a utilitarian appearance. While the design is simple, it would have a traditional style not at odds with existing buildings that already characterise the wider area. In any event, the simple new form would be a significant visual improvement on the rather shabby sheds that currently exist in this setting.
8. It is also suggested that the access for the new dwellings would have a harmful visual effect. Related to this, Policy KIM 2 of the Great and Little-Cum-Marsh Neighbourhood Plan (Neighbourhood Plan), amongst other matters, states that new development should only utilise existing access point. Although this access appears overgrown, it is nonetheless an existing access onto the highway. This proposal would accord with this local policy requirement.
9. The proposed drawings show that there would be limited space for landscaping along this part of the site once this access is upgraded for the residential use. However, this is a relatively short access road, and similar accesses are not an uncharacteristic feature along this stretch of the Lower Icknield Way. While the improvements at this access would draw attention to changes in the site, as outline the site currently has anomalous elements, such that uncommon qualities could be assimilated in this setting without resulting in visual harm. Moreover, with the proposed verdant features and sympathetically design built forms, when considered holistically, in my view, the development would result in an enhancement in the appearance of the site.
10. Attention is drawn to an appeal decision related to a proposal at Clematis Cottage which fronts the appeal site. While harm to character was found in that case, unlike this scheme, that proposal would have altered the concentration of development in that existing residential plot. In any event, that other appeal case was around seven years ago, when the commercial buildings were likely not in such a poor state of repair. That proposal was distinctly different in these regards to the development before me. It has not altered my findings accordingly.
11. In light of the above, I find that the proposal would not have a harmful effect on the character of the area. In this regard, the proposal would comply with Policies CP9 and DM35 of the Wycombe District Local Plan (Local Plan) and Policy KIM2 of the

Neighbourhood Plan. These Policies collectively seek a high quality of design and to improve the character and quality of an area.

Whether an Optimum Use of Site

12. The Council is concerned about the proposed density and housing mix. Regarding this I am directed to a number of Local Plan policies. Policy CP4 guides the delivery of homes during the Local Plan period. This Policy identifies a target for homes in this area, and seeks, amongst other matters, an appropriate mix of house types and sizes. However, the Policy and its supporting text provides little detailed guidance on this matter.
13. Policy CP9 of the Local Plan in seeking a high quality sense of place states that this is to be achieved amongst other ways, through optimising the development of previously developed land. The Policy also requires the density of development to make best use of land whilst respecting the distinctive character of the area. Relevant to this matter, in addition to seeking high design quality, Policy DM35 of the Local Plan requires development to demonstrate the efficient use of land through the scale and height of buildings.
14. Addressing these local policy aims, as set out the appeal site, though close to the settlements of Great and Little Kimble is surrounded by fields. Development in the immediate vicinity is largely limited to the short ribbon of properties at the edge of the road and scattered farmsteads. The distinctive character that needs to be respected in this case is rural. Moreover, as already outlined this proposed scheme would be respectful of that prevailing character.
15. Returning to the matter of density, again the explanatory text of these local policies provide limited information regarding this matter. Indeed, it was confirmed at the hearing that there are no specified density requirements stated in either local policy or guidance.
16. The Council questions the need for a commercial unit on the site, and I will explore this matter later in the decision. However, focusing on how this aspect of the proposal affects density, this commercial unit would be small such that most of the developed part of the site would be changed to residential use.
17. When clarification was sought regarding appropriate concentration of development at the site, the Council confirmed at the hearing that built form should be focused on the footprint of existing development. While the coverage of proposed buildings would be greater than existing, this would be less than a 25% increase. As such, this scheme would generally accord with the Council's preference regarding the focus of built forms. Moreover, as already established a considerable part of the site would be relatively undeveloped and would include green features which is important for reasons of character. The developable area of the site is limited by this factor, and this lowers the density of development that would be acceptable in this case.
18. It is also highlighted that the existing buildings are concentrated on the site and a similar density should be applied to redeveloping the site. However, given the sensitivity of this rural setting, it seems to me that the design of this proposal, which is predominately residential, is more appropriately influenced by existing residential properties that positively characterise this area, as opposed to being determined by the existing ad hoc arrangement of poor quality commercial units.
19. The proposed density would equate to just over 12 dwellings per ha, and this would be relatively low. However, given the site factors outlined, I find that the proposed

development generally responds, as required by the Local Plan policies, in a holistic way, bringing the site assets and constraints (most notably the easements that affect a significant section of the site) together through a design that responds to the place. The proposed density of development appears to be respectful of the prevailing character of the area in these regards. This would generally accord with advice of the Council's Housing Intensification SPD which seeks a comprehensive approach. Consequently, I find that this proposal satisfies this local policy aim and guidance.

