



Appeal Decision

Site visit made on 6 January 2026

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/N0410/W/25/3366426

Bangors Park, Bangors, Bangors Road South, Iver, Buckinghamshire SL0 0AZ

- 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 Paul Harding, Praedium Ltd against the decision of Buckinghamshire Council - South Area (South Bucks).
 - The application Ref is PL/24/0517/FA.
 - The development proposed is demolition of existing bungalow and ancillary outbuildings and the construction of 2 new detached double storey dwellings and 1 single storey dwelling with a 2nd vehicle access entering from Bangors Road South.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies.
 - ii) Whether the proposed development would impact highway safety;
 - iii) Whether the development would impact upon protected species;
 - iv) Whether the development would be resistant to the risk of flooding; and
 - v) Whether the proposal would meet the energy standards required for development.

Reasons

Inappropriate development

3. Policy GB1 of the South Bucks District Local Plan (adopted March 1999) ('LP') says that new buildings in the Green Belt are inappropriate unless they fall within a narrow list of defined exceptions, such as agriculture, forestry, essential outdoor recreation facilities, limited infilling in identified villages, or the replacement of an existing dwelling. Development outside these categories is treated as inappropriate by definition and will only be permitted where very special circumstances are demonstrated. This Policy also seeks to safeguard the openness and character of the Green Belt and prevent urban sprawl.

4. Although Policy GB1 of the LP reflects long-standing Green Belt principles, it no longer fully aligns with the current National Planning Policy Framework ('the Framework'), which introduces a more detailed and nuanced approach, including paragraph 155 on identifying and prioritising "grey belt" land. Policy GB1 of the LP predates this national direction and contains no mechanism for distinguishing between different qualities of Green Belt land or applying the more refined assessment now required.
5. Given that Policy GB1 of the LP does not incorporate the Framework's updated approach, greater weight should therefore be attached to national Green Belt policy.
6. The proposal seeks to demolish the existing dwelling and other ancillary outbuildings at the appeal site and the construction of two new detached double storey dwellings and 1 single storey dwelling with a second vehicular access from Bangors Road South.
7. It is common ground between the main parties that the appeal site is Previously Developed Land ('PDL'). Accordingly, and based on the submissions made by the main parties, I am satisfied that the appeal site is also 'grey belt land' as defined in the Framework.
8. Paragraph 155 of the Framework says that 'The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purpose (taken together) of the remaining Green Belt across the area of the plan.
 - b. There is a demonstrable unmet need for the type of development propose
 - c. The development would be in a sustainable location, with particular reference to [paragraph 110 and 115 of this Framework]
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
9. Whilst the proposal would extend development into the Green Belt, given the scale of this (two additional dwellings), this would not fundamentally undermine the purpose (taken together) of the remaining Green Belt across the area of the plan. As such, the proposal meets the aims of Paragraph 155 (a) of the Framework.
10. In respect of demonstrable need, footnote 56 of the Framework advises that in the case of the provision of housing, need is indicated by a lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable. The Council cannot demonstrate a five year supply of deliverable housing sites. As such, there is a demonstrable unmet need for the type of development proposed.
11. The Planning Practice Guidance ('PPG') makes clear that decisions on grey belt sites must ensure that development is directed to sustainable locations. Where grey belt land is not, and cannot be made, sustainable, development on it is inappropriate. While assessments of sustainability depend on local context and site-specific factors, this must have regard to opportunities to maximise sustainable transport solutions, as required by paragraphs 110 and 115 of the Framework.

