



Appeal Decision

Hearing held on 27-28 January 2026

Site visit made on 28 January 2026

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Appeal Ref: APP/J0405/W/25/3372795

Land to the rear of Orchard Cottage, Main Street, Grendon Underwood HP18 0SJ

- 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 Darren Jones of Hannaford Project Management Ltd against the decision of Buckinghamshire Council.
 - The application Ref is 24/00753/APP.
 - The development proposed is demolition of an existing dwelling, creation of new access onto Main Street and the erection of 7 dwellings with parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing dwelling, creation of new access onto Main Street and the erection of 7 dwellings with parking and associated works at land to the rear of Orchard Cottage, Main Street, Grendon Underwood HP18 0SJ in accordance with the terms of the application, Ref 24/00753/APP subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Darren Jones of Hannaford Project Management Ltd against Buckinghamshire Council - North Area (Aylesbury). This application is the subject of a separate Decision.

Preliminary Matters

3. As part of the appeal submission the appellant included amended plans which altered the internal arrangements and external parking spaces in an attempt to overcome some of the refusal reasons. An amended Sustainable Drainage Assessment¹ was also provided which had been submitted to, but not assessed by, the Council during the application. Prior to the Hearing clarification of some matters were provided, partly in response to a pre-hearing note, including comments on conditions and clarification on viability matters from both main parties.
4. These would not lead to a substantial difference or a fundamental change to the proposal. Moreover, parties had opportunity to consider and comment on these documents and changes before and during the Hearing.

¹ 81010R4

5. At the Hearing additional information was submitted on how the affordable housing contribution was calculated by the appellant. The Council had opportunity to comment on this and the latest planning obligation that was provided after the Hearing. Again, given the nature of the evidence and that the issues themselves were discussed at the Hearing there would be no prejudice to any party by my taking these into consideration.

Main Issues

6. The main issues are:
- Whether the appeal site is an appropriate location for the proposed development with regard to the local development strategy,
 - The effect of the proposal on the character and appearance of the area,
 - The effect of the proposal on the character and appearance of the Grendon Underwood Conservation Area with regard to its setting and on the setting of the listed buildings 'Grove Farmhouse' and 'Coombe Farmhouse',
 - Whether the proposal would make appropriate provision for affordable housing,
 - The effect of the proposal on flood risk,
 - Whether the proposal would provide an appropriate mix of housing,
 - The effect of the proposal on best and most versatile agricultural land,
 - Whether the proposal makes appropriate provision for accessible housing,
 - The effect of the proposal on highway safety with regard to parking,
 - The effect of the proposal on biodiversity,
 - Whether the proposal makes appropriate provision for green space, sports and recreation facilities,
 - Whether the proposal makes appropriate provision for planning obligation monitoring; and
 - If there is any harm and development plan conflict, whether other material considerations indicate that a decision should be made other than in accordance with the development plan.

Reasons

Development Strategy

7. Policy S2 of the VALP² sets out the spatial strategy for growth in the area. The primary focus of which is certain named towns and other larger, medium and smaller villages. Grendon Underwood is a medium village where housing growth at a scale in keeping with the local character and setting is encouraged. The policy indicates this is to allow these settlements to have growth to sustain their communities and meet their local needs. A combined figure for medium villages is

² Vale of Aylesbury Local Plan 2013-2033

given, however, as confirmed at the Hearing by the Council, this is not an upper limit.

8. Policy S3 of the VALP states that the scale and distribution of development should accord with the settlement hierarchy and states that unless in accordance with other plan policies, development in the countryside should be avoided. It gives a figure for total housing development at Grendon Underwood which is said to have already been met by commitments and completions. Again, as confirmed at the Hearing by the Council, this is not an upper limit.
9. Policy S3 is clear that development in the countryside should be avoided unless for specific proposals which accord with policies in the plan to support thriving rural communities, specific policies not being referred to, and the development of allocations in the Plan. The site is not an allocation. Although the policy states this is 'especially' where there are other concerns, such as character and appearance, and avoided does not mean precluded, the intention is that development in the countryside should be avoided outside of these circumstances.
10. Policy D3 of the VALP deals with non-allocated sites in the towns and villages. At the Hearing the main parties confirmed that the first limb of this policy, for small scale development and infilling, was relevant to the appeal scheme. Due to the size of the scheme, I have reached the same finding. Even if Policy D3 was a policy which sought to support thriving rural communities in the context of Policy S3, the scheme would need to accord with it.
11. Development of such schemes are 'restricted to small scale areas of land within the built-up areas of settlements'. There is no definition of 'built-up areas' and no defined settlement limit boundary. Given the policy refers to gaps and spacing, it does not suggest that the land in question needs to already be built on. While a definition of 'developed footprint' is given, this relates to the element of the policy concerning larger scale development, which this scheme is not.
12. The appellant suggested that proposals did not need to be in the village to accord with this policy and that as it includes infilling, that implies that rounding off would also be acceptable under this policy. They considered that the initial part of the policy referring to land within the built-up areas of settlements was separate to the subsequent sentence and criteria regarding infill and the pattern of development.
13. There is no separation or clear distinction between the first sentence of limb one of the policy from the second one and subsequent criteria. There is also no mention of rounding off, which in the absence of definitions in the local plan, I consider to be different to that of infill.
14. Consequently, even when reading D3 with the context of S2 and S3, there is no clear indication that the policy seeks to allow development of small-scale areas of land unless they are 'within the built-up area'. Although there are further criteria, the policy first requires a judgement as to whether the site is within the built-up area.
15. The site is an existing property and garden along with a section of the field behind. There are several services and facilities in the village and while I do not have detailed information of their frequency, there are public transport links. Therefore, it is an accessible location, and the proposal would help support existing rural

services. Given the scale of the village at present, it would not be overwhelmed by the relatively small number of new units proposed.

16. There are properties to the front boundary of the field section including Orchard Cottage itself. The village is not exclusively linear. There are examples of properties, streets and estates projecting a similar distance back from Main Street as the appeal scheme would in the village, including at this end of it. There are gardens of adjacent properties to parts of the side boundaries of this rear portion of the site.
17. Nevertheless, while its appearance is different from the more maintained and managed fields beyond and there is a post and wire fence dividing it from the wider one, the rear portion of the site is an undeveloped field. Mature landscaping lines much of the side boundaries which extend beyond the adjacent gardens and built form. Buildings are less frequent this far back from Main Road, with some more of agricultural rather than domestic appearance and the land more open and undeveloped. This site does not feel or appear surrounded by built form on 3 sides as suggested or be infilling.
18. While the proposal would consolidate development in this part of the village and not be separate or divorced from it, the rear undeveloped element of the site is not within the built-up area, but land beyond it and located within the countryside.
19. Therefore, the appeal site would not be an appropriate location for the proposed development with regard to the local development strategy. It would be contrary to Policies S2, S3 and D3 of the VALP. As these policies are currently not delivering sufficient housing, with the Council acknowledging a lack of 5 year housing land supply, the harm and weight that the conflict with these policies attracts is small.
20. Policy S1 relates to a wider balance and encompasses several criteria relating to other specific matters, including some which are main issues dealt with elsewhere in this decision. As such, my finding on this policy relates to the scheme as a whole rather than this issue alone.