20. Regarding matters of density and housing mix, I am also directed to Policy DM22 of the Local Plan which at part 1 requires a mix, of sizes, type and tenure taking account of the current evidence on priority housing in the district. However, this refers to development of 10 or more dwellings and as this proposal would result in 7 dwellings, this local policy does not appear applicable in this case. Even if I accept the Council's view on the proposed business unit, if this was altered to residential use, given its proposed size, and the features of the site, this would likely only add just one more dwelling to the scheme such that this Policy would still not be determinative.
21. Supporting text of Policy DM22 states that part 1 of that Policy applies to all housing development. However, this text goes on to clarify where dwelling numbers are low, greater emphasis will be placed on a sense of place rather than the mix within the site. For the reason set out above I find that this particular aim has been addressed in this case.
22. Also relevant to housing mix, the Housing and Economic Development Needs Assessment (HEDNA) indicates that majority of market housing need is for 3 to 4 bedroom dwellings. However, the HEDNA and its addendum was carried out in 2016 and 2017 respectively. This aside, as five bedroom homes, the new dwellings would only be slightly larger than the type of homes identified in the HEDNA. Moreover, while it may be preferable that some of the proposed dwellings are other than five bedroom units, I find nothing before me that requires a particular unit size or that would preclude a residential development which does not offer a mix of dwelling types for the scale of development proposed in this case.
23. Finally on the matter of housing mix, Policy CP4 of the Local Plan seeks provision of affordable housing of appropriate tenures having regard to the needs for different forms of affordable housing. This matter will be dealt with later in this decision.
24. Addressing the loss of the existing commercial units, the Fischer German report shows that the existing condition of the site and its buildings makes it unappealing for future tenants and that the cost of repairing the units to get them to a reasonable state of repair appears to be a deterrent. While location was also identified as a negative factor, this appears generally limited to the immediate access serving the wider site.
25. Additionally, the site in its current state is said not be appealing for industrial users given its proximity to existing residential units. Accordingly, the appellant's evidence concludes that the existing use (which include light industrial uses) and the current scale of the employment site is unviable. The Council has not disputed this finding and given the detail of the Fisher German report and the site circumstances observed on my visit, I find no reason to disagree with this conclusion.
26. Regarding the commercial element of the proposal, I am directed to Policy KIM6 of the Neighbourhood Plan. As outlined this proposal would not extend an established employment use, therefore the first part of this Policy is not relevant in this case. While the site supports existing commercial units, under this scheme the resultant commercial unit

would nonetheless be new. As such the final paragraph of Policy KIM6 appears most relevant. This provides support for proposals involving the reuse of redundant brownfield sites that are suited to employment uses.

27. The proposed employment use would be on a much smaller scale than the current site. Moreover, as a brand new unit, the issues, including state of repair, which makes the existing commercial structures unappealing to the market, would be addressed. As a small building, the new unit may not be suitable for industrial uses, but as already set out industrial activities are unlikely to be compatible with the existing residential uses at the boundary of the site.
28. This aside, a new building of this size would be generally consistent with the aims of Policy DM5 of the Adopted Delivery and Sites Allocation Plan (DASP) which seeks to protect small, scattered business sites as they could provide the basis for small scale local employment. No compelling evidence has been advanced that this proposed unit would not be suitable for employment uses or that it would be unattractive to the local market. Moreover, as previously stated, this unit would only utilise a relatively small part of a brownfield site. I find the inclusion of this commercial unit would accord with the aims of these local employment policies, and that the proposal would make for an efficient use of land for the reasons set out.
29. In light of the factors outlined, I find that the proposal would optimise the use of the site, having regard to local policy. In this respect the proposal would accord with the relevant requirements of Policies CP4, CP9 and DM35 of the Local Plan.

