
Appeal Decision

Inquiry held on 12 to 15 and 19 April 2016

Site visit made on 19 April 2016

by P. W. Clark MA MRTPI MCMi

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

Decision date: 19 May 2016

Appeal Ref: APP/K0425/W/15/3018514

Land off Barn Road, Longwick, Buckinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Ltd against Wycombe District Council.
 - The application Ref 14/06965/OUT, is dated 29 July 2014.
 - The development proposed is residential of up to 160 dwellings with access, parking, public open space with play facilities and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 160 dwellings with access, parking, public open space with play facilities and landscaping on Land off Barn Road, Longwick, Buckinghamshire in accordance with the terms of the application, Ref 14/06965/OUT, dated 29 July 2014, subject to the eleven conditions which are appended to this decision letter.

Procedural matters

2. The application is made in outline. Details of one vehicular access to the site are submitted for approval now. Details of any other access, appearance, landscaping, layout and scale are reserved for submission at a later date in the event that permission is granted.
3. As submitted, the application was for residential development of up to 175 dwellings. By e-mail dated 30 October 2014, this was amended to 160 dwellings. The Council publicised the amendment; so nobody would be prejudiced by basing this decision on the amended proposal.
4. In the documentation associated with this appeal, the parties between them adduced twenty-four legal decisions and twenty-three appeal decisions which they regarded as precedents for this appeal. Because of the numbers involved, I have not included specific written reference to each and every one of these.

Main Issues

5. There is agreement between the main parties on the extent of best and most versatile agricultural land on the site and on the need to take into account its economic and other benefits in reaching a decision on this appeal. Disagreements focus on four points;
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- Whether the site would be a sustainable location for development.
- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on highway safety and
- The effect of the proposal on the supply of housing.

Reasons

Location

6. The National Planning Policy Framework (NPPF) identifies three dimensions to sustainable development. One is the economic role, elements of which involve ensuring that land is available in the right places and identifying and coordinating the provision of infrastructure. Another is the social role, an element of which is accessible local services. The third is the environmental role, which includes the prudent use of natural resources, minimising waste and pollution. So, without satisfying all the requirements for sustainable development, a location where the existence or provision of infrastructure offers or provides access to local services whilst minimising the need to travel would contribute to the achievement of sustainable development in a variety of ways.

(i) Access to local services

7. As the Statement of Common Ground between the parties confirms, Longwick village itself offers a number of facilities. There are two small general shops, one associated with a petrol filling station, the other with a Post Office. There is a pre-school unit and a primary school, a scouts hut and a substantial village hall with sports changing facilities for the adjacent sports ground and play area on The Green. There is a public house. There are several bus services which between them provide between 5 and 8 services a day to, and between 6 and 9 services from, Princes Risborough and, rather rarely, to and from Thame. But the bus services only operate between the peaks, Mondays to Saturdays. There is no peak hour, evening or Sunday service. There are also a few businesses providing some local employment in the village.

(ii) Minimising the need to travel

8. In terms of daily life, although there is no major supermarket, the two small retail outlets would make it possible to obtain food and groceries without travelling outside the village. There is a pre-school and a Primary School so children of primary school age would not need to travel far for their education. However, secondary education requires travel to a higher order settlement.
9. Longwick offers little by way of employment and none is proposed to result from the development other than jobs during construction. So it is likely that residents of the proposed development seeking work would either have to work at home or would have to travel further afield for employment, as most employed residents of the village already do.
10. There are no health care facilities (doctor, dentist or pharmacy). Spiritual needs would require travel to find a place of worship. These are not normally needed on a daily basis but to reach them, residents of the development would have to travel to higher order settlements such as Princes Risborough nearby.

11. Leisure needs are provided within the village by a pub, village hall and a recreation ground including a play area. Additional provision would be made on site, so it would not be necessary for residents of the proposed development to travel afield.
12. To a degree therefore, Longwick represents the right place in which to locate development with accessible local services. But it falls short in terms of daily needs for employment or secondary education and in terms of less frequent needs such as higher order shopping, health care or spiritual needs.
13. Most of these less frequent needs could be met in Princes Risborough, only a short distance away, so minimising the need to travel. However, the NPPF advises that not only should the need to travel be minimised but that the use of sustainable transport modes should also be maximised. These are defined as walking, cycling, low and ultra-low emission vehicles, car sharing and public transport.

Provision of infrastructure

14. Although a footway is provided along the whole length of Longwick Road connecting the village with Princes Risborough and so, walking is feasible, it would involve crossing the busy roundabout junction at the Lower Icknield Way where there are no particular facilities to aid pedestrians and so maximise this sustainable mode of travel. No doubt, facilities could be provided but they are not proposed and, in any event, the distance to Princes Risborough is sufficient to deter most people from walking and that cannot be reduced.
15. The distance is not so great as to deter cyclists but either of the two direct routes would be on general purpose roads, shared with other traffic without specific facilities to encourage cyclists. Though not heavily trafficked, they are busy enough to intimidate all but experienced cyclists and so cannot be relied upon to maximise the use of this mode of sustainable transport.
16. The Highway Authority's comments (7 November 2014) on the application observe that the development could provide or contribute towards improvements to the existing highway infrastructure that would result in a shared footway/cycleway linking Princes Risborough and Longwick. The comments go on to observe that there appears to be scope to incorporate such a feature by extending the existing footway or by using the highway verge to accommodate a metalled footway/cycleway connecting with an existing shared use footway/cycleway at the junction of Longwick Road/Wellington Avenue and Brooke Road. However, no such provision is made within the planning obligation and no scheme is put forward in sufficiently costed detail that a Grampian-style condition could be shown to be reasonable or proportionate.
17. There is a traffic-free route for walkers, cyclists and horse-riders, known as the Phoenix Trail (National Cycle route 57) which runs between Thame and Princes Risborough and which passes about half a mile to the south-west of Longwick. It is connected to the village by a bridleway, about three quarters of a mile long, extending from Walnut Tree Lane at the north-west extremity of the site. This provides a good, direct, protected cycle route to Thame.
18. But, to Princes Risborough the dedicated cycleway extends only to Horsenden, about half-way, beyond which travel is on shared, but lightly trafficked, roads. Even if the surfaces of the Phoenix Trail itself and the connecting bridleway

were improved in the way sought by the County Council (and allowed for in two provisions of the planning obligation), its circuitous route from the site could not be expected to maximise the use of this mode of sustainable transport to Princes Risborough.