Character and Appearance

21. A landscape does not need to be designated to be considered 'valued' in the context of the National Planning Policy Framework (Framework). The appeal site forms part of the Kingswood Wooded Farmland Wooded Rolling Lowlands Landscape Character Area. The wider area and the appeal site have some of the attributes of the area including being gently sloping grassland, mature vegetation and views over open farmland.
22. Notwithstanding this, the character area also includes villages, such as Grendon Underwood, which is near the edge of the character area. There is also a varied field pattern that the subdivision of the wider field that includes the rear part of the appeal site would not harm. Moreover, given the presence of the existing dwelling, the appeal site contributes little to any tranquillity of the wider area. Therefore, the presence of properties and clusters of them in and around villages is not untypical. As a result, the site, which includes an existing dwelling and garden, only makes a small positive contribution to the landscape character area.
23. The appeal site is partly bounded by gardens, dwellings and other buildings. Nevertheless, outside of the plot of Orchard Cottage, it is currently an open and

undeveloped field. Other than the gardens of the immediately adjacent properties, much of the rear part of the site is viewed with the surrounding fields and agricultural landscape. It is also bounded by mature trees and hedgerows to the side. Although overgrown and clearly of a different appearance to the remainder of the field behind the post and wire fence, the rear portion of the appeal site appears as part of the wider countryside with nearby buildings being set further away and being of a more rural appearance.

24. The proposal would introduce several properties, a road and other domestic paraphernalia. This would significantly change the appearance of the currently open part of the site and urbanise it. The scheme would extend the built form outside of the village into the countryside. This would erode the open and undeveloped nature of the area which currently links more with the wider rural landscape than appearing part of the village.
25. Grendon Underwood is generally a linear village with much of the roadside frontage having properties orientated towards the road, with varied set back and gardens to the rear. There are typically fields behind the frontage dwellings. However, there are also numerous examples of properties, and groups of properties located behind the frontage ones.
26. Although generally more modern developments, they currently form part of the character of the area. The presence of properties to the rear of others as such would not be alien or unexpected in this village. This is more so at the other end of the village but while less frequent, the layout and position of the appeal scheme would not be discordant or incongruous. Rickyard Grove, while with buildings of a more agricultural appearance, and the more modern George Court, being examples of culs-de-sac in this part of Grendon Underwood.
27. While the proposed dwellings themselves would be positioned close to each other, this is common in the village including at this end. There are no single design, scale or external materials that are predominant in the village. There is a mix of housing styles including historic ones but also a variety of modern properties. Nonetheless, while the appellant describes the properties themselves as bespoke, it was not clear how their design or features related to existing ones within the village. The combination of large areas of glazing, double gables and overtly modern properties of this scale would not be characteristic of the village. Where any similar features are present it is usually individual properties rather than in a group as proposed where they would stand out more. Therefore, their appearance would be incongruous with that of the existing built form nearby.
28. As a result of the position of the appeal site, scale and changing levels, there would be glimpsed views from the entrance and also likely over and between existing properties along the frontage. The large areas of glazing would make the properties more noticeable at times of darkness. They would also be obvious from nearby properties and their gardens.
29. There would be views from nearby public rights of way of and towards the site. However, these would be over some distance and although the degree to which they would be filtered through existing landscape features would vary at certain times of year, the site would be seen against and with existing properties.
30. Consequently, the proposal would harm the character and appearance of the area. It would be contrary to Policies NE4, D3, S3 and BE2 of the VALP where they

seek to protect local distinctiveness and local character and be in keeping with nearby dwellings and surroundings.

31. Given the scale of the scheme and surrounding built form, along with the limited views of the site, the harm and weight given to the conflict with these policies would be moderate.

Heritage Assets

32. As the proposal is within the setting of listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act). This and its location in the setting of the Grendon Underwood Conservation Area (CA) also means that the conserving and enhancing the historic environment chapter of the Framework also applies.
33. The appeal site is adjacent to the CA. Grove Farmhouse is adjacent and Coombe Farmhouse nearby, both of which are listed buildings. There is no development proposed within the CA, with the existing route from the entrance to Grove Farmhouse being retained to access the fields behind.
34. The CA is made up of several clusters of historic properties mostly from the 16th and 17th century, primarily fronting the road which exhibit many of the traditional materials and building forms of their time. Several parts are also characterised by mature landscaping to the roadside and other boundaries. There has been considerable infilling between these clusters with more modern development in a range of styles and includes streets that extent further back and adjacent to the historic clusters.
35. The setting of the CA insofar as relevant to this appeal, is primarily associated with its relationship with the undeveloped fields beyond the properties which contribute to and allow an appreciation of the agricultural and rural setting. The significance of the CA comes, in part from the architecture, materials and layout of its historic buildings and its rural context.
36. Grove Farmhouse is a grade II listed early 17th century timber framed house with whitewash brick infill to the rear and upper part of the gable. Much of the property is whitewashed brick. It has a half hipped thatched roof and chimney. There is also a 19th century 2 storey whitewash brick wall and slate roof section.
37. The special interest of Grove Farmhouse derives, so far as relevant to this appeal, is primarily associated with its architectural interest in terms of detailing, methods of construction and historic interest as an example of a vernacular farmhouse from this period reflecting the agricultural and domestic history of the village.
38. The built form in the setting of Grove Farmhouse is varied. Nonetheless, behind the frontage properties, its setting is the open fields that link to its historic agricultural use. The open undeveloped land beyond the frontage properties, including the paddock element of the appeal site, and the predominant absence of built form there links back to the historic agricultural use. Although fenced off from the remainder of the field, it is part of the rural setting of Grove Farmhouse and directly contributes to its special interest.
39. Coombe Farmhouse is a grade II listed 17th century dwelling. It is timber frame with whitewashed render over brick infill. The property has a 19th century two storey extension with slate roof and a later single storey extension. As with Grove

Farmhouse its special interest derives, so far as relevant to this appeal, from its architectural interest in terms of detailing and construction. The historic interest is as an example of a vernacular farmhouse from this period reflecting the agricultural and domestic history of the village.