Affordable Housing and Planning Obligation Matters

30. Policy DM24 of the Local Plan requires all developments for more than 1,000 sqm of residential floorspace, provide on-site affordable housing of at least 48% of the total number of units, on sites last used for Class B business use or a similar sui generis employment-generating use.
31. The planning history of the appeal site indicates permitted development include Class B business uses. The proposal would comprise seven dwellings which cumulatively would exceed 1,000 sqm of residential floor space. The scheme does not propose on-site affordable housing, and this proposal would not accord with Policy DM24 of the Local Plan in this regard.
32. However, supporting text of Policy DM24 states that if a developer believes that the requirement of this Policy in relation to their development is not viable, they must provide all necessary financial evidence to justify that position. Addressing this matter at application stage, the appellant submitted a Financial Viability Assessment (Affordable Housing 106 October 2023 (FVA AH106)) which concluded that it was "not viable for the applicant to make any financial affordable housing contribution to the Council". The Council's third party review of the FVA finds that the evidence indicates that there is scope for affordable housing contribution (Review of Submitted Viability Position - Dixon Searle Partnership July 2024(DSP review)).
33. Key factors that drew DSP to this conclusion was the purported inflated existing use value (EUV) of the site used in the FVA. Reviewing the evidence, given the condition of the employment uses, and their lack of appeal to the market, I agree that the rental costs assumed in the FVA appear high in light of the current market evidence submitted by both parties.

34. Moving onto the existing residential land proposed for the southern access. Despite the appellant confirming at the hearing that this parcel of land is not a 'ransom strip', AH106 nevertheless approached it as such in its FVA. In contrast DSP applied assumptions that are underpinned by market evidence and clearly set out what it considered a reasonable minimum return and incentive for the owner of Holly Tree in this case. Setting aside whether it is appropriate for AH106 to apply the 'one-third' rule in its FVA, for the factors outlined, I find DSP's approach on this matter to have rigour and transparency and to be more robust than the 'feel right' assertion stated in the appellant's FVA. Accordingly, I agree with DSP that the EUV of the site appears excessive in the appellant's FVA. Moreover, based on the evidence before me, the assumed value of the proposed residential units seems low in the FVA, when taking account of similar development values in this area, while a 20% of return is applied, which is the top end of that advised in national guidance.
35. The DSP review, when adopting a revised EUV based on market evidence and a slightly lower return of 17.5% (still within the parameters indicated in national guidance), concludes that the proposed scheme would be able to support financial contributions just below £400,000. Given the factors outlined above and in written evidence, I find nothing to dispute this conclusion.
36. Initially the Community Infrastructure Levy (CIL) contribution for this scheme was stated to be in excess of £300,000. However, the submitted information points to an error in calculating that initial figure and once corrected the required CIL contribution would be £87,032.
37. As already touched on, the southern access would be improved under this scheme. The Council assert that the existing residential land which covers the southern access is an unnecessary expense. However, written and verbal evidence indicate that the northern access has a restricted visibility splay which due to land control issues could not be improved in this scheme. I note the Highway officer's comments regarding the capacity of that northern access, but this is in respect of a pre-application consultation and does not relate to the proposal which is before me.
38. The proposed improvements to the southern access in this case addresses the officer's concerns regarding visibility. The highways works at this access would include a formation of a cross-over, tactile paving and footpath repairs. This access is currently in a poor state, and these works would be necessary to ensure that users of the residential units have safe and suitable access. This would be directly related to the development and would make it acceptable in terms of this planning issue. These highway's improvements would be largely limited to the immediate vicinity of the appeal site and would serve this proposal. This fairly and reasonably relates in scale and kind to the development proposed in this case.
39. Some costings estimating the budget for these works have been provided, amounting to £121,377. I find no compelling evidence to challenge this cost breakdown. As the works are on the public highway, agreement under s278 of the Highways Act 1980 would be required for certainty of this outcome. A Planning Obligation, submitted with this appeal, includes at Schedule 4 Part II of that deed, an obligation on those with interest in the land to submit a highway works delivery plan for approval of the Council, to carry out the approved works outlined and to enter into a highways agreement prior to this development commencing.

