



Appeal Decision

Site visit made on 20 January 2026 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/J0405/W/25/3375226

Ladymead Farm, Denham, Quanton, Buckinghamshire HP22 4AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Antony Barrett against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 23/03847/APP.
 - The development is a retrospective application for a farm track and hardstanding area both for agricultural use).
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Decision

1. The appeal is allowed and planning permission is granted for the retrospective application for a farm track and hardstanding area both for agricultural use at Ladymead Farm, Denham, Quanton, Buckinghamshire HP22 4AN in accordance with the terms of the application, Ref 23/03847/APP, subject to the following conditions
 - 1) The development hereby permitted is as shown on drawing numbers: ND/3.349/BlockPlan, ND/3.349/LocationPlan, Typical Section.
 - 2) The woodland planting areas labelled A,B and C and the native hedges shown on drawing number ND/3.349/BlockPlan shall be maintained (save where to comply with the requirements of Condition 3) and any which die or are destroyed within a period of five years from the date of this decision shall be replaced during the next available planting season.
 - 3) Within three months of the date of this decision, a scheme for the convenient passage of walkers, horse riders and cyclists using Bridleway QUA/17/1, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented within three months of the approval of details and shall be retained as such thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description on the application form differs to the decision notice. However, I am satisfied that the original description accurately describes the appeal development and is therefore reflected above.

Main Issue

4. The main issue is whether the proposal would be at or lead to an unacceptable risk of flooding.

Reasons for the Recommendation

5. The appeal site is a set of open agricultural fields in which the farm track runs from the south to the hardstanding at the north end. Denham Brook passes along the northern boundary. On the site visit, the hardstanding was in place with farm machinery on it. Following the decision, the Council has since accepted that the track would unavoidably cross the flood zones with no alternative routes possible and therefore the main issue is with regard to the hardstanding.
6. It is common ground that part of the land would fall within flood zones 2 and 3. The application was supported by a site specific flood risk assessment as required by Policy I4 of the Vale of Aylesbury Local Plan 2021 (LP) and Paragraph 171 of the National Planning Policy Framework (the Framework). As per Paragraph 172, a sequential risk-based approach to the location of the development applies. The development does not fall under minor development as described in Footnote 62.
7. The appellant contends that a sequential based approach is not required as there is no change in the status quo. Whilst the scheme is not a change of use of the type of land, it is a form of development with the implementation of hardstanding where there wasn't previously and cannot be considered minor development for flood risk purposes. The appeal example provided gives only limited information on the scheme, however it is clear that is to support a residential development. As this appeal scheme is for an agricultural purpose, it is not significantly comparable.
8. The farm track and hardstanding are surfaced with loosely compacted road planings over a permeable crushed hardcore. The drainage strategy mimics the natural land conditions and levels in which any water not draining to the ground will run off to the fields to the east away from any development. Given the level and type of hardstanding in combination with the flood zone mapping, the scheme would not harmfully increase the levels of flooding. Overall, the FRA confirms there is no evidence that the scheme would increase flood risk in any event.
9. The Council has contended that no evidence has been supplied to support the notion that alternative locations are not viable even with other parcels of land in the appellants ownership. The appellant's statement is short in terms of their assessment of other alternative sites, however it is clear that there is a functional link between the track and the hardstanding to the wider unit. Moreover, the access road has been considered acceptable in principle in the current location, and therefore an alternative site would likely to be impractical given the farms current needs. Therefore, I am not sufficiently convinced that the hardstanding would have a suitable alternative location and resultantly, the scheme would pass the requirements of the sequential test.
10. As the land is used for agriculture, it has been classified as "less vulnerable" under Annex 3 of the Framework. Table 3 highlights flood zone "incompatibility" whereby the use of this scheme is compatible with the classification, and the exception test is not required. Moreover, the appellant has exemplified that they would take the relevant mitigation measures should there be a chance of flooding as directed by the Environment Agency standing advice.

11. Resultantly, the proposal would not be at an unacceptable risk of flooding. It is also clear it would not increase flood risk elsewhere. In so being, it would comply with Policy I4 of the LP and Section 14 of the Framework. Together these seek to ensure that development proposals have appropriate drainage measures and do not increase flood risk to other areas.

Other Matters

12. Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced a statutory biodiversity net gain (BNG) framework. However, as this scheme was submitted prior to the implementation date for minor development for its purposes, BNG would therefore not apply, and I have not considered the matter further.

Conditions

13. I have not included a time limit or materials conditions due to the retrospective nature of the scheme and my findings. I have referred to the approved plans for enforcement purposes. The description of development already details that the scheme is for agricultural purposes and any deviation from this would require a new planning application. Therefore, the recommended condition thereon is not necessary. The landscaping condition is to comply with relevant policy of the LP and resultantly is reasonable and necessary with some amended wording. The condition relating to the bridleway is also necessary to protect use of the public bridleway for future users.

Conclusion and Recommendation

14. For the reasons given above, the scheme would comply with the development plan, I therefore recommend that the appeal should be allowed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and planning permission is granted, subject to the conditions set out above.

John Morrison

INSPECTOR