19. There is no information to show that the village, or the development proposal, offers any particular facilities for low or ultra-low emission vehicles. It is suggested that a travel plan be required by condition and there is funding provision for the county to monitor the Travel Plan within the s106 obligation. Through that, car sharing could be promoted to maximise the use of that sustainable transport mode.
20. The bus service, largely provided by volunteers supplementing a meagre subsidised commercial service, is adequate for off-peak use to Princes Risborough. But it is of little or no use for other destinations or for commuting purposes. Allowance must be made, in accordance with NPPF paragraphs 29 and 34, for the fact that Longwick is in a rural area. But, clearly, existing provision would not maximise the use of this mode of sustainable transport.
21. In the longer term, the Council has aspirations for development within an expansion area proposed for Princes Risborough to provide a high quality, frequent bus service to link the expansion area to the existing town and existing inter-urban bus services, incorporating the key destinations of the town centre and the railway station(s) at Princes Risborough and Monks Risborough and to Longwick¹. It would also be expected to provide walking and cycling routes. But, even if the current draft Town Plan were to pass all its procedural stages without delay, it is unlikely that these proposals would be delivered within five years.
22. Within the planning obligation provided with the current appeal is provision for a sum of money towards the cost of a Monday-Friday morning and evening peak hour bus service between Longwick and Princes Risborough. This is expected to be sufficient to provide the service for five years.
23. The Council sought provision in perpetuity but this is unrealistic because few or no publicly funded bus services have any subsidy guaranteed beyond a year. Although described by the Council as a poor stop gap, my view is that provided the service is reasonably timetabled and routed to connect with trains so as to allow for commuting to a full day's work in central London, then, combined with the existing off-peak services to Longwick, it would reasonably maximise the use of this sustainable transport mode. In the event that other developments come on stream in accordance with the Council's aspirations for the Princes Risborough expansion area, so they could be expected to contribute in their turn to an expansion of the service. What is proposed in the unilateral undertaking is no more than the proportionate contribution which could be expected from this development alone, fairly and reasonably related to its scale.

(iv) Conclusion on location

24. To summarise; as things stand at present, Longwick has reasonable but incomplete facilities to serve daily needs, its proximity to Princes Risborough allows for its deficiencies to be remedied with a minimum need to travel. I

¹ Princes Risborough Town Plan Draft Plan Consultation Document February 2016, Policy PRTP5 (6) and (7)

- reach the same conclusion as those who drafted the now withdrawn Neighbourhood Plan; that is that Longwick is a good location for development, provided it is underpinned by investment in sustainable travel modes.
25. The Neighbourhood Plan was withdrawn, reportedly because its Examiner recommended the removal of the policies which would have sought the provision of such underpinning investment. He pointed to the use of CIL monies to provide such investment instead. But, in fact, the adopted CIL infrastructure charging schedule does not make such provision.
26. Through a travel plan encouraging car sharing and a contribution to a peak-hour bus service the appeal proposal would do much to maximise the use of sustainable transport modes. But its contribution to the maintenance and upgrading of the Phoenix Trail and its connecting bridleway appears unfocussed; although that would no doubt be beneficial, what would maximise cycling use from this development would be the provision of a reserved cycleway alongside the Longwick Road as canvassed by the County Council at an early stage. That is not proposed or provided for.
27. That, however, is a relatively minor consideration in the overall picture; cycling is at least possible at the present time, either on or off-road, whereas peak-hour public transport use is not. I note that the authors of the now withdrawn neighbourhood plan considered that, if underpinned with investment in sustainable transport, Longwick would be a suitable location for growth in the order of the 140 dwellings identified in the Longwick Capacity Study. What is here proposed is 160 dwellings, a similar order of magnitude. So it would not be out of scale commensurate with the size and relative sustainability of Longwick, as required by the relevant part of Core Strategy policy CS 2 adopted in July 2008.
28. Without resolving all of Longwick's sustainable travel issues, a considerable contribution would be made by the public transport subsidy. I therefore conclude that the site would be an acceptably sustainable location for development. Its development would comply with the part of Core Strategy policy CS 2 adopted in July 2008, which requires sites to be well located in relation to jobs, services and facilities and in the most accessible locations for transport by non-car modes.
29. Although the public transport service being provided would not match the Council's definition of high quality, the proposal would comply with those parts of the Delivery and Site Allocations Plan policy DM2 which require qualifying developments to provide travel plans and car sharing amongst other matters. Were it not technically outside the development boundary of Longwick defined in accordance with Wycombe District Local Plan to 2011 (the Local Plan) policy C9 it would otherwise comply with the requirements of those parts of policy CS 7 which identify Longwick as a location for providing housing development and supporting rural transport initiatives improving accessibility.

Character and appearance

30. The historic linearity of Longwick is recognised in many of the appellant's submitted supporting documents². A corollary of that historic linearity is that

² Design and Access Statement, page 23-24; Landscape and Visual Impact Assessment paragraph 1.6; Archaeological Assessment paragraph 4.6.2; Planning Statement paragraph 2.4; Sustainability Report paragraph 3.1

there is said to be a close relationship between the main road through the village and the countryside beyond the buildings which front it, with constant glimpses of that countryside seen between the frontage development. The concern is that both linearity and the close connection with the countryside would be compromised by the development proposed.