40. This improved access would provide a pedestrian link to the footpath to the southeast of the carriageway. Initial impressions are of a wide green verge on this side of the road. However, on closer inspection there appears some sort of pavement comprising gravel, albeit covered by grass. I saw that this provides a reasonably flat surface such that pedestrians can walk from the edge of the settlement (Smokey Row) to the appeal site within a few minutes. Also, due to the width of this verge, pedestrians enjoy a good degree of separation from vehicles travelling along this stretch of the road.
41. The Council is seeking financial contributions for the formation of a more substantial pavement than that which currently exists. This newly made pavement would commence at the southern access of the appeal site and extend to Smokey Row. While this is a relatively short walk, this would involve a 300m stretch of path, and the construction of this length of pavement would likely be costly.
42. The main parties agree that Great and Little Kimble offer limited local services. As such, as concluded by the Inspector dealing with the appeal relating to the subdivision of Clematis Cottage, future occupants would be largely dependent on a car to access a wider range of services or to access more sustainable modes of transport, such as the railway station a few miles from the site.
43. The creation of a formal pavement to this relatively small settlement is unlikely to alter future occupants' dependency on the car to access a wider range of services. As such, while this would be a nice to have enhancement, a formal pavement would not in my view result in a significant modal shift. It is not necessary to make the development acceptable in terms of that planning matter.
44. Also, in its current state, the footpath does provide a safe and reasonably suitable option for future occupants of the new dwellings to walk to the local services available in Kimble. Moreover, this is a relatively small, previously developed windfall site, and obligations for the costly construction of a significant length of pavement, to serve less than 10 new units, would not fairly and reasonably relate in scale or kind to this development.
45. The Council directs me to Policy KIM9 of the Neighbourhood Plan which seeks planning obligations towards the cost of highway and footpath improvements. However, this is qualified, 'where applicable'. This is consistent with Policy CP7 of the Local Plan, which while seeking contributions to improve walking and cycling, states where it is justified. Policy DM19 of the DSAP also addresses infrastructure improvements, but this is where development would create a need to provide improved infrastructure.
46. Some highway improvements, which would aid pedestrians crossing to the existing footpath to the settlement, would result from this development. However, for the reasons stated improvements beyond this would not in my view significantly alter the fact, given the site circumstances, future occupants would largely be dependent on the car. I find that the development would not provide the need for a 300m length of pavement; contributions for this would not be justified or applicable in this case and would not accord with relevant local policies in this regard.
47. Schedule 4 Part I section 1.1 obligates those with interest in the appeal site, to pay a highways contribution of £25,000 to the Council. The evidence indicates that this is intended for infrastructure improvement outside those highway works covered by the s278 agreement described above. Since the removal of CIL Regulation 123, it is no longer unlawful to take account of mitigation in the form of funding for infrastructure projects being funded from pooled contributions from more than 5 other S106 obligations. However, such contributions still need to satisfy the national tests for planning obligations.

48. As stated, substantive works to the pavement would be unnecessary so it would be unreasonable for this sum to contribute to that purpose. Moreover, I find no mechanism to ensure that this contribution would be used towards maintaining that footpath. In any event I am not persuaded that any further improvement to this footpath would fairly and reasonably relate in scale and kind to this proposal. Also, it has not been demonstrated that the £25,000 sum would contribute to any other infrastructure improvements in this area that would be necessary to make this development acceptable. Based on the evidence before me, this highways contribution would not satisfy any of the national tests for a planning obligation.
49. A £14,000 contribution for the enhancement of open space in Great and Little Kimble is also proposed at Schedule 3 of the Planning Obligation. Policy KIM9 of the Neighbourhood Plan seeks contributions for the on-going maintenance of public open space in the Parish. The development comprises family sized homes and future occupants would likely use local public open space. This matter relates directly to the development in this regard. Such open space requires ongoing maintenance such that financial contributions as sought by Policy KIM9 would be necessary in planning terms. Moreover, the modest contribution, which is calculated on the basis of £2,000 per new dwelling, is fairly and reasonably related in scale and kind to the modest scale of development proposed. Consequently, I find the open space contribution satisfies the three tests set out in national guidance.
50. Returning to affordable housing, provision on site, required by Policy DM24, would not be achieved in this case. The proposal fails to accord with the Policy in this regard. However, as already outlined, the DSP review demonstrates that a contribution less than required in Policy DM24 of the Local Plan would be justified in this case. In addition, the supporting text of Policy DM24 clarifies, particularly in relation to the smallest sites, just above the site size threshold (which is relevant to this proposal), financial contributions through S106 in lieu of on-site provision can be made. Also, the Council has adopted supplementary planning documents and an online affordable housing calculator which support this commuted sum approach where appropriate.
51. Schedule 2 of the Planning Obligation requires the payment of a commuted sum towards affordable housing provision off-site of £127,282.93 along with an administrative fee of £4,454.90. The written evidence demonstrates that this sum addresses the local policy requirement for affordable housing provision; it is necessary to ensure compliance with this Policy and to make the development acceptable in terms of this planning matter. Moreover, this evidence indicates that this commuted sum contribution is directly related to this development and fairly and reasonably relates in scale and kind. All the national tests are satisfied in respect of this obligation.
52. The submitted Planning Obligation is correctly executed and certified pursuant with S106 of the Town and Country Planning Act 1990 as amended. Also, as outlined, the obligations with regards affordable housing, highway works and open space satisfy the relevant national tests. Furthermore, the deed includes effective drafting to ensure that these obligations can be enforced.
53. For avoidance of doubt and in line with the provisions set out in paragraph 7.16 of this legal deed, in the event the appeal is allowed, the obligation for highways contributions in Schedule 4 Part I Section 1.1 of the Planning Obligation will not have effect, and those obligations which do meet national tests should have full force for the reasons stated.