40. Again, the built form in the setting of Coombe Farmhouse is varied but behind the linear development near it, its setting is primarily open fields reflecting its historic agricultural use. This includes the paddock area of the appeal site, reflecting this undeveloped agricultural history. While there are few public views of the site and Coombe Farmhouse together, it forms part of how it is experienced as you travel through the village and directly contributes to its special interest.
41. These designated heritage assets are already experienced with built form to some boundaries and in nearby land. They are not experienced or appreciated in isolation and there is some variation to the built form nearby which has taken place in their setting. Notwithstanding this, much of the development around them near the appeal site in their setting is frontage development or in terms of Rickyard Lane, the buildings have a rural and agricultural appearance.
42. Although largely glimpsed from public vantage points, and would generally be in passing, there are views of the fields beyond, which includes the rear part of the appeal site. The appeal would introduce several large, modern properties, along with hard surfacing and other domestic paraphernalia, thereby urbanising the site. This would erode the open setting of these assets.
43. Even with some separation retained as a buffer between the site and the listed buildings, the domestic character and appearance of the proposal would be obvious. There would be a reduction in the undeveloped agricultural setting of the assets.
44. The proposal would harm the setting of the CA, Grove Farmhouse and Coombe Farmhouse as it relates to their significance and special interest. Due to the scale and location of the scheme and for the reasons given above, it would lead to harm at the lower end of less than substantial harm for the CA and Grove Farmhouse and very minor level of less than substantial harm for Coombe Farmhouse.
45. The proposal would be contrary to the requirements of the Act, as well as the heritage protection aims of Policy BE1 of the VALP and the Framework.
46. While less than substantial harm has been identified for each of the assets, each incidence of harm is given considerable importance and weight. In line with Policy BE1 and the Framework, this harm should be weighed against the public benefits of the proposal.
47. The Council are not currently able to demonstrate a 5-year supply of housing land, the parties agreeing that the figure is currently 3.62yrs. Given the extent of the shortfall, that little information has been provided as to how and when this would be addressed and that the scheme would support small and medium sized sites and enterprises, I give this public benefit significant weight. There would be social and economic benefits associated with the build and occupation of the scheme, with the site in a location accessible to, and would support, rural services and facilities nearby. Some of these benefits would be temporary and the scale of the scheme is not large. However, these still each attract moderate weight as would biodiversity net gain over and above the policy requirements.

48. In this instance, the individual circumstance of this case means that the public benefits of the proposal would outweigh the less than substantial harm to the designated heritage assets individually and cumulatively and provides clear and convincing justification for the harm.

Affordable Housing

49. The appeal site is in a designated rural area and as set out in the Framework such areas can require contributions towards affordable housing where a development is not a major development. Policy H1 of the VALP requires contributions for developments of the scale proposed and it is consistent with the Framework.
50. Policy H1, supported by the Affordable Housing SPD sets out that a contribution towards affordable housing is required for the appeal scheme due to the site area. Where an applicant advises that a proposal is unviable in the light of the above policy requirement, other policy requirements, specific site characteristics and other financial factors, they should provide an independently assessed open book financial appraisal of the development.
51. The Affordable Housing SPD and PPG Viability indicate that planning applications that are accompanied by a viability appraisal should be based upon, and refer back to, the viability appraisal that informed the plan. In this case that is the Dixon Searle Appraisal³.
52. As permitted under Policy H1, the Council are seeking an off-site financial contribution in lieu of on-site provision in this instance. At the Hearing the level of contribution was queried and subsequently the Council confirmed after the Hearing that the amount is £85,027. This is substantially below what they indicated was a policy compliant figure before and during the Hearing.
53. The OCL appraisal Feb 2024 was provided with the application by the appellant, and this indicated a deficit of £152,582. This did not include contributions to green space, sports and recreation facilities or the cost of off-site biodiversity credits.
54. Prior to, and during the Hearing, the appellant referred to a further viability appraisal which showed an increased deficit. At the Hearing, they confirmed that they did not wish to submit the more recent appraisal and commented that the reason for the increased deficit was due to implications of the delayed development programme on cashflow and the profile of expenditure. Therefore, I give this no weight.
55. No detailed evidence was presented at the Hearing to fully explain the change. In the absence of this and the recent updated viability appraisal itself, I am unable to interrogate the changes, as are other parties. Therefore, I give the increased deficit figure little weight and relied upon the one supported by the original appraisal.
56. As part of the Statement of Common Ground and as confirmed at the Hearing by the main parties, the areas of disagreement regarding viability have been narrowed to the premium for the existing property, greenfield multiplier, developer profit and disposal fees.

³ Vale of Aylesbury Local Plan (VALP) Viability Assessment Final Report (DSP v5) August 2017

Existing property premium

57. The Affordable Housing SPD, Dixon Searle Appraisal that supported the VALP and PPG Viability refer to an EUV+ method. This is where benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements.
58. The Council do not dispute the market value of the existing property of £500,000 set out by the appellant. Based on evidence provided I see no reason to reach a different finding. They consider that no premium should be added to that as it already implies a willing buyer and seller. The appellant considers that price to be the EUV and therefore a premium is required above this.
59. The Council approach would assume that the current owner is willing to sell at the market price. However, the property is not being marketed for sale and that price is essentially what the property is worth. To me this does not represent a situation where a premium is already applied over and above what the property is worth. There is no incentive beyond its EUV at this level.
60. The Dixon Searle Appraisal states that there may be an element of premium (an over-bid or incentive) over 'EUV' or similar required to enable the release of land for development. Neither PPG Viability nor the Dixon Searle Appraisal suggest that a premium should not be applied to a properties market value. As such, it would be appropriate to consider a premium on top of this.
61. No specific level of premium is set out in local or national guidance. This part of the site would be required for the development to occur providing access to the rear part and including properties within the existing garden area. The site is also located near other development in a location said to be sought after and where housing land supply targets are not being met. In the absence of any compelling evidence to the contrary, the 20% premium that has been suggested by the appellant would be a reasonable minimum return.

Greenfield multiplier

62. The Council have revised their initial figures for the EUV of the land to the rear of the dwelling and their position on whether a multiplier should be used at all. The Council have therefore now accepted that an EUV of £42,500 would be reasonable, albeit they consider it to be optimistic. While this would be higher than the land values set out in the Dixon Searle Appraisal, those land values were derived several years ago and based on a wider average value. From the comparable evidence provided, the £42,500 is a reasonable EUV for this location and region at this time.
63. The Council considered a multiplier of x8.2 on top of the EUV would be provided using their figures and that this is sufficient. The appellant suggests a x15 total multiplier is required. This was at a time when the Council were requesting and believed a policy compliant contribution for affordable housing was substantially greater than has now been confirmed necessary.

