
Appeal Decision

Site visit made on 11 March 2026

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

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

Appeal Ref: APP/K0425/W/25/3377185

Land west of Hammersley Lane, Tylers Green, Bucks HP10 8HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by South Point Projects & NK Developments (No4) Ltd against the decision of Buckinghamshire Council.
 - The application Ref is 25/06533/PIP.
 - The development proposed is described as: "Application for Permission in Principle for residential development of two residential units construction of footpath from Hammersley Lane into land allocated under Policy HW6 of the Wycombe Local Plan".
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by South Point Projects & NK Developments (No4) Ltd against the decision of Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development above is taken from the appeal form. This is different to the description given on the planning application form which additionally included: "provision for land transfer of green infrastructure land allocated under Policy HW6 of the Wycombe Local Plan". The appellant has removed this element of the proposal for the purposes of this appeal. The Council has agreed to this change. There is no evidence before me, including that from interested parties, that this change in description would prejudice anyone party to this appeal. I have therefore determined the appeal on this basis.
4. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or PiP) establishes whether a site is suitable in principle, and the second, technical details consent (TDC), stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these two stages.
5. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted.

6. The Council's reason for refusal states that the proposed footpath from Hammersley Lane into land allocated under Policy HW6 of the Wycombe Local Plan 2019 (the LP) is premature and uncertain given that planning permission had not been granted for the layout of the development. However, after the submission of this appeal, planning applications on the allocated land, known as the Gomm Valley, were approved by the Council (Ref: PL/25/2353/FA and 24/07240/REM). The main parties have been given the opportunity to make comments on this and I have taken those comments into account in my reasoning.

Main Issues

7. Having regard to the above, the main issues are whether the location, land use and the amount of development is suitable with particular regard to:
- whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and,
 - if the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether Inappropriate Development

8. The appeal site is located in the Green Belt. Development in the Green Belt is inappropriate, with the exception of the types of development listed in paragraphs 154 and 155 of the Framework.
9. Policies CP2, CP3, CP8 and DM21 of the LP seek to direct new housing development to the most sustainable locations in the district, while also protecting the Green Belt from inappropriate development. Additionally, LP Policy DM42 seeks to manage development in the Green Belt, excepting development which the Framework identifies as not inappropriate. The relevant LP policies are, therefore, broadly consistent with the Framework.
10. Neither main party contends that the proposed development would comprise one of the exceptions in paragraph 154 of the Framework.
11. With respect to paragraph 155, there is no dispute between the main parties that the appeal site would fall within the definition of grey belt land, and I see no reason to take a different view on this matter. To be regarded as not inappropriate development in the Green Belt, development in the grey belt must meet all the criteria set through paragraph 155 of the Framework.
12. There is agreement between the main parties that the proposal would meet criterion a. which requires the development to not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Based on the small size of the site, in comparison to the wider Green Belt area, I do not consider that development of the site would affect the ability of all the remaining Green Belt across the area of the plan from serving any of the five of the Green Belt purposes in a meaningful way. I therefore find no conflict with criterion a.