Other Matters

54. The public rights of way officer has raised concerns about the condition of the bridleway (PROW) which overlaps the existing northern access. Pedestrians and horse riders already share a short part of the vehicular access to the existing commercial buildings. Under this scheme, commercial buildings would be reduced from ten units to just one modest unit. It is therefore reasonable to assume that the volume of motorised traffic using this access would be considerably less in this proposal than the level of traffic that could potentially result if the existing commercial buildings are retained. Serving a single modest unit, I agree with the officer, the existing quality of this shared access would likely improve, in terms of traffic flows, and this would be a benefit for those using this PROW. The proposed drawings indicate that there would not be substantial changes to this northern access. In light of this and the factors described above, it is neither necessary nor reasonable to impose a condition requiring additional information about the current condition of this PROW.
55. There is some concern about the proposals effect on flood risk and drainage in the area. But the submitted evidence confirms that these matters could be satisfactorily addressed by condition.
56. It is suggested that the commercial unit opening hours should be restricted. However, I find no indication that such restrictions apply to the much larger employment use which currently occupies this site. In any event, as already covered, this would be a modest unit. Positioned at the end of the good sized existing and proposed rear gardens, I am content that the use of the commercial building would not lead to unacceptable living conditions for existing and future occupants of the residential units. As such restrictions on opening hours is unnecessary.
57. Parking concerns are also highlighted. However, the submission shows on-site parking provision in line with local policy and guidance. The development would be acceptable in this regard.
58. The district's Housing Land Supply (HLS) stands at 1.96 years, considerably lower than that required by national guidance. The undersupply of homes amounts to 4,491 residential units. Paragraph 11 of the National Planning Policy Framework (the Framework) is therefore relevant in this case.
59. The Local Plan is over five years old, and the local policies that guide the location and supply of housing, including Policy CP4 of the Local Plan, are failing to deliver a sufficient number of homes in the district. That aside, Policies CP9 and DM 35 seem largely consistent with the provisions of the Framework which seek well designed places, and to make as much use as possible of previously developed land (PDL).
60. Policy DM24 of the Local Plan also accords with provisions of the Framework which seek affordable housing provision.
61. The aims of Policies DM19 of the DASP and CP7 of the Local Plan to improve infrastructure for growth are consistent with provisions of the Framework for building a strong competitive economy and to promote sustainable transport.
62. Policy DM5 of the DASP provides support for rural employment uses and this generally accords with the Framework which in respect of this matter seeks sustainable growth of all types of businesses in rural areas. In light of the above, I find that the local policies most relevant to the main issues in this case carry full weight in this appeal.

63. The seven new open market family sized dwellings would make a modest but significant contribution to housing supply in the area and this works towards the Government's objective of significantly boosting the supply of homes. I attach considerable weight to this benefit given the critically low HLS in this district.
64. Although on-site provision would not be made, nonetheless a sum towards affordable housing provision in the district would be a benefit, albeit limited given the scale of the contribution.
65. This is a small windfall site and the Framework highlights that such sites can make an important contribution to meeting housing requirement of an area, are essential for small to medium enterprise housebuilders and are often built out quickly. These are all matters that work in favour of this proposal. Again, these would be limited economic and social benefits given the scale of the development.
66. Regarding the proposed employment use, this would accord with the Framework provisions that require sites to meet business needs in rural areas. As set out, there would be limited public transport options open to future occupants. That said there are some bus services, and the nearest railway station is just a few miles from the appeal site. This weighs in favour of the redevelopment of this site. Moreover, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
67. The Framework promotes sustainable development in rural areas, and supports housing located where it will enhance or maintain the vitality of rural communities. Future occupants of the dwellings and the employment unit would contribute in small part to supporting local services and in turn would add to the vitality of the area.
68. As already addressed, I find this a well-designed scheme. In terms of achieving appropriate densities, the Framework seeks to make efficient use of land, but this is qualified by amongst other matters, taking account of the desirability of maintaining an area's prevailing character. As set out, while the density may be low, when taking account of the rural context, the proposed scheme would be sensitive to the prevailing character, it would be an efficient use of previously developed land in this regard.
69. For the reasons set out above, I find no adverse impacts, that would significantly and demonstrably outweigh the significant benefits identified in this case, when assessed against the policies of the Framework when taken as a whole.
70. Planning law requires applications for planning permission be determined in accordance with the development plan, material considerations do not indicate otherwise in this case.