64. The Dixon Searle Appraisal refers to an uplift of 10 to 20 times agricultural land value as a guide, that range coming from Homes and Communities Agency guidance and the Sir John Harman Report. These were not all intended for plan making purposes, or to replace site specific viability assessments. Notwithstanding this, although the more recent PPG Viability does not refer specifically to the use of a multiplier, it also does not rule it out, instead referring to the premium. While a x10 multiplier is discussed as part of possible changes to the Framework, there is no certainty that future versions would come forward in this manner, as with the use of premiums⁴.
65. No specific abnormal costs have been highlighted and there is little compelling case of alternative options for the site given its location. Nevertheless, the site and the development are relatively small and therefore it would be unlikely to benefit from the economies of scale that larger sites would. This suggests a higher premium to that put forward by the Council and one within the range set out in the Dixon Searle Appraisal would be a reasonable minimum return. While the Council suggest the multiplier should take into account the contributions required, there is no compelling evidence to support the Council's assertion that a multiplier of 15 is other than an appropriate premium. More importantly, there is no clear case that a lower multiplier premium would still result in the landowner being willing to sell.

Developer profit

66. The Council consider the size and greenfield condition of part of the site, time period for delivery and sales to indicate a lower risk involved in the scheme and as such 17.5% is sufficient. Furthermore, they suggest a strong local market and no abnormal costs being suggested.
67. However, PPG Viability does not set a specific level for developer profit on individual schemes. Reference to 15-20% is indicated for the purposes of plan making and that this 'may be considered a suitable return in order to establish the viability of plan policies, rather than for individual schemes. Even if this were a guide, it does not suggest that 20% is unacceptable.
68. The appellants own assessment indicates a profit of 17.8% and this does bring into question whether the scheme would come forward. Nonetheless, while noting that they could vary depending on scale and type of development and set out for the purpose of that assessment only, the appellant's 20% profit on gross development value is in line with that used in the Dixon Searle Appraisal for open market housing. That the Dixon Searle Appraisal pre-dates the recent versions of PPG Viability does not imply it is inconsistent with it. PPG Viability does state that viability assessments accompanying application should be based upon and refer back to the viability assessment that informed the plan.
69. Of the comparable cases put forward by the Council, few are of a similar size to the appeal proposal. Worminghamhall Road was a similar scale and construction period but included conversions which would have had different implications on costs and risk. While larger schemes may have greater risk, they would also benefit from lower per unit costs for infrastructure and have economies of scale for other elements of the development and financing. This would limit the margin for error and small delays or increases in costs would have a greater effect on the

⁴ Questions on Proposed reforms to the National Planning Policy Framework and other changes to the planning system

scheme, thereby increasing the risk. This supports the higher profit level being required in this instance.

70. As such, I am not persuaded that a reduced profit level from that suggested by the appellant and that set out in the appraisal that Policy H1 was based upon is justified in this instance.

Disposal fees

71. The appellants 4.7% of GDV for disposal costs inclusive of legal fees, confirmed to be 4.62% at the Hearing, falls within the range of 3%-6% set out in the Dixon Searle Appraisal. The Council may consider this to be a generic rate for plan wide testing. However, while said to be out of kilter with other similar developments BPS have reviewed, there is little comparable evidence presented for this cost. That BPS may have reviewed other schemes at lower levels, and levels below the 3% indicated in the Dixon Searle Appraisal does not in itself imply that is the appropriate level in this instance. On the evidence before me, it has not been demonstrated that other examples are directly comparable to the appeal scheme.
72. The increase in the set amount for legal fees per unit appears reasonable given the passage of time since the Dixon Searle Appraisal. Again, the Dixon Searle Appraisal indicates the scale and type of development may vary the levels, but this is the basis for the local plan and PPG Viability does not include any specific different figures.
73. There was some uncertainty over what measures would be required for the scheme when the appellants were questioned at the Hearing. Notwithstanding this, in the absence of a known developer, some element of doubt is understandable. The relatively high value of the properties does suggest that a certain level of investment and on-site provision over and above the lower figures highlighted in the Council's estate agent responses would be likely and justified. Furthermore, the appellant's figure sits within the mid-range of that set out in the Dixon Searle Appraisal.
74. Therefore, the figures suggested by the appellant in this instance for disposal fees are reasonable.

Conclusion

75. Whichever of the approaches suggested, taking account of all these points and the viability information provided, the appellant's case on the disputed matters is more convincing and justified. Although there is a need for affordable housing in the area, in this case, an affordable housing contribution would undermine the deliverability of the scheme.
76. Consequently, no contribution would be required, and the proposal would make appropriate provision for affordable housing. It would accord with Policy H1 of the VALP.

Flooding

77. The Framework states that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding with the aim of the sequential test being to steer new development to areas with the lowest risk of flooding from any source. It states that development

should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Something reflected in PPG Flood risk and coastal change.

78. It goes on to state that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates no built development within the site boundary. PPG Flood risk and coastal change refers to a proportionate approach to applying the sequential test where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development.
79. Policy I4 of the VALP similarly takes a sequential approach, with reference to flood risk assessments where there is evidence of sources of flooding. Its wording and supporting text reflect much of the provisions in the Framework in this regard, although adopted at the time of a previous version of it.
80. During the appeal, Environment Agency surface water mapping was updated. The FRA Note from GeoSmart states the proposals have sought to sequentially avoid areas identified as being at risk. Notwithstanding this, the latest mapping shows a small part of the southeastern most plot and part of the access road to the front of it being within the low-risk area. Local residents have also indicated that flooding occurs at times at the frontage properties.
81. The Sustainable Drainage Assessment, considered by the main parties to constitute a flood risk assessment in this instance, was carried out before the changes to surface water mapping. No subsequent flood risk assessment has been carried out to clearly demonstrate that occupiers and users would remain safe, and no sequential test has been provided. Therefore, the proposal would fail to follow the sequential approach.
82. The Council identified several areas of concern with the level of detail provided in the submission regarding surface water management and design. This included how the drainage hierarchy had been followed, investigation of different options, future maintenance and the existing greenfield rate. During the Hearing though the Council indicated that while the provision of the additional information prior to granting planning permission was preferable, that these details could be secured by planning condition were the appeal allowed.
83. An amended condition was subsequently drafted by the parties. Thames Water have not raised any concerns with the proposed connection to their system and separate consents would be required in that regard. Subject to suitable conditions, which could allow any changes to parking layout and hard surfacing to be considered, in this instance, the outstanding details could be secured by condition. This would ensure that the proposal does not lead to an increase in flooding and flood risk at and near the site.
84. Nevertheless, the proposal would be contrary to the sequential approach to flood risk set out in Policy I4 of the VALP, the Framework and PPG Flood risk and coastal change. There are no proposed levels provided, and it is therefore unclear whether or to what extent land levels would alter in the affected part of the site. However, as the area of the site where there would be built development and

access routes shown to be at risk of flooding are minor, and the level of risk is low, the harm and weight the policy conflict attracts would be small.

