



Appeal Decision

Site visit made on 1 August 2017

by **G P Jones BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 August 2017

Appeal Ref: APP/K0425/W/17/3166948

Land at Ivy Farm, Lower Icknield Way, Longwick, Buckinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tim Northey, Rectory Homes against the decision of Wycombe District Council.
 - The application Ref 15/07209/OUT, dated 7 August 2015, was refused by notice dated 13 July 2016.
 - The development proposed is the erection of 9 no. dwellings including access, parking and garaging with ancillary works with all other matters reserved.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 9 no. dwellings including access, parking and garaging with ancillary works with all other matters reserved on Land at Ivy Farm, Lower Icknield Way, Longwick, subject to the conditions set out in the attached schedule.

Preliminary and procedural matters

2. Since the planning application was determined the appellant has submitted an archaeological assessment. The Council has confirmed that it no longer wishes to pursue its reasons for refusal nos. 3, 4 and 5 that relate respectively to archaeology, and a legal agreement in relation to sustainable drainage and affordable housing matters. I shall proceed with my determination of this appeal on that basis.

Policy background

3. It is not in dispute between the parties that the Council cannot demonstrate a deliverable five-year supply of housing. Consequently paragraph 49 of the National Planning Policy Framework (the Framework) applies and the fourth bullet point of paragraph 14 of the Framework applies. In terms of decision-taking this means where the development plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole or specific policies in the Framework indicate development should be restricted.
4. The Council maintains that the degree of shortfall is minor as it can demonstrate 4.9 years supply of housing based on the objectively assessed need for housing, identified in the Buckinghamshire Housing and Economic Development Needs Assessment, December 2016. Although the degree of

shortfall is a matter to which I have regard, nevertheless paragraph 14 of the Framework is engaged.

5. The development plan primarily consists of the Wycombe District Local Plan to 2011 (LP), adopted 2004, the Wycombe Development Framework Core Strategy (CS), adopted 2008, and the Delivery and Site Allocations Plan (DSAP), adopted 2013.

Main Issues

6. Taking all of this into the account I consider that the main issues are as follows:
 - the effect of the proposal on the character and appearance of the area with particular regard to landscape; and
 - whether occupants of the proposed development would have acceptable access to shops and services.

Reasons

Character and appearance

7. The proposed development is an outline application with all matters reserved except for access. From the indicative plans that have been submitted the proposed dwellings would form a belt of development close to the existing road network. The proposal would fill the gap that currently comprises a grassed paddock between the small cluster of existing dwellings on Longwick Road to the south-east and Ivy Farm and its outbuildings to the west.
8. The appellant has submitted a Landscape and Visual Impact Assessment which, among other matters, contains a number of viewpoints of the appeal site taken during the winter months. There would be some views of the proposed development through the existing belt of mature trees and shrubs that border the stretch of road in front of the proposal and from the site access. In addition there would be some more distant and partial views from certain stretches of public rights of way in the locality.
9. It is not in dispute between the parties that the appeal site is located in open countryside outside of the designated settlement boundary for Longwick, which lies to the north-west. The B4009, Lower Icknield Way, forms a physical and visual boundary between the appeal site and the main built development of Longwick. However, this is tempered by the presence of some built development on the southern side of the road, particularly the small cluster of dwellings close to the village signpost. Also, the petrol station and the surrounding road network give rise to significant urbanising features within the immediate landscape.
10. Beyond the southern side of Lower Icknield Way the pattern of development is one of small clusters of properties with open countryside in between comprising fields bounded by hedgerows. The proposal would have the effect of closing the gap between Ivy Farm and the existing cluster of properties on Longwick Road, but in my view it is significant that it would not extend built development along either Lower Icknield Road or Longwick Road beyond that which already

exists. In this way the proposal would differ from the recent Crownridge appeal decision¹ that has been cited by the Council.