12. In respect of a modest development (two dwellings) the sustainability requirement is about proportionality, accessibility, and demonstrating that the scheme does not conflict with the wider strategy for sustainable growth.
13. The appeal site benefits from access to bus stops located approximately 320m away, a distance that falls comfortably within recognised walking thresholds. The approximately 13-minute walk to the Morrisons Daily on Slough Road, alongside other nearby shops and services, is consistent with the distances identified in Manual for Streets.
14. The pedestrian routes between the site and local facilities reflect the characteristics not uncommon in semi-rural areas. Although sections of the footway vary in width, these features form part of the established highway network and do not, in themselves, prevent day-to-day pedestrian movement in providing connection to nearby services.
15. I acknowledge that the footways are not ideal for all users, including wheelchair users, those with reduced mobility, or people with buggies. Further, although the pedestrian routes in the vicinity continuous, in places, these require users to cross the carriageway near junctions. However, these characteristics are typical of semi-rural environments and reflect the form of the wider network. While such arrangements may be less convenient for some users, there is no substantive evidence to indicate that they present an unacceptable safety risk. Furthermore, the Framework recognises that transport solutions will vary between rural and urban areas, and expectations should therefore be proportionate to the scale and setting of the development.
16. The absence of dedicated cycle infrastructure is also characteristic of semi-rural areas and does not, in itself, preclude cycling as a mode of travel. There is nothing to suggest that surrounding roads are not used by cyclists.
17. Having regard to the appeal site's location, the existing network provides realistic opportunities for walking, cycling and public transport. In this context, I do not consider that future occupiers would be heavily reliant on the private car for everyday needs.
18. Therefore, the existing pedestrian and cycling routes, together with the available public transport, provide reasonable and appropriate opportunities for sustainable travel in accordance with paragraphs 110 and 115 of the Framework.
19. Paragraphs 156 and 157 of the Framework apply to major development. The "Golden Rules" in the Framework apply only to major development involving the provision of housing. Annex 2 of the Framework defines major housing development as proposals where 10 or more homes will be provided, or where the site area is 0.5 hectares or more. This mirrors the statutory definition in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), which clarifies that the 0.5-hectare threshold applies only where the number of dwellings is not known at the point of application.
20. The proposal is for three new dwellings, and therefore falls below the 10-unit threshold that defines major development under Annex 2. The fact that the site measures approximately 0.68 hectares does not alter this classification, because the number of dwellings is specified. As a result, the proposal is not major development, and the national "Golden Rules" are not applicable.

21. For the above reasons, while the proposal conflicts with Policy GB1 of the LP, this policy predates the current Framework. Therefore, having regard to national policy, and the greater weight that should be attached to it, the proposal does not amount to inappropriate development in the Green Belt.
22. Accordingly, as the development is not inappropriate in Green Belt terms, it is not necessary to consider further its effects on openness or the purposes of including land within the Green Belt.

Highway safety

23. The proposal would retain the existing access to serve two dwellings and introduce a new access to serve a third.
24. The Highway Authority has assessed both access points and concluded that neither achieves the visibility splays required for a 40 mph road under Manual for Streets 2, which specifies splays of 2.4m by 82m.
25. For the existing access, visibility is restricted to around 37m to the south and approximately 43m to the north. These distances fall significantly short of the required standard and correspond to much lower design speeds than the posted limit.
26. At the proposed access, visibility is approximately 61m to the north and around 62m to the south before crossing third-party land outside the applicant's control.
27. These shortfalls cannot be remedied within land under the appellant's control, meaning that a planning condition could not secure the necessary improvements.
28. I have also taken account of the 2013 approval for a similar new access. However, that permission has expired and was determined under a different policy and technical framework. Since then, Manual for Streets 2, Buckinghamshire Council's Highways Development Management Guidance (2018), and Local Transport Plan 4 (2016) have introduced more robust and up-to-date requirements for visibility splays on higher-speed roads. The fact that the physical road layout and speed limit remain broadly unchanged does not negate the need to meet current standards, nor does it justify access arrangements that fall substantially short of those required for a 40 mph road.
29. Manual for Streets 2 permits visibility assessments to be based on actual recorded vehicle speeds. In this case, however, the only information available comprises the Highway Authority's 85th-percentile speed estimates derived from the visibility achievable at the existing and proposed accesses. In the absence of any site-specific speed survey data, I cannot be satisfied that either access would operate safely for highway users as a consequence of the development.
30. The modest increase in traffic movements does not overcome the fundamental point that the safety of an access is determined by its geometry and visibility, not by the number of daily trips. The absence of recent recorded accidents does not demonstrate that either access would operate safely, as collision data reflects only the current level of use and cannot account for the additional vehicle movements the development would generate, however limited. Internal turning space, a straight road alignment, or speculative vegetation clearance do not compensate for substandard visibility splays. In the absence of robust, site-specific evidence

demonstrating that the access arrangements would operate safely, the concerns regarding highway safety remain unresolved.

31. Accordingly, the proposal conflicts with Buckinghamshire Council's Local Transport Plan 4, which requires new development to provide safe and suitable access for all users, ensure that it does not introduce new highway-safety risks, and demonstrate that any impacts can be mitigated to an acceptable level.
32. The proposal also conflicts with paragraph 115 of the Framework, which requires development to provide safe and suitable access for all users.