Housing Mix

85. Policy H6a sets out that proposals are expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. This is negotiated having regard to the Council's most up-to-date evidence on housing need, available evidence from developers on local market conditions and shall be in general conformity with the council's latest evidence. The mix outlined in the policy is based on evidence from the Buckinghamshire Housing and Economic Development Needs Assessment 2016 (HEDNA).
86. The supporting text of Policy H6a states that the proportions are a guide rather than a requirement, although variation will need to be justified, rather than a preference. Although the appellant considered this issue to be related to affordable housing, this was not the case, and the policy is not confined to such provision.
87. The proposal would not meet the housing mix set out as there would be an overprovision of 4-bedroom properties and under provision of smaller ones. There was limited negotiation during the application, however this policy and matter was raised in the pre-application response from the Council. No specific concern over the level of provision or need for properties of a certain size in Grendon Underwood has been identified and from my observations and the evidence before me there is a mix of properties in the village. Nonetheless, no detailed evidence relating to local market conditions have been provided by the appellant to indicate a need for a different mix to that set out in the policy.
88. Consequently, the proposal would not provide an appropriate mix of housing and fail to accord with Policy H6a of the VALP. Due to the size of the scheme and therefore, the low number of smaller units that would not be provided, along with the lack of detailed compelling evidence that this proposal would prevent socially mixed and inclusive communities, the harm and weight the policy conflict attracts would be small.

Agricultural land

89. Policy NE7 of the VALP states that proposals involving development of agricultural land shall be accompanied by an assessment identifying the Grades (1 to 5) Agricultural Land Classification. Where development involving best and more versatile agricultural land (Grades 1, 2 and 3a) is proposed, those areas on site should be preferentially used as green open space and built structures avoided.
90. The Natural England's Provisional Agricultural Land Classification Map indicates the site is within an area of Grade 3 land. Grade 3a or above would be considered the best and most versatile land. Although under a different development plan and not a reason for refusal for the previous application at the site, the Council did consider this an adverse impact. In that instance, other considerations outweighed the harm.
91. The appellant indicated the requirement for a site-specific assessment was a validation matter. Nonetheless, there is nothing before me to indicate this is on any

appropriate validation list or that the failure to request one prior to or following validation prevents this matter being considered subsequently.

92. There is no detailed or site-specific assessment of the appeal site to clarify which grade it is. In the absence of any detailed information about the site, I cannot be certain it would be grade 3b or below. Part of the paddock area around the pond would be retained. However, other parts of it would be developed, including several dwellings, their outdoor areas and hard surfaces. The proposed development would result in the loss of part of the site as potential agricultural land.
93. However, the size of the area affected would be relatively small and is not used at present for such purposes. At my visit, while a snapshot in time, it did not appear in good condition, and there is a lack of any convincing evidence that it would be the highest grades. As such, even if the land were of the highest grades, the harm and weight given to this would be minor.
94. Therefore, the proposal would likely lead to the loss of the best and most versatile agricultural land, contrary to Policy NE7 of the VALP where it seeks to protect such farmland.

Accessible Housing

95. Policy H6c of the VALP requires developments to meet at least category 2 accessible and adaptable dwellings standards unless it is unviable. This is so that the likely future need for housing for older and disabled people is met. The appellant has not suggested it would be unviable to meet these standards.
96. Amended plans at appeal stage sought to address this and a letter from Palmer and Partners indicated that the proposed properties met the required standards. Nonetheless, several areas of conflict were identified by the Council in their appeal statement. While the appellant indicated that the architect confirmed that the plans provided at the appeal stage met the requirements, they could not address the specific concerns raised at the Hearing and it has not been demonstrated that the properties would achieve what is needed.
97. There would potentially be internal changes required to meet the policy requirement and to the external layout. Given the space available outside the property, the Council were content that those concerns could be addressed. I have reached the same finding for the same reason.
98. Internally, while changes may have implications for matters such as door width, WC provision and areas to manoeuvre, the properties have a large footprint at both ground and first floor. Consequently, there is no convincing evidence that the changes would be significant or require substantial alterations to the layout. If the number of bedrooms were altered, then any alternative parking requirements could also be addressed by condition.
99. Therefore, subject to a condition, the proposal would make appropriate provision for accessible housing in line with Policy H6c of the VALP.

Highway Safety

100. The number of parking spaces shown on the appeal stage plans meets that required in the standards set out in Appendix B of the VALP and removed the

tandem spaces previously shown. Nonetheless, several would not be of sufficient size, including garages due to storage areas shown on the floor plans.

101. The Council do not dispute that there is sufficient space within the site to accommodate the required number and size of spaces. Therefore, a condition could be imposed to require the agreement of a parking layout, which could also include the internal arrangements of garages where necessary. While enlarging external parking spaces may have implications for drainage and biodiversity, the changes would be minor, and these measures would also be controlled by condition. Subject to the changes to the size of the spaces the proposal would provide sufficient parking spaces, and I see no reason why it would lead to any overspill parking or highway safety concerns.
102. Consequently, the proposal would not harm highway safety. It would accord with Policy T6 of the VALP where it states that development must provide an appropriate level of car parking.

Biodiversity

103. The application subject to this appeal was submitted prior to mandatory Biodiversity Net Gain (BNG) under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 being applicable for development of this scale. Therefore, the deemed condition would not apply were the appeal to be allowed.
104. While the 10% mandatory biodiversity net gain does not apply, policy NE1 of the VALP states that If a net loss in biodiversity is calculated, using a suitable Biodiversity Impact Assessment then avoidance, mitigation and compensation, on site first, then offsite must be sought so the development results in a net gain in order for development to be permitted. It goes on to state that mitigation, compensation and enhancement measures must be secured and should be maintained in perpetuity. At the Hearing the Council clarified that there was no specific level of net gain sought, just that there should be no loss and some gain.
105. The Biodiversity Net Gain report and associated documents confirms that the scheme would lead to a net loss of biodiversity at the site. The mitigation proposed on site would not be sufficient to offset this. Therefore, off site mitigation in some form would be required. The appellant proposes to purchase credits which along with on-site mitigation would result in a 10% net gain overall and this would allow for any minor changes to the parking arrangements.
106. The Council confirmed that subject to an appropriate mechanism to secure the off-site mitigation that they were satisfied with the level and type of the net gain. The latest planning obligation sets out that 1.77 credits of habitat would be purchased. Therefore, this would ensure that there was no overall loss of biodiversity and in fact a net gain over and above the local plan policy requirement.
107. The contribution would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development with the appellant choosing to provide additional net gain.
108. Consequently, the proposal would not harm biodiversity and would create a net gain above the requirements. Due to the scale of the additional net gain, this represents a moderate benefit. The proposal would accord with Policy NE1 of the

VALP where it requires that any biodiversity loss can be mitigated and compensation can be provided to achieve a net gain in biodiversity.