31. In more modern times, that linearity has been modified by development in depth. This is particularly so at the south end of the village where Bell Crescent has been developed in the hinterland between Thame Road and Chestnut Way and where Boxer Road, Barn Road and Williams Way have been developed to the west of Chestnut Way. There is also development in depth at the centre of the village, along and off Walnut Tree Lane to the west of Thame Road. At the north end of the village, which is separated from the rest by an interval of undeveloped countryside, there is development in depth on the east side of Thame Road, comprising Walkers Road, Sawmill Road and Wheelwright Road.
32. Nevertheless, both parties agree that on the eastern side of the village there remains the experience of a close relationship with the countryside, glimpsed between frontage buildings. I was able to confirm that on my site visit.
33. However, the same is not true of the west side where the appeal proposal would be located. As I walked through the village from south to north, the only view across the site from between frontage development is from adjacent to Church Farm Cottage, opposite Bell Crescent. This is a view across part of the site which was anyway proposed for development in the now withdrawn Neighbourhood Plan and is included as an option for development in the Council's emerging Local Plan options consultation document, so its loss may be regarded as acceptable to the Council.
34. As one progresses further north, the only glimpses between buildings are either blocked by existing backland development or by trees, or are views across the recreation ground and to the tree belt which bounds it, views which would not be affected by the proposed development. The proposed development would therefore have little or no visibility from Thame Road and so would barely impinge on the public perception of the village's character or appearance.
35. The Council accepts that the existing development in depth at the southern end of the village has had little impact on the linear appearance of the village because it is largely backland, hidden behind the retained ribbon of frontage development. It is somewhat surprising then that the appeal proposal is criticised for not having direct access on to Thame Road or Chestnut Way. In fact, that very characteristic would protect and preserve the visually linear character of the village, whatever its morphological reality.
36. There is a functional disadvantage to the historic linearity of the village which is noted by a few of the third party correspondents. That is that the village street (Thame Road) is a busy main road along which residents have to walk to access the school, shop, village hall and recreational ground. A few correspondents regard this as something of a hazard, although there is no information given of any accidents occurring. The development offers the opportunity of an alternative, quieter route for pedestrians and cyclists. In a small way, this represents an improvement on the village character.

37. Longwick is a village of great variety of building design in which even modern developments have been relatively small estates of 30 - 50 dwellings at most. But, as I saw on my site visit, they have a very limited palette of house type and building materials. Long runs of identical dwellings are commonplace. There is an understandable concern that, if that style of development were repeated on a larger scale, a single development of 160 dwellings representing a 36% increase in the number of dwellings in the village would have an overwhelmingly dominant and homogenous bearing on its character.
38. There is no presumption that the development would in fact be carried out by a single developer; paragraph 6 of the appellant's submitted Planning Statement makes clear the intention to sell to one or two developers. Each would have their own styles. Furthermore, as discussed below, the dwelling mix of the proposal is likely to comprise a considerable variety of house types and sizes, in contrast to development of the 1960s and 1970s. In any event, this would be under the control of the local planning authority when detailed submissions of reserved matters are made. There is no reason to conclude at this stage that the development would be so homogenous as to harm the character of the village.
39. Contrasting comparisons were made between the density of various existing developments within the village and that proposed. But, quite aside from confusions of net and gross density, use of density measurements based on units of a dwelling to judge character can be very misleading because a dwelling is not a uniform unit. A six-bedroomed mansion and a studio flat are each one dwelling but have quite different characters and appearance. Six small flats in an apartment block can have a very similar appearance to a single large house but would be regarded as six times the density when measured as dwellings per hectare.
40. As is known, the village has a disproportionate element of larger dwellings whereas, as discussed below, the development is likely to have a larger proportion of smaller dwellings. Thus, comparisons of density based on dwellings per hectare are akin to comparing apples with pears and are quite misleading as a measure of character and appearance. I therefore take no account of them.
41. It must not pass without acknowledgement that the site is greenfield. Its development therefore does not accord with the seventh and eighth of the government's twelve core land use planning principles, set out in paragraph 17 of the NPPF. These are that planning should contribute to conserving and enhancing the natural environment and should encourage the effective use of land by reusing land that has been previously developed. The proposal would do neither of those things and would change the character and appearance of the land from an undeveloped to a developed state.
42. The fifth of the government's twelve core land use planning principles includes recognising the intrinsic character and beauty of the countryside. But recognition does not automatically imply retention of all undeveloped land in the countryside. As is recognised by the appellant's uncontested Landscape and Visual Impact Assessment, the appeal site is an unremarkable example of the Upper Thames Clay Vale landscape character area. Other than within the site itself, its loss to development would have negligible or minor adverse effects (to use the professional jargon) on the landscape or its character.

43. From standing on its western boundary, at the point where the footpath which crosses the site passes under the railway, the southern fields can be clearly seen to be surrounded and dominated by development on two sides and the railway on the third. They seem to be already part of the village. The westernmost of the northern fields is more separated from the village by substantial hedgerows and so does not share that characteristic. But equally, it is cut off from open countryside by the railway embankment on the west and bounded by Willow Tree Lane on the north and bungalows to its north-west, so can hardly be regarded as open countryside. I do not regard its development as causing any great harm to the countryside as a whole.
44. I conclude that although the development would increase the extent to which the village is developed in depth, it would have little or no impact on its perceived character and would offer some functional advantages. It would involve the development of previously undeveloped greenfield land, which is a change in character but its effects would be so localised that little or no harm would result.
45. It is acknowledged in the Council's closing statement that the appeal site fields lying between the dwellings on Thame Road and the railway embankment are regarded not as part of the wider countryside but as part of the village. Although defined by the settlement boundary of Longwick and Local Plan policies C9 and C10 as countryside, in practice the appeal site is not open countryside and so its development would not conflict with policy CS 7 (7) and would comply with policy CS 7 (6) which requires new development to respect the particular character and sense of place of villages. Core Strategy Policy CS 19 and Wycombe District Local Plan policy G3, which are referred to in the Council's putative reasons for refusal set requirements which could only be determined when reserved matters are considered. At this stage, I have identified no matter which precludes compliance.