13. The Council has confirmed that it cannot currently demonstrate a five year supply of housing land. The proposal would therefore meet criterion b. relating to a demonstratable unmet need for the type of development proposed.
14. Criterion c. relates to development being within a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. These paragraphs relate, amongst other matters, to focusing development in locations which are or can be made sustainable and ensuring that sustainable transport modes are prioritised and that safe and suitable access to the site can be achieved for all users. LP Policy DM33 is consistent with the Framework insofar as it seeks to reduce reliance on single occupancy car trips and for development to be located where it provides safe, direct and convenient access to jobs, services and facilities via sustainable transport modes.
15. To access services and facilities, future occupiers of the appeal site would need to travel north to the village of Tylers Green, or south to High Wycombe. Both are some distance along Hammersley Lane from the appeal site. There is no dedicated footpath for much of the route along Hammersley Lane, both to the north and south, and the route is unlit. There is a grass verge alongside the carriageway, however, this is frequently broken by vehicle access points, resulting in an uneven walking surface.
16. Whilst the appellant's own children may walk along the grass verge, I am not satisfied that this would be a safe or attractive route for future occupiers, particularly those with reduced mobility. Indeed, the appellant acknowledges that the steep hill of Hammersley Lane would not be suitable for those less mobile. They also state that walking in winter involves travelling in the dark and often wet conditions, which make it unsuitable. Accordingly, I find that walking to and from the site would not be safe and suitable for future occupiers.
17. Reference to similar topographical constraints at the Gomm Valley site is not substantiated and, in any event, does not alter my findings given the absence of a footway and street lighting along Hammersley Lane.
18. I acknowledge the appellant's comments that they have experienced cycling along Hammersley Lane. However, there are no dedicated cycle routes in the vicinity of the appeal site and, as I have noted above, the route is not lit and includes a steep hill. As such, I find that it is not a desirable route for cycling, especially in the winter months. Therefore, cycling is unlikely to be a realistic alternative to a private vehicle for travel to services and facilities.
19. Whilst a lack of streetlighting may be characteristic of the area, this does not alter my conclusions given the other identified constraints to walking and cycling.
20. There is a bus stop located approximately one kilometre south of the site. From here, there are bus services to the centre of High Wycombe and other destinations where there are a range of services and facilities. However, this would be accessed via Hammersley Lane which, for sustainable transport purposes, I have already found not to be safe and suitable for all users. As such, I am not satisfied that bus travel offers a realistic alternative to a private vehicle.
21. This is consistent with the findings of the Inspector who considered a previous proposal for two dwellings at the appeal site (Appeal Ref: APP/K0425/W/23/3330688 dated 16 August 2024). In that case, the Inspector noted that the lack of footpaths or

streetlighting along Hammersley Lane would make it less attractive for people to walk or cycle, and especially for small children going to school.

22. The Framework definition of 'sustainable transport modes' also includes ultra low and zero emission vehicles and car sharing. However, the provision of electric vehicle charging points would not, alone, achieve the aims of paragraph 115a) to prioritise sustainable transport modes. Furthermore, whilst it may be possible to secure charging points at the TDC stage, there is no guarantee that future occupiers would make use of them. I appreciate that the appellant, who lives adjacent to the appeal site, has shared car journeys with neighbours. However, there is no mechanism before me to secure car sharing for the proposed development. I am therefore not satisfied that the proposal would, in these respects, facilitate sustainable transport modes.
23. The appellant contends that the site's locational sustainability is materially different to when the previous proposal was considered, as a result of development being approved on the adjacent Gomm Valley site and the planning obligations associated with it. The footpath proposed as part of this appeal proposal would connect Hammersley Lane to the boundary of the Gomm Valley site. The Gomm Valley Masterplan indicates areas of public open space with footpaths adjacent to the appeal site. However, the footpaths are set some distance from the shared boundary, and no direct connection is shown.
24. Moreover, the Council's evidence indicates these footpaths are intended for recreational use and would be unlit. Accordingly, whilst the proposed footpath may have wider public benefits, there is limited evidence that it would materially improve pedestrian access to services and facilities.
25. A public footpath secured through the Gomm Valley site planning obligations connects that development to Hammersley Lane and existing development within the High Wycombe settlement area, some distance south of the appeal site. Due to its location, this would not improve pedestrian access from the appeal site along Hammersley Lane.
26. Whilst the Gomm Valley site planning obligations include enhanced bus services, occupiers of the appeal site would still need to reach bus stops via Hammersley Lane, which I have found to be an unattractive and unsuitable walking route.
27. The Gomm Valley site includes a local centre located towards the south of that development. It is suggested that the walking distance from the appeal site to that local centre would be shorter than the walking distance from the northernmost dwellings within the Gomm Valley site. Be this as it may, it remains that the route along Hammersley Lane from the appeal site would not be safe and attractive to all pedestrians.
28. Accordingly, based on the evidence before me, I do not find that the approval of development at the Gomm Valley site materially alters my conclusions regarding the locational sustainability of the appeal site.
29. The proposal may not constitute significant development, as referred to in paragraph 110 of the Framework. I also recognise that sustainable transport solutions will vary between urban and rural areas. However, even considering the site's rural location, for the reasons set out above, based on the evidence before me, including my observations on site, I find that the proposal would fall short of prioritising sustainable

transport modes, and providing safe and suitable access to the site for all users, as required by paragraph 115 of the Framework.

30. On this basis, the proposal would fail to satisfy all of the criteria in paragraph 155 of the Framework and therefore is not inappropriate development in the Green Belt.
31. Taking all of the above into account, the proposal would be inappropriate development in the Green Belt.

Other Considerations

32. My attention has been drawn to a number of residential developments on other sites on Hammersley Lane that have been granted planning permission. The appellant contends that these permissions were granted without consideration as to whether the sites were in a sustainable location. There is limited information before me on those sites. However, from what has been provided, the specific planning policy context for each of them differs from that of the appeal site.
33. The Council has confirmed that the sites known as Brendon, Angelica, Hawthorns and Four Winds are located within the High Wycombe settlement area. They are therefore not within Green Belt and so are not subject to the same planning policy considerations. The sites referred to as Chiltern Yard and the Former Fieldgrove Nursery are located within the Green Belt. However, the Council's evidence indicates that both of these sites met the Framework definition of previously developed land. As such, these developments met one of the exceptions set out in the Framework, which did not require an assessment as to whether the site was in a sustainable location. For these reasons, I do not consider any of the cited examples to be directly comparable to the proposal before me.
34. With particular regard to the property known as Hawthorns, I have been provided with the Council Officer's report which states that the proposal, in that case, would not compromise highway safety (planning application ref: 24/07797/FUL). However, I have not been provided with the specific location of that site and so I cannot be certain that the highway considerations in that case are directly comparable to the appeal site. Moreover, matters of highway safety do not necessarily relate directly to whether a site is in a sustainable location in the context of the Framework requirements.
35. The appellant raises a concern that locational sustainability was not cited as a refusal reason by the Council for the previous proposal for residential development on the appeal site nor was it considered a main issue in the subsequent appeal (Appeal Ref: APP/K0425/W/23/3330688 dated 16 August 2024). That previous proposal was determined prior to the publication of the current version of the Framework and was considered under the exception of paragraph 154e. This exception concerns limited infilling in a village and does not explicitly require consideration of whether a site is in a sustainable location. However, the current case is being advanced under the provisions of paragraph 155 of the current Framework, which, as I have set out above, requires development to be in a sustainable location.
36. I appreciate that the site is located adjacent to the settlement boundary of High Wycombe, which is a Tier 1 settlement and the focus for new housing development in the district, as set out in LP Policies CP2 and CP3. I am mindful that settlement boundaries should not be determinative and, in some cases, development beyond them may be justified. I also appreciate that the Council's development strategy may

not be delivering a five year supply of housing sites. However, in this case, notwithstanding its proximity to the settlement boundary, the site is within the Green Belt. Accordingly, the proposal must be considered against relevant Green Belt planning policy. Furthermore, it is not within the remit of a section 78 planning appeal to speculate on settlement or Green Belt boundary alterations which may be realised through the plan making process.

37. The contribution of two dwellings to the housing supply, although positive, would be limited. Nevertheless, in light of the Council's housing land supply position, I attribute this moderate weight. There would be some economic benefit to the local economy during the construction process and from the future spending of occupiers and this also attracts moderate weight.

Balancing and Conclusion

38. As set out at paragraph 153 of the Framework, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances (VSC). VSC will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
39. The proposal would constitute inappropriate development in the Green Belt, to which the Framework requires me to attach substantial weight. The other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.
40. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) indicates that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a strong reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area. I have found the proposal would be inappropriate development in the Green Belt. This constitutes a strong reason for refusing the proposal and, therefore, the presumption in favour of sustainable development does not apply in this case.
41. The proposal conflicts with national policy set out in the Framework to protect the Green Belt. It would also conflict with LP Policies CP2, CP3, CP8, DM21, DM33 and DM42, as set out above. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

A O'Neill

INSPECTOR