Green space, sports and recreation facilities

109. Policies I1 and I2 of the VALP set out the requirement for such provision for developments of this scale. This is supported by the SPG⁵.
110. The proposal would lead to increased use of nearby facilities and there is no specific on site provision. There was no dispute between the main parties over the level of financial contribution requested and given the guidance provided in the SPG I have reached the same finding.
111. The contribution would cover both green space and sport and recreation facilities based on the needs of the local area. It would be for equipped sports, fitness and play provision. The contribution would go towards Grendon Underwood Recreation Ground and/or Grendon Underwood Community Centre. These are a relatively short distance from the site and therefore likely to be used by future occupiers putting additional pressure on the facilities.
112. Given this, the contribution would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
113. Therefore, the proposal would make appropriate provision for green space, sports and recreation facilities and accord with Policies I1 and I2 of the VALP.

Planning Obligation Monitoring

114. PPG Planning obligations states that Councils can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation.
115. The level of the contribution sought, as set out in the Council's schedule of fees, is based on the scale of the scheme rather than the number or nature of the obligations. While this may be a standard provision for the Council, in this instance, there would be a single payment for green space and sports and recreation facilities as well as confirmation that the biodiversity credits had been purchased.
116. It was not clear what monitoring would be required, when this would take place and how often, given it involves a single payment for green space and that the biodiversity management would take place elsewhere by a third party. There would not need to be any ongoing monitoring involved. Furthermore, there is no compelling case of why monitoring would be needed to ensure the triggers would be met such as when and how often site visits would take place. It was also not clear what investigations would be necessary for any checks on the provider of the off site biodiversity credits given the obligation provides sufficient certainty that credits would be purchased. Any element of recording would not be significant, again due to the nature of the obligations in this instance.
117. Therefore, it has not been demonstrated that the planning obligation monitoring is necessary to make the development acceptable in planning terms, directly related

⁵ Sport and Leisure Facilities SPG Companion Document: READY RECKONER

to the development and fairly and reasonably related in scale and kind to the development.

Other Considerations

118. The proposed properties would be located behind others on a higher land level, and they would be taller than many of those nearby. However, the difference in levels is not significant. Moreover, the orientation of the proposed dwellings with the existing ones and the separation distances involved would prevent unacceptable effects on privacy, light or outlook.
119. The existing dwelling would be removed and there is no indication that any materials would be re-used. However, the proposed ones would be subject to energy efficiency measures.
120. Given the scale of the scheme and the number of existing properties in the village, there would not be a significant increase in traffic generation. There are several existing entrances and side roads nearby and therefore a further entrance would not be unexpected. The access is of sufficient width and appropriate visibility would be provided. An access is retained to reach the fields behind the site. This is a private route, and it has not been shown that agricultural traffic would be unable to use it.
121. There is no detailed evidence that the proposed scheme would overwhelm the existing facilities and services in the village given its scale. That there was a previous application that was refused at the site is not a reason to dismiss this one which is materially different in scale, design and layout. Moreover, the decision is based on the individual relevant factors, and it would not set a precedent for any future proposals. A lack of harm from other matters is a neutral factor.
122. The EIA provided by the appellant identified species and habitats at and near the site. Transitional roosts for bats were found at the site as well as foraging and commuting habitat and the scheme would be subject to a European Protected Species licence. Bearing in mind the suggested mitigation measures and conditions imposed I am satisfied that that there would be no significant harm to the long-term conservation status of the bat species that are present. The proposal would be in the public interest given it would provide additional housing, in an area where there is currently a shortfall along with associated economic and social benefits. Given the existing dwelling is where the proposed access to the site would be there is no obvious alternative to its demolition.
123. I have no reason to doubt that a mitigation license would not be issued on the basis of the evidence that is before me and there would be no conflict with Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended).
124. The site is also within a Red Great Crested Newt Impact Risk Zone and has been subject to a District Licence. Details of that licence have been provided and again, in the absence of compelling evidence to the contrary, the proposal would not result in harm to great crested newts subject to the conditions imposed.
125. Although neighbour publicity prior to the appeal has been questioned by nearby residents, notification of the appeal and Hearing have been provided.

126. While there have been new properties built and allocations in the wider area, as set out above the Council are not currently able to demonstrate a 5-year supply of housing land. The proposal, while of a small scale, given the extent of the shortfall and no clear evidence of how this would be resolved in the short term, would make an important contribution towards increasing housing supply. The weight given to this and the other benefits is set out above.
127. Notwithstanding this, the proposal would lead to harm with regard to the development strategy, character and appearance, loss of agricultural land, housing mix and the sequential approach to locating development with regard to flooding. The degree of harm and weight given to the conflict with the relevant policies is set out in each of these issues. There is conflict with a number of policies which are central to the consideration of the scheme. Despite the age of the VALP, the policies the scheme would be contrary to are broadly consistent with the Framework.
128. Policy S1 includes a balance similar to paragraph 11d) of the Framework. However, this is where there are no policies relevant to the application but does not refer to where there is a lack of housing land supply. As such, the proposal would be contrary to the development plan as a whole
129. Due to the housing land supply position, paragraph 11d) of the Framework applies. The heritage balance carried out above established that in this instance the public benefits of the scheme outweighed the harm to the designated heritage assets. Therefore, this does not represent a strong reason for refusing the development under paragraph 11d)i. The proposal does not follow the sequential approach set out for avoiding areas at risk of flooding. Again, due to the circumstances of this case, including the scale and extent of the built form within a flood risk area and the level of flooding this also does not represent a strong reason for refusal under 11d)i.
130. Consequently, the proposal needs to be considered against paragraph 11d)ii. Despite the approach of the Council, there is nothing to indicate that benefits factored into the heritage balance should now be discounted. Furthermore, the Framework does not suggest that counting them in the paragraph 11d)ii balance would constitute double counting. These are separate balances with 11d)ii requiring consideration of adverse impacts and benefits of the scheme when assessed against the policies in this Framework taken as a whole, having particular regard to the key policies referred to.
131. Being contrary to the local development strategy means that the proposal would be contrary to the Framework where it states the planning system should be genuinely plan-led. This attracts small weight as the current strategy is not providing sufficient housing. There would be moderate harm with regard to valued landscapes and not being sympathetic to local character.
132. While not a strong reason for refusal, the proposal would be contrary to the sequential risk-based approach to applications in areas known to be at risk now or in future from any form of flooding and to steer new development to areas with the lowest risk of flooding from any source. I give this minor weight due to the scale and level of risk where built form is proposed.
133. Due to the size of the scheme, there would be small harm from the lack of housing mix as the proposal would not provide the established need and size of housing. It

would be contrary to the Framework's recognition of the wider benefits from natural capital including that of the best and most versatile agricultural land, attracting minor harm for the same reason.

134. Benefits from the scheme that align with the Framework include where it seeks to support the Government's objective of significantly boosting the supply of homes. It would also align with it where it states small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly. I give these significant weight due to the size of the shortfall and uncertainty of how and when this would be addressed.
135. It would also align with the aim for housing in rural areas to be located where it will enhance or maintain the vitality of rural communities and support local services. The scheme also minimises impacts on and provides net gains for biodiversity. These each attract moderate weight in favour of the scheme.
136. On this occasion, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
137. In this instance, the proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it.

Planning Obligation

138. The obligation is a unilateral undertaking and therefore, the Council are not a party who are required to sign it. That the wording is not that used by the Council in their template obligations is not a reason in itself for it to be considered unenforceable.
139. The parties included in the planning obligation are not those named on the land registry documents for the relevant parcels of land. However, deeds of appointment and transfer documents demonstrate that the new trustees have owned the property (on trust) since 2023. As such, they are the appropriate parties to give the covenants in the planning obligation. This provides sufficient security that the former trustees/owners no longer have an interest in the land and that all the relevant parties have entered into the obligation. Even if they resumed their position as trustees/owners, they would be bound as being successors. Consequently, sufficient certainty and evidence is provided of land ownership to ensure the planning obligation is correctly executed, enforceable and effective in securing the measures it contains in this regard.
140. The sum required for the contribution to green space and recreation is in accordance with the SPG. It is a figure set out and stipulated in the obligation. There is no clear justification to support the claim that this should increase over time since the publication of the SPG. As such, indexation is not necessary. The BNG obligation is a purchase of a specified number of credits and to a third party. Once more, indexation is not necessary.
141. There is also sufficient clarity in the obligation regarding definitions of matters such as appeal and Secretary of State given the singular context of the situation. Reference to the amount in the definition is not necessary as it is set out elsewhere in the document. Any future mortgagees would be bound by the deed

as successors and specific mention of them when there is none are present is not needed. A blue pencil clause, reference to VAT and a waiver has not been shown as essential for the functioning and enforceability of the obligation in this instance. Therefore, there is no need for them to be included.

142. The number of BNG units is not disputed and would provide over and above the requirements of the relevant policy given the statutory 10% BNG is not applicable. The wording is sufficiently clear what type of units are required. There is no ambiguity in the wording and definitions of every term when clearly understood in the context of the submission and specific definitions in the obligation are not vital.
143. A certificate or proof of purchase will be submitted to the Council confirming the provider and the type of units secured along with a programme of management and maintenance. Whether the Council choose to acknowledge the receipt of the proof provided, that the appropriate habitat is secured and maintained is paramount. The obligation states that there would not be commencement of development the credits were secured. If evidence is not sufficient to demonstrate it is secured or the Council are not satisfied, they would be able to enforce against a breach of the obligation.

Conditions

144. In addition to the standard time limit condition, I have imposed one in relation to the approved plans in the interest of certainty. The approved plans exclude the parking and internal layout as these are subject to other conditions.
145. To protect the character and appearance of the area and living conditions of existing and future residents, a condition requiring proposed levels is necessary with existing ones having already been provided. As with the other pre-commencement conditions, the details are necessary at this point as they will affect the initial works. Agreement of external materials, hard surfaces and boundary treatments are necessary to protect the character and appearance of the area as are details of landscaping and tree protection. To ensure appropriate facilities are provided details of bin collection areas are necessary.
146. Conditions relating to the provision of parking spaces, access, pedestrian routes and visibility splays as well as cycle storage are required in the interest of highway safety and to encourage more sustainable forms of transport. Highway safety and protection of the living conditions of nearby residents are reasons for the construction management plan being reasonable and necessary.
147. To prevent increased risk from flooding, details of a surface water drainage scheme and its future maintenance are necessary. To reduce risks of pollution a condition relating to any unknown contamination is imposed. To ensure appropriate provision, foul drainage details are conditioned. Conditions relating to water consumption and an energy statement are imposed to ensure appropriate efficiency measures are provided.
148. In order to protect and mitigate for effects on great crested newts and their habitats, conditions are necessary relating to the district licencing protocol. A condition relating to a bat licence is not necessary as this is covered by separate

legislation and not subject to the district licence. A CEMP and HMP⁶ is reasonable and necessary to protect biodiversity during and after construction.

149. It is necessary to impose a condition requiring properties to meet the accessible housing standards to ensure appropriate provision is made for different potential users of the properties.

150. I saw a variety of properties, outbuildings, additions and boundary treatments nearby as well as examples of solar panels. There is no policy or guidance to suggest that permitted development rights should be removed for these as a matter of course for development in the setting of heritage assets. Conditions to remove these rights are not reasonable and clear justification to do so has not been provided. Therefore, a condition removing permitted development rights has not been imposed. Given the orientation of the side windows at first floor level, the elevations they face and distances involved, it is not necessary to condition them to be obscure glazed or non-opening.

Conclusion

151. For the reasons given above the appeal should be allowed.

Stuart Willis

INSPECTOR

⁶ Construction Environmental Management Plan and Habitat Management Plan

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 the following drawings:
 - 22041 EX 90 Rev A – Site Location Plan
 - 22041 PL 95 Rev G – Proposed Block Plan – submitted at appeal
 - 22041 PL 110 – Proposed Floor Plans B1 – submitted at appeal
 - 22041 PL 110 – Proposed Floor Plans B2 – submitted at appeal
 - 22041 PL 110 – Proposed Floor Plans B3 – submitted at appeal
 - 22041 PL 112 – Proposed Roof Plan B1
 - 22041 PL 112 – Proposed Roof Plan B2
 - 22041 PL 112 – Proposed Roof Plan B3
 - 22041 PL 210 – Proposed Elevations B1
 - 22041 PL 210 – Proposed Elevations B2
 - 22041 PL 210 – Proposed Elevations B3except in respect of the parking spaces and internal layout of the properties.
- 3) No development shall commence, including any works of demolition until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, along all site and internal plot boundaries, levels across the site at regular intervals and floor levels of adjoining buildings have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence, including any works of demolition until a construction management plan, which includes delivery, demolition and construction working hours, has been submitted to and agreed in writing by the local planning authority. The approved plan shall be adhered to throughout the demolition and construction period.
- 5) No development shall commence, including any works of demolition, site clearance, preparatory work or until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837 has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and the approved tree protection measures retained and maintained until all building, engineering or other operations have been completed.
- 6) No development shall commence, including any works of demolition until a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) including measures to protect existing habitats during construction works and the formation of new habitats to secure habitat

compensation and biodiversity net gain as detailed within the Biodiversity Net Gain Report has been submitted to and approved in writing by the local planning authority.