Highway Safety

46. Details of one vehicular access, onto Barn Road, are submitted with this otherwise outline application. The concept of a single vehicular access to serve the development is accepted as satisfactory by the local Fire and Rescue Service and in turn by the Highway Authority. I have no reason to disagree.
47. The details of access onto Barn Road are accepted by the local Highway Authority as satisfactory and unlikely to give rise to any undue safety concern. Barn Road in turn is accessed from Boxer Road and there is no suggestion that the junction of Barn Road with Boxer Road would give rise to any undue safety concern. Boxer Road is, in turn, accessed from Chestnut Way, a classified road B4444. There is no suggestion that this junction would give rise to any undue safety concern.
48. The B4444 is accessed in turn by two junctions, one at each end of Chestnut Way. At its northern end it joins Thame Road, the A4129. The Highway Authority raises no safety concerns with the effects on this junction of traffic arising from the development.
49. At its southern end Chestnut Way joins the Lower Icknield Way B4009 at a Y-shaped junction. The base of the Y is spanned by a railway bridge which limits the configuration of the road layout. It also has a height limit which advises tall vehicles to cross the centre line of the road when passing under the bridge.

50. To the north of the junction, Lower Icknield Way curves to the north and there are buildings close to the road so visibility in that direction (looking left) when emerging from Chestnut Way to turn right onto Lower Icknield Way is limited, not meeting current standards for the speeds of approaching traffic. However, I was able to establish on my site visit that a full and adequate length of visibility is achievable before an emerging vehicle crosses the centre line of the carriageway. The volume of traffic does not preclude this manoeuvre. It is also the case that surveys show that traffic speeds reduce on approaching the junction and that at the lower speeds passing the junction, lower visibility standards would apply in any event.
51. Surveys of the peak hours in 2014 show that 170 vehicles made the turn of concern in the morning peak hour and 95 in the evening peak hour. Despite the junction's limitations, there are details of only one personal injury accident in the past ten years. That does not appear to have been caused by the visibility limitations. The Highway Authority has no proposal to address the deficiencies of the junction so there is no suggestion that it is currently so unsafe as to require remediation.
52. Both parties agree that the development is expected to add five vehicles to this particular manoeuvre in each peak hour, an increase of some 3-5%. This is no more than the likely daily fluctuations in traffic flow at this junction and no more than about 2-3 years' worth of background traffic growth in any event. It is not material.
53. There are safety hazards at all road junctions and so there can be no guarantee of absolute safety even if they comply with modern standards. It is clear from the facts that this junction, although substandard, operates with a reasonable degree of safety with the volume of traffic it currently accommodates. It is clear that the effects of traffic generation from the development would not be such as to turn this junction from a tolerable situation into an intolerable one. I therefore conclude that the effects of this development on highway safety would be acceptable without mitigation. The development would comply with policy CS 16 which would require mitigation measures to be secured before development is occupied and with policy CS 20 which requires that vehicular traffic from future development does not materially increase traffic problems.

Housing

(i) Numbers

54. The Core Strategy, adopted in July 2008, sets a housing requirement in policy CS 12 of 8,050 dwellings for the period 2006-26 (402.5 dwellings per annum). Of these, 810 (40.5 per annum) should be in the northern part of the district. Although this policy still has ten years to run, the Council regards it as out of date because it was based on the recommendations of the Panel which examined the now revoked South East Plan. Nevertheless, it remains the requirement, set by the development plan which is still extant. It is against requirements that paragraph 47 of the NPPF advises that the local planning authority should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing.
55. National Planning Practice Guidance (Guidance) advises that Housing requirement figures in up-to-date adopted local Plans should be used as the starting point for calculating the five-year supply. Considerable weight should

- be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It advises that evidence which dates back several years, such as that drawn from revoked regional strategies, may not currently reflect local needs.
56. New evidence has come to light which the Council regards as significant, firstly in the Council's draft Strategic Housing Market Assessment (SHMA) of January 2014 which postulated an estimate of objectively assessed need in the range of 550-600 homes per annum for the period 2011-31 and secondly in the consultation draft of the Central Buckinghamshire Housing and Economic Needs Assessment (CBHEDNA) which identifies an objectively assessed need of 751 dwellings per annum for the period 2013-33.
57. Guidance suggests that where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact that they have not been tested or moderated against relevant constraints.
58. Nevertheless, the Council has made its estimate of a five-year housing land supply based on the CBHEDNA and so agrees with the appellant that it cannot demonstrate a five-year housing land supply. However, Guidance makes it clear that the outcome of a SHMA or a HEDNA is not a proxy for a requirement. That is because a requirement may be reached after the application of policy constraints resolved through the duty to cooperate. In the case of Wycombe a request has been made to an adjoining authority to absorb a percentage of Wycombe's needs and the adjoining authority has made provisional allowance to do so in its consultation on its draft plan. It follows therefore that the Council's approach to its requirements is a somewhat hair-shirted one. I accept it because it is the basis agreed between the parties but it is clearly a worst-case scenario in terms of adopting a figure for housing requirements.
59. On this basis, the Council claims that it has identified a 3.74 years' supply. The appellant contests this, arguing that a 20% buffer, rather than a 5% buffer should be included in the calculation which should instead produce a result of 2.38 years' supply. The difference between the parties is not of great relevance to this appeal decision, except in quantifying the significance of the benefit from the delivery of housing to be weighed in the balance.
60. The Council's claim depends upon a comparison between housing requirements and completions in which the housing requirement is that of the Core Strategy up until the year 2012/13 and then the HEDNA for the two subsequent years. This shows that in five of the past nine years the Council has met its housing requirements and only fell into a cumulative deficit in the last of them. The appellant's argument is, like the Council's, based on the Core Strategy and the HEDNA but over a period of six years, in four of which the Council has missed its target. Logically, however, if the HEDNA is to be admitted at all, then the SHMA figure should also have been used for 2011/12 and 2012/13 in place of the Core Strategy figure. This is not an argument put forward by the appellant but it would produce a result in which the Council has missed its targets for five of the past six or nine years and has fallen into a cumulative deficit in the last two of them.

61. Six years does not represent the full economic cycle but concentrates solely on the years of the depression and so gives a misleading impression. I note that in assessing the Council's record on delivering affordable housing, the appellant uses a nine-year period. For consistency, the evaluation of the Council's overall record should be made on the same basis.
62. I prefer to take an approach which recognises that the SHMA and HEDNA are not tested or moderated and do not represent a proxy for a housing requirement but instead represent a worst case scenario. It would be wrong to base a requirement for a 20% buffer on such a contingency and so I conclude that the benefits of the scheme in terms of the delivery of housing be assessed in the context of a 1.26 years' shortfall in the Council's identified housing land supply.

(ii) Affordable housing

63. In terms of affordable housing, the s106 obligation attached to the proposal would deliver 40% of the development's bedspaces in the form of affordable housing, as required by Core Strategy policy CS 13. According to the Core Strategy, this represented a target for 2006-11 of 23% of all dwellings. Table 4 of Mr Bateman's evidence on behalf of the appellant shows that this target was met up to the year 2010/11. The Council's SHMA then identified a need of 480 affordable homes per annum, which was clearly not met by the 128 and 49 affordable homes delivered in the two years 2011/12 and 2012/13. The HEDNA reduces this identified need to between 166 and 284 units per annum between 2013 and 2033. Even this reduced need was not met by the 55 and 83 affordable homes delivered in 2013/14 and 2014/15. In the light of the shortfall which has occurred in the last four years, the proposal's compliance with policy is a clear benefit.

(iii) Dwelling mix

64. At present, Longwick offers a disproportionately high percentage of four and five bedroomed dwellings, with a disproportionately high rate of home ownership, lived in by a disproportionately elderly population. Mr Hindle, on behalf of the appellant, claimed as a benefit of the development that it would attract people who would improve the demographic balance of the community and would help to widen opportunities for home ownership.³
65. In terms of improving the demographic balance of the community, the Socio-Economic Sustainability Statement document substituted for Core Document 1.19 and Mr Bateman's Appendix 14 suggests a dwelling mix comprising 20% 1-bedroom units (cf Longwick's current 4%), 9% 2-bedroom (cf 13%), 29% 3-bedroom (cf 35%), 32% 4-bedroom (cf 37%) and 9% 5-bedroom (cf 12%). With this dwelling mix, the development proposed would make a noticeable difference in terms of the provision of 1-bedroom units.
66. However, in terms of the widening opportunities for home ownership, none of the smaller (1-bedroom or 2-bedroom) units would be market housing for sale, so the only way that the development could widen opportunities for home ownership through this suggested dwelling mix in comparison with what Longwick already offers would be through shared ownership affordable housing.

³ Paragraphs 4.105 and 4.116 of Mr Hindle's proof of evidence

67. The appeal proposal is in outline form, so the only way that the two dwelling mix benefits claimed by Mr Hindle could be secured at this stage would be by a planning condition or by a provision of the s106 obligation. The planning obligation does not provide for a dwelling mix but does provide that one-third (34%) of the affordable housing units should be in the form of shared ownership.
68. A planning condition is suggested by the Council which would require dwelling mix to be provided by reference to the Council's HEDNA or successor document. But this would lead to a dwelling mix quite different to that suggested by the Socio-Economic Sustainability Statement ⁴. Although this would ensure that the development met the needs of the district as a whole, it would not include any element of "redressing the balance" within Longwicks so, if that is to be regarded as a benefit which it is necessary to capture, then a different dwelling mix to that suggested by the Council needs to be imposed.
69. In deciding whether a condition imposing a dwelling mix is necessary at all and, if necessary, what mix to impose, it needs to be noted that the dwelling mix postulated in the Socio-Economic Sustainability Statement is stated in terms of 40% affordable dwellings, whereas schedule 1 of the s106 obligation promises affordable housing in terms of 40% of the total bedspaces and so would lead to a different dwelling mix to that of the Socio-Economic Sustainability Statement. This inconsistency means that the dwelling mix included in the Socio-Economic Sustainability Statement cannot be used as the basis of a dwelling mix specified by condition.
70. The appellant's Affordable Housing Statement and Planning Statement point out that when calculated by bedspace rather than by dwelling, then a dwelling mix which emphasises smaller affordable dwellings could require something approaching or even slightly exceeding 50% of all the homes on the development to be provided as affordable housing. This might result in a development which may be difficult to manage and to market and may also have the effect of locating a substantial element of the new affordable housing supply of the district in what would still be a relatively small village. For this reason it would be undesirable to impose such a dwelling mix by condition at this stage. It would be preferable to leave the matter open for more detailed consideration of reserved matters.
71. Even if a condition were to be imposed at this stage requiring a specific housing mix to come forward in submitting reserved matters, nothing would prevent the appellant submitting and the Council considering a different mix as a variation to any condition. On the information before me, there is no convincing basis for specifying a particular dwelling mix. For these reasons, I do not consider it necessary to include the condition suggested by the Council. At this stage it is sufficient to note that, in principle, the benefits suggested by Mr Hindle could be delivered by the appeal proposal; the details to be submitted as reserved matters would allow the Council the opportunity of deciding whether to secure them in the light of a consideration of the full range of implications resulting from affordable housing requirements.

⁴ Figure 124 is the relevant table. This would lead to a dwelling mix of 7% 1-bed, 19% 2-bed, 50% 3-bed, 20% 4-bed and 4% 5-bed

(iv) Housing conclusions

72. Both parties are agreed that the Council cannot demonstrate a 5-year Housing Land Supply. The extent of the shortfall is disputed but it is certainly not less than a year and a quarter's supply. The proposal would supply 160 dwellings over a period of about 5 years; a volume amounting to about one-fifth of one year's supply, or about 4% of the whole five years' supply. That is a measure of its benefit. It would provide affordable housing when there has been a shortfall in supply for the past four years. That would be a clear benefit. Depending on the dwelling mix proposed and approved, it could help to redress the social imbalance of Longwick. Through the provision of shared ownership housing it would widen opportunities for home ownership.

The planning obligation

73. This would provide for

- An Administration Cost of £800 to the County Council for monitoring the obligation.
- A Monitoring Fee of £800 to the District Council for monitoring the obligation.
- A scheme of Affordable Housing based on 40% of the bedspaces of the development of which 66% is to be rented and 34% shared ownership.
- A Bridleway Contribution of £125,000 towards the cost of resurfacing 1,235 metres of Bridleways 5 and 6 between 48 Walnut Tree Lane and Bledlow Paper Mill.
- A Cycleway Improvement Contribution of £75,000 towards upgrading and maintaining National Cycle route 57 between Thame and Princes Risborough.
- A Bus Service Contribution of £351,000 for a Monday-Friday peak hour bus service between Longwick and Princes Risborough.
- A Bus Shelter Contribution of £15,000.
- A Sustainable Urban Drainage Scheme (SUDS).
- A quantity of Open Space to accord with policy DM16, including a Locally Equipped Area for Play (LEAP) and provision for the SUDS.
- A Primary Education contribution calculated in proportion to the numbers of dwellings of different sizes eventually approved.
- A Travel Plan, a Travel Plan Coordinator and a Travel Plan Monitoring fee of £5,000.

74. Although it has been held that monitoring is an integral part of a Council's routine functions and so may not be necessitated by a development, in this case the s106 obligation would include phased payments in relation to the progress of development. These would require monitoring not otherwise necessary and so fall within the ambit of legitimate subjects for an obligation. I take them into account as a mitigation of the development's impact.

75. As noted earlier, the scheme of affordable housing is necessary to comply with Core Strategy policy CS 13. The provisions of the planning obligation show

that it would be directly related to the development and fairly and reasonably related in scale and kind. It therefore complies with CIL regulation 122 and I take it into account as a benefit of the development.

76. As discussed earlier, both the Bridleway and Cycleway Contributions would benefit the development but are not necessary to its acceptability. Furthermore, they appear not to relate to the provision of a facility but to its routine, ongoing maintenance. For both reasons, I do not accept that they fall within the terms of CIL regulation 122 and so I take no account of them in reaching my decision.
77. As discussed earlier, the bus service contribution is necessary to the acceptability of the development and proportionate to this development proposal. I regard the bus shelter as an integral part of the provision of the service. There is no information to show that either would be other than directly related to the development and fairly and reasonably related in scale and kind so I accept that both contributions meet the CIL regulations and I take them both into account as a benefit of the scheme.
78. The information provided by consultees and by the appellant's own consultants demonstrates that a Sustainable Urban Drainage Scheme is a necessity of the development, directly related and proportionate in scale and kind. I take it into account as a mitigation of the scheme's impact.
79. The open space is required to comply with policy DM16. The terms of its requirement make it clear that it would be directly related and fairly and reasonably related in scale and kind. I take it into account as a benefit of the scheme.
80. The information provided in the County Council's Statement on Education is not contradicted by any other information and so is convincing that the Primary Education contribution is necessary, directly related to the development and fairly and reasonably related in scale and kind. I therefore take it into account as a mitigation of the development's impact.
81. The travel plan provisions are necessary to maximise the use of sustainable transport modes. There is no information to show that they are other than directly related to the development and fairly and reasonably related in scale and kind. I therefore take them into account as a mitigation of the development's impact.

Conditions

82. In the event of the appeal being allowed, both main parties put forward for consideration a schedule of 21 suggested conditions. I have considered these in the light of national Guidance and with reference to the model conditions attached to the otherwise superseded circular 11/95, *the Use of Conditions in Planning Permissions*, preferring the wording of the latter where appropriate.
83. It is suggested that a condition limit the quantity of development to 160 dwellings. The evidence to justify the necessity for this condition is somewhat limited; the scheme was screened and found not to need an Environmental Impact Assessment on the basis of 175 dwellings. A further screening would not be necessary unless that figure were exceeded and so considerations of Environmental Impact Assessment do not justify a condition limiting the development to 160 dwellings.

84. The figure in the application was reduced to 160 to take into account comments from the Council's Head of Environmental Services relating to noise from the railway line. The appellant included a buffer on the revised Framework Plan and Masterplan. But these are both illustrative and, as the appellant's Noise consultant advises in paragraphs 6.2.2, 6.2.3, 6.2.4 and 7.3.2 of the Noise and Vibration Assessment there are alternatives to a 25m buffer which can mitigate noise levels; mitigation requirements can be confirmed on a plot by plot basis, once a detailed design layout is available.
85. Paragraphs 6.4.2 and 7.3.3 of the Noise and Vibration Assessment canvass varying mitigations in different parts of the site, which may include a 20m buffer at its southern end if windows to habitable rooms face the railway line. But they may not need to and paragraph 6.4.6 re-emphasises the need to design mitigations on a plot by plot basis once a detailed design layout is available. Bearing in mind the exhortations in paragraphs 17 and 58 of the NPPF to encourage the effective use of land and to optimise the potential of the site to accommodate development, I am not convinced that a presumption of the inclusion of a noise buffer within the layout should limit the potential of the site when other, more discriminating methods of mitigating the railway noise may be available, submission of which can be required by condition 4 (iv).
86. Moreover, the figure of 160 derives from the Framework Plan and Masterplan which are purely illustrative. Detailed layout is reserved for later consideration. The number of dwellings which would result depends on the dwelling mix chosen for the layout. For reasons which have been discussed earlier, there is insufficient information available at present to determine what the dwelling mix of the development should be. Therefore, no reliable assumptions can be made about the capacity of the site in terms of dwelling numbers.
87. The other source of information about the impact of the development which is specifically related to dwelling numbers is the studies which have been made of its transport impact. Although these continued to be based on 175 dwellings in exchanges of correspondence which took place in March 2015, long after the figure in the application was changed to 160, the traffic flow diagrams which are included in the eventual statement of common ground agreed with the Highway Authority are dated November 2015 and are based on junction modelling of 160 dwellings.
88. Although there is no specific information to show that the Highway Authority's agreement to the statement of common ground was dependent on the reduction to 160 dwellings, it would be incorrect to suppose that its acceptance of the impact of traffic flows based on 160 dwellings would be equally applicable to any higher number. So it is for this reason alone that I impose condition 4 (i) limiting the development to 160 dwellings, whilst recognising that in the submission of details it is open to the developer to propose and for the local planning authority to consider a higher number as a variation to the condition.
89. Conditions 4 (ii), (iii) and (iv), 5, 7, 8 and 11 are necessary to secure aspects of the proposal which are benefits of the scheme or recommended by the appellant's consultants as necessary to its acceptability.
90. Condition 6 is necessary to comply with policy DM18 of the Council's Delivery and Site Allocations Plan July 2013 which requires schemes to deliver reductions in carbon emissions and accords with paragraphs 97 and 98 of the

NPPF. The Written Ministerial Statement delivered on 25 March 2015 giving a Planning update advises that for the specific issue of energy performance, local authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016.

91. Condition 9 is necessary because the site is accessed through a residential area. Condition 10 is needed to ensure that an access to the site is provided in accordance with the approved drawing.
92. I have not imposed the suggested condition requiring details of groundwater monitoring to be provided for a period of twelve months because any condition should only be applied to the development to be permitted. Collection of data after the development has been started would be too late to influence the design of the development itself. Submission of a surface water drainage scheme is required by condition (5); it will be for the local planning authority to satisfy itself that the details submitted are robustly justified by appropriate supporting evidence before it gives its approval to them.
93. The suggested conditions for the maintenance of landscaping and for ecological management are not imposed, not because they are not important or necessary but because they are not appropriate until details are approved of matters which require management; these would be at the stage when reserved matters are considered. At that stage it would be appropriate to consider whether such conditions are necessary and, if so, to impose them.
94. I concluded earlier that the effects of this development on highway safety would be acceptable without mitigation and that there was no basis for requiring a specific dwelling mix. For those reasons I do not impose the suggested conditions requiring a scheme of traffic lights at the junction of Chestnut way and Lower Icknield Way and requiring dwelling mix to accord with the Council's CBHEDNA.

Conclusions

95. Planning applications must be determined in accordance with the development plan unless there are material considerations which indicate otherwise. In many respects, this appeal proposal does comply with the development plan as has been noted as each issue has been considered in turn. But, in some respects it does not; principally because it would be located in what is currently defined as countryside outside the development boundary of Longwick defined in the Council's Delivery and Site Allocations Plan and so would be contrary to Local Plan policies C9 and C10. It would also, as the parties agree, develop some Best and Most Versatile Agricultural Land, although there is no specific policy in any of the development plan documents which precludes this. So, even if the decision were to be taken solely by reference to the development plan, a balancing exercise would be necessary.
96. Policies C9 and C10 are regarded as limiting the supply of housing land. As such, they fall within the ambit of the advice contained in NPPF paragraph 49, that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of

deliverable housing sites, a situation which applies in Wycombe. In such cases, NPPF paragraph 14 advises that permission should be granted unless specific policies in the Framework indicate that development should be restricted or unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.

97. Specific NPPF policies which might be taken to indicate a restriction on development have been referred to in the body of this decision letter, such as paragraph 112 and bullets 5, 7 and 8 of paragraph 17. But even these are not determinative on their own; rather, requiring matters to be taken into account. Consequently, whichever way the decision is to be taken, whether by reference to the development plan alone or by reference to either the ultimate or penultimate bullets of NPPF paragraph 14, a balancing exercise is necessary. I do so with reference to the three dimensions of sustainable development described in paragraph 7 of the NPPF.
98. The economic benefits of the development have not hitherto figured in this decision letter. That is because they are not contested. Nevertheless, they must be taken into account. They are stated in paragraph 12.5 of Mr Bateman's evidence as a New Homes Bonus of £1.5million, a construction spend of £15.53million, the creation of 138 FTE construction jobs for the duration and the introduction of at least 211 economically active residents with an additional £4.5million of annual household spending in the local economy, supporting a further 16 jobs. The loss of the economic benefits of the best and most versatile agricultural land has not been quantified but there is common acceptance that they would be small in comparison, particularly so because the better land cannot be farmed independently of the greater portion of the site which is poorer land, so limiting its economic benefits.
99. Even if the proposal, as greenfield, agricultural land would not be of the right type, I have earlier concluded that the proposal would represent land in the right place. Through the planning obligation, development requirements, including the provision of infrastructure, have been identified and coordinated.
100. In terms of the social role, the proposal would help provide the supply of housing required to meet the needs of present and future generations. The influx of people would help to support a strong, vibrant and healthy community in the way described by Mr Hindle; there is no suggestion that the school would otherwise decline but a community does not need to be in decline for these benefits to be regarded as benefits. At the stage of an outline application, there is no reason to suppose that a high quality built environment will not ensue. Many local services are already accessible; the proposal will contribute towards increasing that accessibility.
101. Only in the environmental role is the balance less than resoundingly in favour of the proposal. By definition, as a development on previously undeveloped land, it would not protect or enhance our natural environment but would change this particular site to a developed, urban environment. But the loss would not be great and in doing so it would respect the existing built and historic environment of Longwick. If the recommendations of the appellant's consultants are carried through into the submission of reserved matters, it could help to improve biodiversity and use natural resources prudently. Through the imposed conditions it would help to move towards a low carbon economy.