Protected species

33. In addition to the sizeable dwelling and ancillary outbuildings, the appeal site contains a number of trees, including several mature specimens. On the information before me the appeal site lies in the Biodiversity Opportunity Area ('BOA') South Bucks Heaths and Parklands.
34. BOAs set out priority habitats for creation and restoration across the county, including grasslands, heathland, meadows, wetlands, orchards, ponds, hedgerows and woodland. Development within or adjoining a BOA must identify both constraints and opportunities for biodiversity enhancement, and its design should actively support the BOAs objectives.
35. In addition, I am advised that the south and east boundaries of the site are adjacent to Lowland Mixed Deciduous Woodland which is listed as Habitat of Principal Importance (priority habitat) in Section 41 of the Natural Environment and Rural Communities Act 2006.
36. Taken together, the above factors, lead me to conclude that the appeal site and its surroundings are ecologically sensitive.
37. In this context, the proposal entails demolishing the existing bungalow and outbuildings on a site immediately adjoining priority woodland habitat. Such habitats are frequently used by commuting and foraging bats, and the loss of buildings together with the associated disturbance has the potential to affect these species.
38. No preliminary ecological appraisal was submitted with the application or the appeal, meaning the impacts of the proposed development on protected species and biodiversity cannot be assessed.
39. The appellant argues that the Council's ecological concerns are unjustified because an Ecology and Trees Checklist was submitted. However, this is only a preliminary screening tool and does not replace the need for professional ecological assessment where there is a reasonable likelihood of protected species or priority habitats being affected.
40. Having reviewed the submitted checklist, this includes an incorrect response regarding whether the proposal would "affect" existing buildings, despite the fact that the bungalow and outbuildings are to be demolished, resulting in the loss of roof tiles, loft voids and other features commonly used by roosting bats. This inaccuracy appears to have led the appellant to conclude, incorrectly that no ecological information was required. As such, the checklist cannot be relied upon to justify the absence of further ecological surveys.

41. Based on the Tree Survey Schedule most trees would be retained. While retention is positive, it does not address the issue of the demolition of buildings and disturbance adjacent to priority woodland, which may affect commuting and foraging bats, reptiles, and badgers.
42. ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System is clear that the presence or absence of protected species must be established before permission is granted where there is a reasonable likelihood of them being present. Here, that likelihood is clearly established by the appeal site's location, habitat context, and the nature of the works proposed. Ecological surveys cannot therefore be deferred to a condition, as doing so would risk granting permission for a development that may not be capable of being lawfully implemented.
43. For the above reasons, I cannot be certain that the proposal would not result in harm to protected species. As such, this conflicts with Core Policy 9 of the of the South Bucks Core Strategy (adopted February 2011) ('CS') which seeks the conservation, enhancement and net gain in local biodiversity resources within the BOAs, on other non-designated land, on rivers and their associated habitats, and as part of development proposals. Along with maintaining existing ecological corridors and avoiding habitat fragmentation.
44. The failure to demonstrate that protected species would not be harmed also brings the proposal into conflict with the Framework, which requires development to minimise impacts on biodiversity and deliver measurable net gains.

Drainage

45. I am advised by the Council that based on the (Risk of Flooding from Surface Water Map) provided by the Environment Agency, the majority of the appeal site lies in an area of very low risk of surface water flooding (meaning there is less than 0.1% likelihood of flooding occurring in a given year). However, the southeastern corner of the site, at the rear of the existing property, is at high risk of surface water flooding (meaning there is 3.33% likelihood of flooding in a given year) with depths of up to 0.6m in the low-risk event.
46. I am also advised that the Groundwater Flood Map (Jeremy Benn Associates, 2016) shows the groundwater level in the area of the proposed development to be at between 0.025m to 0.5m of the ground surface for a 1 in 100-year return period. This means that there is a risk of groundwater flooding to surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally.
47. While the submitted Soakaway Feasibility and Sustainable Drainage Systems (SuDS) Statement ('the Drainage Statement') acknowledges the need for further investigations and outlines the general steps required to assess soakaway feasibility, this does not amount to evidence that a workable drainage solution is achievable. The document itself confirms that infiltration may or may not be viable and that essential site-specific testing, such as infiltration tests, groundwater monitoring, and confirmation of attenuation storage has not been undertaken. Without this baseline information, the feasibility of the proposed strategy remains entirely unproven.
48. Moreover, the Drainage Statement does not identify any alternative discharge receptor should infiltration prove unfeasible. In particular, there is limited evidence

of watercourse connectivity, sewer capacity, or permissions for an off-site connection. As such, I cannot be certain that surface water can be managed safely or that the development would not increase flood risk elsewhere.