The CEMP/HMP shall provide the following:

- Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works,
- Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation,
- Details of precautionary reptile method statement,
- Details of pre-commencement badger checks,
- Details of a wildlife sensitive lighting plan. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places,
- Details of both species composition and abundance where planting is to occur,
- Proposed management prescriptions for all habitats for a period of no less than 30 years,
- Assurances of achievability,
- Timetable of delivery for all habitats; and
- A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management.

The development shall be implemented in accordance with the approved details.

- 7) No development shall commence, including demolition until details of both hard and soft landscape works, including boundary treatments, external hard surface materials and a timetable for implementation have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details and boundary treatments retained thereafter. Any trees or plants which within a period of 5 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.

- 8) No development shall commence, including demolition until an energy statement, including a programme of implementation and retention has been submitted to and approved in writing by the local planning authority. The energy statement shall detail the ways in which the development will achieve greater efficiency in the use of natural resources, including measures to minimise energy use, improve water efficiency, and promote waste minimisation and recycling. The development shall thereafter be implemented in accordance with the approved energy statement.
- 9) No development shall commence, other than demolition, until details to demonstrate that the dwellings hereby approved meet at least category 2 accessible and adaptable dwellings standards have been submitted to and agreed in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.
- 10) No development shall commence, other than demolition, until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved scheme prior to first occupation of any dwelling hereby permitted.
- 11) No development shall commence, other than demolition, until a comprehensive surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary,
 - investigation into the use of rain gardens/planters and rainwater harvesting,
 - investigation into the downstream connectivity of the potential ditch feature in the northeast of the site (adjacent to Butlers Farm and Meadow View) to understand if a connection could be made. Where a connection is viable, the scheme shall be revised to do so,
 - Calculations of existing (greenfield) and proposed discharge rates and volumes,
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site,
 - Demonstrate that water quality, ecological and amenity benefits have been considered,
 - Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components,
 - SuDS components agreed in the application including permeable paving and a tank,
 - Full construction details of all SuDS and drainage components,
 - Detailed drainage layout with pipe numbers, gradients, and pipe sizes complete, together with storage volumes of all SuDS components,

- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites,
- A drainage maintenance plan; and
- Implementation programme.

The scheme shall subsequently be implemented in accordance with the approved details.

- 12) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwellings 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.
- 13) No development above ground level shall take place until details of ecological mitigation and enhancement measures in accordance with the recommendations of the Ecological Impact Assessment have been submitted to and agreed in writing by the local planning authority on a scale plan to indicate their location as well as their detailed specification along with an implementation programme. The development shall be carried out in accordance with the approved details and all mitigation and enhancement measures shall thereafter be retained as such in perpetuity.
- 14) Prior to the occupation of any dwellings hereby approved, the vehicular access and pedestrian routes within the site shall be constructed in accordance with drawing no '22041 PL 95 Rev G – Proposed Block Plan – submitted at appeal' and shall thereafter be retained in perpetuity.
- 15) Prior to the occupation of any dwellings hereby approved, minimum vehicular visibility splays of 2.4m x 43m from both directions to the near side carriageway of the access onto Main Street shall be provided. The visibility splays shall thereafter be retained in perpetuity and shall be free of any obstruction exceeding 0.6m in height.
- 16) Prior to the occupation of any dwelling hereby permitted, the car parking and manoeuvring areas for that dwelling shall be laid out and constructed in accordance with details that have first been submitted to and agreed in writing by the local planning authority. Thereafter those areas shall be retained for the parking of vehicles only.
- 17) Prior to the occupation of any dwelling hereby permitted, spaces for cycles to be stored for that dwelling shall be laid out and constructed in accordance with details that have first been submitted to and agreed in writing by the local planning authority. Thereafter those areas shall be retained for storage of bicycles only.
- 18) Prior to the occupation of any dwelling hereby permitted, a bin collection area for that dwelling shall be laid out and constructed in accordance with details that have first been submitted to and agreed in writing by the local planning authority. Thereafter those areas shall be retained for bin storage only.
- 19) Prior to the occupation of any dwelling hereby permitted, that dwelling shall meet the Building Regulations optional requirement of a water consumption

rate of no more than 110 litres per person per day and thereafter retained as such.

- 20) 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.
- 21) No external lighting shall be erected at the site unless in accordance with details that have first been submitted to and agreed in writing by the local planning authority.
- 22) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR152, or a 'Further Licence') and with the proposals detailed on plan "Orchard Cottage, Land to the Rear: Impact Plan for great crested newt District Licensing (Version 2)", dated 26th February 2024.
- 23) No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR152, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.
- 24) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR152 (or a 'Further Licence') and in addition in compliance with the following:
 - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

APPEARANCES

FOR THE APPELLANTS:

Simon Randle	4-5 Grays Inn Chambers
Mark Turner	Silverback Planning Solutions
Jeff Emmett	JCE Planning & Architectural Consultancy
Darren Jones	Hannaford Project Management
Justin Wickersham	Optimis Consulting (OCL)
David South	GeoSmart

FOR THE LOCAL PLANNING AUTHORITY:

Emma Mumby	Buckinghamshire Council
Laura Pearson	Buckinghamshire Council
Stephanie Parsons	Buckinghamshire Council
Madison Thomas	BPS Chartered Surveyors
Andrew Jones	BPS Chartered Surveyors
Kate Pearce	Buckinghamshire Council
Emma Foster	Buckinghamshire Council
Rachel Steele	Buckinghamshire Council

INTERESTED PARTY

Paul Jackman	Grendon Underwood Parish Council
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DOCUMENTS SUBMITTED AT THE HEARING:

1. Amended drainage condition
2. Affordable Housing Commuted Sum Calculator Updated Report
3. Optimis Commuted Sum calculation
4. Appellant position on commuted sum for affordable Grendon Underwood