102. Overall, the balance is positive and so I conclude that although it conflicts with parts of the development plan which are regarded as out of date, taking the development plan as a whole, the proposal is more in conformity than not. Likewise, although the proposal contravenes some of the environmental principles of sustainable development, it is more sustainable than not. Taking all material considerations into account, the adverse impacts of granting permission would not significantly or demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. I therefore allow the appeal.

P. W. Clark

Inspector

Richborough Estates

Conditions

- 1) Details of the further pedestrian and cycle accesses, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The details to be submitted in accordance with condition 1 shall provide (i) for no more than 160 dwellings (ii) for through routes for pedestrian and cycle access between the south of the site at Barn Road and Williams Way and the north of the site at Walnut Tree Lane, (iii) for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and roosting bats (iv) for the mitigation of noise from the adjoining railway line to levels in accordance with the recommendations of the World Health Organisation Guidelines for Community Noise 1999 for both indoor and outdoor living areas. The development shall be carried out in accordance with the approved details.
- 5) No development shall commence until details of both foul and surface water drainage schemes, including ground raising where appropriate, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details which shall be thereafter retained in an operational condition. No dwelling shall be occupied until it has been provided with and connected to its foul and surface water drainage.
- 6) Before the development begins a scheme (including a timetable for implementation) to secure at least 15% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.
- 7) In this condition "retained tree" means an existing tree which is to be retained in accordance with drawing number 5976-A-03 rev A included with the Arboricultural Assessment dated July 2014 by FPCR Environment and Design Ltd submitted with the application; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the final dwelling to be occupied.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the aforementioned Arboricultural Assessment, paragraph 5.2, Appendix B and drawing number 5976-A-03 rev A before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 8) No clearance of trees or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March-August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the local planning authority. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- 10) No part of the development shall be occupied until (i) the means of vehicular access to the site has been constructed in accordance with both the approved drawing number 4746/10/02 and Buckinghamshire County Council's guide note "Private Vehicular Access within the new Highway Limits" 2013 and (ii) the section of Public Footpath 4 Longwick-cum-Ilmer Parish which passes through the application site has been resurfaced to footway specification to a width of 2m and with dropped kerbs at the junction of each road which crosses its route.
- 11) No dwelling shall be occupied until details of a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

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

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APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss Suzanne Ornsby QC	Leading Mr Charles Streeten, of Counsel and instructed by Teresa Krykant, Solicitor, Wycombe District Council
She called	
Ms Sarah Oborn BA MSc PGCert	Urban Design Officer, Wycombe District Council
Ms Christine Urry BA MSc MCIHT	Head of Highways Development Management, Buckinghamshire County Council
Ms Philippa Jarvis BSc DipTP MRTPI	Principal, PJPC Ltd

FOR THE APPELLANT:

John Barrett, of Counsel	Instructed by Gladman Developments Ltd
He called	
Timothy Jackson BA(Hons) DipLA CMLI	Director FPCR Environment and Design Ltd
Robert Hindle BSc(Hons) MRICS	Director, Rural Solutions Ltd
Nigel Weeks BSc FACE	Director, Stirling Maynard Transportation
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INTERESTED PERSONS:

Mrs Valerie McPherson BEM	Chairman, Longwick-cum-Ilmer Parish Council
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Additional DOCUMENTS submitted at Inquiry

- 1 Core Document List
- 2 Core Document (CD) 10.19. Phides v SSCLG, Shepway District Council and David Plumstead [2015] EWHC 827 (Admin)
- 3 CD 10.20 Ivan Crane v SSCLG and Harborough District Council [2015] EWHC 425 (Admin)
- 4 Substitute version of CD 11.4 Wycombe District Council Five Year Housing Land Supply Position Statement (November 2015)
- 5 CD 11.7 E-mails between Christine Urry and Nigel Weeks
- 6 CD 12.14 Sustrans publication; Short journeys, big savings.
- 7 CD 12.15 DTp Local Transport Note 1/07 Traffic Calming
- 8 CD 13.4 Statement of Common Ground on Highways and Transport
- 9 CD 13.5 Joint Housing Land Supply Statement
- 10 CD 13.6 Statement on Education by Stephen Chainani of Buckinghamshire County Council
- 11 Replacement CD1.19 and Appendix 14 to Mr Bateman's evidence; Socio-Economic Sustainability Statement
- 12 Phoenix trail leaflet
- 13 Unsigned and undated draft planning obligation

- 14 Cheshire East Borough Council v SSCLG and Renew Land Developments Ltd [2016] EWHC 571 (Admin)
- 15 Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG [2016] EWCA Civ 168
- 16 S106 Summary Schedule – CIL Regulations 122 and 123 justification
- 17 Appellant’s Position Statement in respect of CIL compliance
- 18 Note on Housing Mix
- 19 Draft Schedule of Conditions
- 20 Appellant’s suggested condition 19
- 21 Signed and dated s106 obligation
- 22 JPEL 2000 Case Comment. Provision of access –reserved matters. Merritt v SSETR [2000] 3 P.L.R. 125 (QBD)
- 23 JPEL 1994 Case Comment. Jones v SSfWales (1990) 61 P. & C.R 238 (CA)

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