Conditions

71. In addition to the time limit, the development must accord with approved plans for certainty. Full details of external surface materials is necessary in the interest of character.
72. A construction method statement is necessary given the site circumstances and the need to protect on-site ecology, highway safety, the wider environment and living conditions during the construction phase. I have consolidated suggested conditions on these matters to avoid duplication. Details of finished floor levels are necessary for certainty and in the interest of character. A detailed drainage scheme is necessary to protect against flood risk. As part of this scheme a maintenance plan is necessary for the life of the development for the same reason. All these need to be approved prior to development

given the nature of the matters involved. Written agreement for these pre-commencement conditions has been given by the appellant.

73. It is necessary to protect retained trees through all stages of development in the interest of the environment and character. It is also necessary and reasonable in the interest of protecting the environment to address any unforeseen site contamination given the previous land uses. A detailed landscaping scheme is necessary for certainty and character. Ecological mitigation measures outlined in the submission are necessary for biodiversity. While these need to be approved at an early stage of site clearance, I find no clear justification for this to be prior to any development at the site. Also, the management of the landscape and ecological features can be addressed in the approved landscaping scheme. It is unnecessary to duplicate conditions on these matters.
74. Requiring optional technical standards for accessible and adaptable dwellings, water consumption efficiency and low carbon features are reasonable and necessary to achieve local policies aims on these matters. Provision of boundary treatments, parking, cycle and bins stores are necessary for certainty and to address local policies aims. Approval of an external lighting strategy is necessary to protect on-site habitats and living conditions.
75. The Council has requested the removal of permitted development rights for dwellinghouses including extensions, roof alterations and incidental buildings. However, Planning Practice Guidance cautions that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity.
76. Changes in the garden and extensions to the footprint of the dwellings, in visual terms, would largely be enclosed in the site. I find no convincing justification to remove those permitted rights. However, changes to the roof of dwellings and in their height could alter the character of the area. Given the site circumstances, it is reasonable for the Council to have an opportunity to consider the visual impact of such changes in the future. There is a clear justification in the interest of protecting character for the removal of these rights in this case.
77. Matters related to electrical vehicle charging points and protected species licences are dealt with by regimes separate of planning. These conditions are unnecessary.

Conclusion

78. Having regard to the development plan, the Framework and other material considerations the appeal should be allowed.

A J Sutton

INSPECTOR

APPEARANCES AT HEARING:

Appellant:

Mr Evans

Mr Foster

Mr Chell

Mr Kincaid

Mr Smith

Council:

Mr McKane – Planning officer

Mr Hardy - Senior Highways DM Officer

Interested Party:

Mr Gammell – Local resident

Documents

Requested information submitted prior to hearing

Appellant:

APP1 : Land Registry Title Plan

Council:

LPA1: CIL Compliance Statement

Requested information submitted at the hearing

Appellant:

APP2: Printed copy of drawings

Requested information submitted following the hearing

Appellant:

APP3: Official Land Registry title information

APP4: Written Agreement for pre-commencement conditions

Council:

LPA2: Affordable Housing Calculator Formula

Main Parties:

MP1: Amendment to Tree Protection Condition

Appendix

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:

Site Location Plan 22.123-ONA-DR- A 0001,

Proposed Street Elevations A-A, B-B 22.123-ONA-DR- A 300 Rev P1,

Proposed Site Plan 22.123-ONA-DR- A 100 Rev P2,

Proposed Block Plan 22.123-ONA-DR- A 101 Rev P1,

Proposed Site Layout Plan (Coloured) 110,

Parking Strategy Plan 22.123-ONA-DR- A 102 Rev P2,

Refuse Strategy Plan 22.123-ONA-DR- A 103 Rev P2,

Boundary Treatment Strategy Plan 22.123-ONA-DR- A 107 Rev P2,

Materials Strategy Plan 22.123-ONA-DR- A 108 P2,

Plot 1 Plans & Elevations 22.123-ONA-DR- A 200 Rev P1,

Plots 2 & 3 Plans & Elevations 22.123-ONA-DR- A 201 Rev P1,

Plots 4 & 5 Plans & Elevations 22.123-ONA-DR- A 202 Rev P1,

Plot 6 Plans & Elevations 22.123-ONA-DR- A 203 Rev P1,

Plot 7 Plans & Elevations 22.123-ONA-DR- A 204 Rev P1,

Car Port Plan & Elevations 22.123-ONA-DR- A 205 Rev P1, and

Employment Unit Plans & Elevations 22.123-ONA-DR- A 206 Rev P1.
- 3) No development above damp course level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include and provide for:
 - i. A plan showing wildlife / habitat protection zones;
 - ii. Details of development and construction methods within wildlife / habitat protection zones and measures to be taken to minimise the impact of any works;
 - iii. Details of phasing of construction;

- iv. Details of the parking of vehicles of site operatives and visitors;
- v. Details of loading and unloading of plant and materials;
- vi. Details of storage of plant and materials used in constructing the development;
- vii. wheel washing facilities;
- viii. measures to control the emission of dust and dirt during construction;
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- x. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the buildings hereby permitted, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) No development shall take place until details of the sustainable drainage system have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- i) how retained trees will be protected as part of the drainage scheme, in accordance with the approved Tree Protection Plan & Arboriculture Method Statement and the recommendations in and appended to the Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement (MJC Tree Service Limited dated August 2023);
- ii) a timetable for the implementation of the drainage system; and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained in accordance with the approved management and maintenance plan thereafter.

- 7) The development shall take place in accordance with the approved arboricultural method statement (AMS) and tree protection plan and the recommendations appended to and in the Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement (MJC Tree Service Limited dated August 2023). Any permitted works within the Root Protection Areas or Exclusion Zone of any tree which are specified in the AMS will take place under the supervision of a retained arboricultural specialist.
- 8) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be

suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

- 9) The development shall incorporate the mitigation and enhancement measures for protected and notable species as recommended in the Preliminary Ecological Appraisal, Bat Report and Reptile Survey (Greengage dated November 2023). These approved measures shall be completed prior to the first occupation of the development or according to the timescale indicated in these approved reports and maintained thereafter.
- 10) No development shall progress beyond damp course, until a detailed soft and hard landscaping scheme and management plan for the site has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the details and the timescales of the approved landscaping scheme and management plan.
- 11) Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 12) The development shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 13) The development shall not be occupied until the Building Regulations optional requirements for accessibility and adaptability have been complied with.
- 14) The development shall not be occupied until the low carbon measures recommended in the Holly Tree Farm Energy Statement (Synergy dated September 2023) have been installed in the buildings and confirmation that the energy efficiencies stated in this approve statement have been achieved has been submitted to and approved in writing by the Local Plan Authority. The approved measure will be retained thereafter.
- 15) The development shall not be occupied until the parking and manoeuvring areas for vehicles shown on the drawing no Parking Strategy Plan 22.123-ONA-DR- A 102 Rev P2 have been completed according to the details of this approved drawing. The parking and manoeuvring areas will be retained thereafter for the intended purpose.
- 16) The development shall not be occupied until bins and secure cycle storage areas have been installed in accordance with approved drawing nos Parking Strategy Plan 22.123-ONA-DR- A 102 Rev P2 and Refuse Strategy Plan 22.123-ONA-DR- A 103 Rev P . These features shall thereafter be retained for the purpose intended.
- 17) The development shall not be occupied until the boundary walls, fences, screens or other means of enclosure as indicated on drawing no Boundary Treatment Strategy Plan 22.123-ONA-DR- A 107 Rev P2 have been installed. Boundary treatments shall be retained in accordance with the details of this approved drawing thereafter.

- 18) No external lighting shall be installed on the site until a lighting scheme has been submitted and approved in writing by the local planning authority. External lighting shall be installed in accordance with the approved lighting scheme.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes B and C of Part 1 of Schedule 2 to the Order shall be undertaken on the site.

End Schedule.