11. The proposal would give rise to development beyond the established settlement boundary of Longwick in the LP and thus would be contrary to LP Policy CS9 which states that expansion of Longwick beyond its defined settlement boundaries will not be permitted subject to limited exceptions. As the LP was adopted in January 2004, and covers the period to 2011, I accord it moderate weight. The Council acknowledges that unlike many of the settlements within the district the appeal site does not lie within the Chilterns Area of Outstanding Natural Beauty and neither is it designated as Green Belt.
12. The Council has referred to the Princes Risborough Town Plan Area Action Plan Development Plan Document (PRTP) and states that as the bulk of development is to be concentrated in Princes Risborough then the gap between there and the settlement of Longwick, in which the appeal site would be located, becomes ever more important. The PRPT is now to be incorporated within the emerging New Wycombe District Local Plan 2033 (NLP). However, due to the emerging status of both the PRTP and the NLP, I accord them little weight. Also, as there is already a cluster of houses further along Longwick Road toward Princes Risborough I do not consider that the proposal would increase the coalescence of Longwick and Princes Risborough.
13. Although the paddock is open countryside, nevertheless it is visually constrained by the development that lies on either side of it and thus is of a different character and appearance than the wider open countryside that lies beyond it. The proposed development would not extend out beyond the paddock into this area to the south and any landscape impact could be further mitigated through the provision of an appropriate landscaping scheme. Therefore whilst there would be some impact on the landscape character and appearance, and thus conflict with LP Policies C10 and G3 and CS Policy CS19 that among other matters seek to protect the character of the countryside, it is my view that this would be to a limited rather than a significant degree.

Access to shops and services

14. The development would be located on the immediate outskirts of Longwick, which has a range of shops and services that include a petrol station with convenience store, church, public house, a village hall, a primary school, and a local shop. A previous appeal decision for Land off Bar Lane² considered Longwick to be a sustainable settlement in terms of the services and facilities it provides and I have no reason to take a different view on this matter. Furthermore, a broader range of services and facilities is located in the town of Princes Risborough that, as stated by the Council, is located some 2.2 kms to the south-east of the appeal site.
15. In terms of actual walking distances the petrol station would be close to the proposed dwellings and this contains a shop selling some of the essential everyday goods. The other services and facilities situated within Longwick would, to varying degrees, be within walking distance, although some of these would be at the upper end of what I would consider to be a reasonable walking distance. During my site visit I observed that the roads in the vicinity of the

¹ Appeal reference APP/K0425/W/17/3171614

² Appeal reference APP/K0425/W/15/3018514

- appeal site are quite busy with traffic reaching reasonably high speeds thus making the crossing of these roads on foot a less safe and attractive option
16. A footpath link is proposed from the appeal site to Lower Icknield Way close to the petrol station and the appellant proposes the provision of dropped kerbs and tactile paving to highlight this crossing point. However, as this would not necessarily allow for a safe crossing of the busy B4009 this would not constitute a significant improvement in terms of accessibility for pedestrians. There is not a hard-surfaced pedestrian footway along both sides of Longwick Road, Lower Icknield Way and Thame Road. Therefore the quality of pedestrian accessibility for future occupants would be diminished by the need to cross over a busy road.
 17. The appeal site would be located within a reasonable cycling distance of both Longwick and Princes Risborough. However, at present there are no dedicated cycle routes and this would reduce the attractiveness of cycling as an option. There is a bus route that runs along Longwick Road towards Princes Risborough but the current bus service is not that regular. Therefore the accessibility of the site by means of public transport would be somewhat limited.
 18. The Council has cited the Crownridge appeal decision for a site which lies at the southern end of the small cluster of properties adjoining the appeal site. The location of the site that is before me is nearby, and I have not been presented with any evidence that the situation in regard to sustainable travel methods has altered significantly in the short space of time since that appeal was determined. However, the proposal that is before me includes a pedestrian link from the site through to Lower Icknield Way opposite the petrol station. This would therefore make pedestrian access more attractive than for the Crownridge appeal site. In addition, the submitted UU contains payments towards bus provision and a cycle route towards Princes Risborough, both of which would assist in developing sustainable travel objectives. I note the comments of the Highway Authority who now wishes to withdraw its objection on sustainable transport grounds due to the provision of these payments.
 19. I consider that the appeal site is not in an isolated location and future occupants of the proposed development would have reasonable access to the shops and services in Longwick by sustainable travel means. However, as with the Inspector's findings in the Crownridge appeal, I consider that future occupants would be likely to rely on the use of private vehicles to access the wider range of shops and services in Princes Risborough. In this regard I find that overall there would be a small degree of conflict with the guidance in the Framework and Policy CS20 of the CS that seeks to promote sustainable travel objectives.

Other matters

20. The appellant has submitted a planning obligation in the form of a signed and dated UU. I have considered the UU against the requirements in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and the Framework. The UU requires the submission of an Affordable Housing Scheme requiring by way of affordable housing no less than 40% of bedspaces within the residential accommodation. In addition, the UU requires the submission of an Open Space Management Plan and for the delivery, management and maintenance of sustainable drainage, and provides for the payment of £19,743.75 towards improved bus facilities and the

payment of £19,743.75 towards the provision of a cycle route along Longwick Road towards Princes Risborough. It has been brought to my attention that there is a typographical error in Schedule Six which erroneously refers to a 'Bus Stop Contribution' rather than a 'Bus Contribution'. However, I consider that this can be rectified through the imposition of a planning condition to define the correct wording, and this has been agreed by both parties.

21. I consider that all the measures as detailed in the UU are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Furthermore I have not been presented with any evidence that the proposed monies would not comply with the requirements in regard to the pooling of contributions as outlined in the Planning Practice Guidance (PPG). Therefore I consider that the submitted UU is acceptable and complies with the CIL Regulations and the PPG.
22. Although not contained within its reasons for refusal the Council has raised concerns about the potential impact on highway safety and has referred to a planning condition in this regard to require the provision of a right/ghost turn lane for vehicles turning right into the appeal site from Longwick Road. The appellant has submitted a Technical Note which the Highways Authority has responded to. The number of vehicles predicted to be turning right into the appeal site would be one vehicle during the morning peak hour and two vehicles during the evening peak hour. Due to the limited number of vehicles predicted and the good forward visibility of the road network in the locality, and having regard to paragraph 32 of the Framework, I am satisfied that the absence of a right/ghost turn lane would not give rise to significant highway safety issues.

Conditions

23. In addition to the standard condition which provides a timescale for the submission of the reserved matters, the Council has suggested a number of conditions in the event that the appeal succeeds. I have considered these in the light of the advice contained within the PPG. In allowing the appeal I shall impose conditions accordingly, improving precision where necessary in accordance with the advice in the PPG.
24. Conditions specifying the reserved matters and a timescale for their approval, and limiting the development to nine dwellings are necessary in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, for the avoidance of doubt and in the interests of proper planning.
25. A construction operations condition is required in order to ensure that all construction operations are accommodated within the site in the interest of highway safety. A drainage strategy, including for foul drainage, and a study of the existing water supply infrastructure are required in the interests of sustainable drainage, flood prevention and ensuring the existing infrastructure has sufficient capacity. A condition requiring a biodiversity impact assessment and enhancement statement is required in the interests of protecting and enhancing biodiversity
26. Although landscaping, appearance and layout are reserved matters, the location of the site is such that I consider it appropriate to impose conditions stipulating the required details for landscaping, layout and appearance reserved matters in the interests of protecting the character and appearance of the area.

27. The Council has also recommended a condition requiring the provision of a right turn lane but for the reasons already discussed I will not impose this condition. However, conditions requiring details of the proposed pedestrian crossing and amending the wording of the submitted UU are required in the interests of highway safety and improving the precision of the UU.

Planning balance

28. Paragraphs 7 and 8 of the Framework refer to three, mutually dependent dimensions to sustainable development: economic, social and environmental. In terms of its benefits the proposal would boost the supply of housing, albeit by a modest amount, in an area where there is a limited shortfall in supply. In addition, no less than 40% of the bedspaces in the dwellings proposed would be affordable housing and this would provide a clear social benefit. The construction of these houses would provide a source of employment and once built it is likely that there would be some additional patronage for the services and facilities that are available in Longwick and nearby. There would potentially be some additional biodiversity benefits arising from the proposed landscaping and biodiversity schemes. The UU would make a financial contribution towards the provision of bus services and a cycle link and this would be a benefit in sustainable travel terms.
29. In terms of negative impacts, the appeal site is in an open countryside location beyond the designated settlement boundary and the proposal would site built development where none previously existed. The proposal would give rise to a limited adverse effect on the local landscape character and appearance, albeit this would be reduced by the presence of existing development nearby. The proposal would be located within a distance that would make it accessible by walking to the shops and services in Longwick and by means of cycling to both Longwick and Princes Risborough. This would, however, be lessened by the quality of pedestrian footways and the busy nature of the local road network. Consequently the proposal would mean that future occupants would rely on the use of the private motor vehicle to access some of their everyday needs.
30. Overall it is my view that the proposal would give rise to significant benefits. Taking everything into account, including all other material considerations, I conclude that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Also, I have found that paragraphs 49 and 14 of the Framework apply and in that context the presumption in favour of sustainable development is a material consideration which warrants a decision other than in accordance with the development plan.

Conclusion

31. For the reasons set out above, and having regard to all other matters raised including other relevant development plan policies, I conclude that the appeal should be allowed.

SCHEDULE OF CONDITIONS

1. Application for the approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
2. Approval of the details of the landscaping, layout, appearance and scale hereinafter called the 'reserved matters' shall be obtained from the Local Planning Authority before any development is commenced.
3. The development hereby permitted shall be constructed in accordance with the approved plans: Nos. 15013(D)001 and 1513(D)000 Rev B, but only in respect of those matters not reserved for later approval. For the avoidance of doubt the application is expressed to be an outline application only with access details submitted only.
4. The development hereby approved shall be limited to 9 dwellings.
5. Development shall not begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading and parking and turning within the site in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority. These details shall include adequate precautions during the construction period to prevent the deposit of mud and other deleterious materials on the public highway.
6. The reserved matters detail of layout shall include details of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydro-geological context of the development. These shall include the following:
 - A detailed drainage layout with pipe numbers and full construction details;
 - Storage volumes of all sustainable drainage features;
 - Infiltration rate testing (together with groundwater level monitoring);
 - Source control methods;
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event shall be safely contained on site;
 - Details of any phasing of the surface water drainage scheme.

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

7. Development shall not commence until a drainage strategy detailing any on site drainage works has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The drainage strategy shall include details of any proposed connection points or alterations to the public system including calculated discharge rates.
8. Development shall not commence until an impact study of the existing water supply infrastructure has been submitted to, and approved in writing by, the Local Planning Authority. The study shall determine the magnitude of any new additional capacity required in the system and a suitable connection point.

9. The reserved matters detail of layout shall include the following:

- Details of existing and proposed ground levels and proposed threshold levels shown relative to a fixed and known datum outside the site. These details are to include cross sections through the new streets;
- Details of bin storage and cycle storage facilities for any flats within the scheme;
- Details of any proposed street lighting or any other external lighting to be installed more than 2 metres above ground level;
- A scheme for the parking, garaging and manoeuvring of vehicles. The scheme shall be implemented as approved before the dwelling or dwellings to which it relates are occupied and that area shall not be used for any other purpose. All unallocated parking within the highway shall be laid out and made available prior to the occupation of the first dwelling or in accordance with a timetable that has been agreed by the Local Planning Authority.

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

10. The reserved matter details of landscaping shall include the following:

- A method statement for the protection of all retained trees;
- Details of all fences, walls and railings including any to be retained on the boundary of the site;
- The type/species, size, number and location of all new planting proposed and all existing planting to be retained;
- A method statement for all new tree planting, including details of existing and proposed below ground services;
- A long term landscape management plan setting out the maintenance strategy for all communal areas;
- Details of underground service routes;
- A detailed layout of drainage, utilities and any other services which have been designed so as to avoid conflict with both retained and any proposed trees.

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

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting and seeding season following the occupation of the buildings. Any trees, plants or areas of turfing or seeding which, within 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority first gives its written consent to any variation.

12. No development shall take place until a biodiversity impact assessment and enhancement statement has been submitted to, and approved in writing by, the Local Planning Authority. The submitted enhancement statement shall include a programme of implementation which shall be implemented within 6 months of the occupation of the last dwelling or the completion of the development, whichever is sooner, unless otherwise agreed with the Local

Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

13. The reserved matters details of appearance shall include the following:

- Full elevations and floorplans of all buildings;
- A schedule of external materials and finishes for each building;
- A schedule of materials and finishes for all hard surfacing areas.

14. Development shall not begin until details of the uncontrolled pedestrian crossing on Lower Icknield Way, have been approved in writing by the Local Planning Authority, and no building shall be occupied until that crossing has been constructed in accordance with the approved details.

15. Prior to the commencement of development the Unilateral Undertaking subject to this permission shall be rectified in order to remove the word 'Stop' between 'Bus' and 'Contribution' in Schedule Six.