49. It is suggested that the site lies outside a flood zone and that permeable paving and attenuation features would adequately manage runoff. Yet without evidence of infiltration capacity, groundwater levels, storage requirements, or an alternative discharge route, such claims cannot be substantiated.
50. No hydraulic calculations, discharge-rate assessments, urban-creep allowances, floatation checks, or water-quality treatment assessments have been provided. Likewise, no SuDS layout, construction details, or maintenance plan accompany the proposal.
51. As a result, the submission fails to demonstrate compliance with the drainage hierarchy in PPG paragraph 056, which requires infiltration to be considered first, followed by discharge to a watercourse, surface water sewer, or combined sewer.
52. It is argued that these matters could be dealt with by condition. However, conditions cannot be used to resolve fundamental uncertainties about whether a drainage solution is achievable in principle.
53. Accordingly, I cannot be satisfied that the development would be sufficiently resilient to flood risk, nor that SuDS could be delivered effectively to manage surface water.
54. As such, the proposal fails to accord with Core Policy 13 of the CS, which amongst other things seeks the sustainable management of environmental resources by promoting high-quality, water-efficient design and the use of SuDS where appropriate. It also requires development to be directed away from areas at risk of flooding and for proposals to demonstrate that they will be safe and will not increase flood risk elsewhere.
55. By not demonstrating compliance with these principles, or showing that sustainable drainage and water-efficient design have been fully integrated, the scheme falls short of the Framework's expectations for managing environmental resources and minimising vulnerability to flooding.

Energy

56. Policy IV14 of the Ivers Neighbourhood Plan 2022 ('NP') requires energy performance standards to be embedded at the earliest design stage, aiming for Passivhaus-level outcomes or equivalent.
57. The appellant argues that Policy IV14 allows flexibility for feasibility testing and conditional discharge. This misreads the Policy, which is clear that these matters must shape the design from the outset. They influence layout, form, and specification. Deferring them to a condition would undermine the policy's purpose and could require major redesign after permission is granted.
58. The appellant's willingness to submit an Energy Statement, Whole Life-Cycle Carbon Assessment, or undertake post-occupancy evaluation does not address the fundamental gap. Indeed, little evidence has been provided to show the scheme has been designed in line with the energy hierarchy or can meet the required standards.

59. As such, the proposal fails to demonstrate an appropriate energy performance standard and conflicts with Policy IV14 of the NP.
60. This also conflicts with the Framework, which requires developments to demonstrate energy-efficient design from the outset. Without evidence of the scheme's energy performance, the proposal fails to meet national expectations for sustainable, low-carbon development.

Other considerations

61. The Council can demonstrate only around 0.91 years of deliverable housing land supply. As a result, paragraph 11(d) of the Framework is engaged, and the presumption in favour of sustainable development applies.
62. The proposal would deliver two additional dwellings, while supporting the effective and efficient use of land by making productive use of PDL to help meet identified housing needs. This aligns with national policy objectives that encourage optimising land availability, especially in areas where suitable sites are limited.
63. Given the Council's current housing land supply shortfall, this represents an important benefit in line with the Framework's objective of significantly boosting the supply of homes. The appeal site is also in an accessible location, with suitable access to a selection of shops, services and facilities, meaning that the new dwellings would be well-placed to support sustainable patterns of development.
64. The construction of the development would generate some economic activity. New residents would also support shops, services, and facilities in the area. Therefore, there would be some economic benefits arising from the proposal.
65. Together, the social and economic benefits weigh positively in favour of the scheme and align with the development plan and the Framework's objectives of delivering housing in sustainable locations and supporting economic growth. However, their overall weight is substantially reduced by the absence of sufficient evidence to demonstrate that the proposal would avoid harm to protected species or appropriately address flood risk, and by the clear harm identified in relation to highway safety, alongside unresolved concerns regarding energy performance. In this context, the proposal and its benefits attract only limited weight in the overall planning balance.
66. The Council's submissions suggest that the proposal is for self-build housing. Irrespective, a Section 106 agreement is the recognised and robust method for securing self-build status, ensuring that the development meets the statutory definition and delivers the policy benefits relied upon. Accordingly, while this is noted, in the absence of any such agreement, any intention for the proposed dwellings to be self-build, attracts little weight.

Planning balance and conclusion

67. While the proposal is not inappropriate development in the Green Belt and would deliver additional dwellings, this and the benefits associated with it attract limited weight.
68. On the other hand, although some of the identified issues might, in principle, be capable of resolution with further technical work, the evidence before me does not demonstrate that the proposal would avoid harm. Significant concerns remain

regarding protected species, unresolved flood-risk and drainage matters, and clear highway-safety implications. These conflict with the development plan also run contrary to the aims of the Framework and attract substantial weight against the proposal.

69. Taken together, such adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Overall, the other considerations advanced do not outweigh the identified harm or the conflict with the development plan and the Framework.
70. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR