



Appeal Decision

Site visit made on 10 January 2024

by **V Simpson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/X0415/W/23/3316907

Model Farm, Gorelands Lane, Chalfont St Peter, HP8 4AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by D Croft Transport Ltd against the decision of Buckinghamshire Council.
 - The application Ref PL/21/4820/FA, dated 16 December 2021, was refused by notice dated 28 November 2022.
 - The development proposed is Residential development at Model Farm, comprising of the conversion of existing buildings to form 20no dwellings and the demolition of existing dwellings with the replacement erection of an apartment building comprising 18no dwellings, alongside provision of associated EV car parking, private and shared amenity space, and cycle, refuse and maintenance stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has been confirmed as D Croft Transport Ltd.
3. Since the lodging of the appeal, a revised National Planning Policy Framework (Framework) has been published. This has not raised any new matters which are determinative in this appeal.

Background and Main Issues

4. The appeal site is within the Green Belt. The Council has indicated that the proposal is not inappropriate development within the Green Belt. From the evidence, I have no reason to conclude otherwise.
5. As such, the main issues are;
 - whether the appeal site would be a suitable location for the proposed development, with particular regard to accessibility to services, facilities, and public transport;
 - whether the proposals would provide adequate living conditions for future occupiers, with particular regard to the size of the living accommodation, the amount and quality of outdoor spaces, and outlook; and
 - whether adequate affordable housing provision would be made.

Reasons

6. The proposed development would result in 38 apartments and houses of varying sizes being provided. Some would be formed within buildings that would be converted and altered, and others would be provided within a new building, which would replace existing buildings.

Location

7. The appeal site is within a countryside location, away from the edge of the closest settlements.
8. Policy CS4 of the Chiltern District Council Local Development Framework Core Strategy for Chiltern District dated 2011 (the Core Strategy) seeks to ensure that development is both sustainable in the long term and that it contributes to reducing carbon dioxide emissions. One way to achieve these objectives, as outlined in table 1 - which is referenced within policy CS4, is for development to be undertaken in locations that are easily accessible by public transport, walking, and cycling, to reduce reliance on the car.
9. Amongst other things, Core Strategy policy CS26 indicates that new developments must provide safe, convenient, and attractive access on foot and by cycle, making suitable connections with existing local facilities and public transport, so as to maximise opportunities to use these modes.
10. Although paragraph 109 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it also guides that significant development should be focussed on locations that either are or can be made, sustainable, by limiting the need to travel and offering a genuine choice of transport modes.
11. It may be viable for some future occupiers of the development to use the Public Right of Way (PRoW) network to access the services and facilities that are either within or outside of the closest settlements to the site. However, it is unlikely that this network would be commonly and ordinarily used for such access. This is because of the distances involved; as well as the lack of lighting, uneven terrain, and obstacles such as styles, on these routes. In addition, the winding geometry of the nearby roads and the limited lighting and pavements, make it unlikely that future residents would choose to walk via the road network to access such services and facilities.
12. Good cycle storage facilities would be provided on the appeal site, and provision would be made for electric cycle charging. Furthermore, the evidence indicates that the site is within 400m of the Chiltern Heritage cycling route, which can be used to provide access to Chalfont Common, Gravel Hill, and Chalfont St Giles. Some future residents are therefore likely to use bicycles to secure access to and from the site. Notwithstanding this, and especially during periods of darkness or inclement weather, I have no reason to doubt that most residents would ordinarily choose to use cars instead of cycling.
13. From the closest bus stops to the site, and from Chorleywood station, frequent bus and train access to a range of villages, towns, and London can be secured. However, the transport statement provided in support of the application indicates that the closest bus stops and train station are over 2 and 4km respectively from the appeal site. While some future residents would be reasonably likely to cycle to access public transport, any such access on foot

would necessitate walking along either unlit stretches of road with no pavements and/or unlit public rights of way. As such, and even if personalised identification of the most sustainable modes of transport for journeys were to be provided to residents, in most instances, journeys by car would be undertaken to get to a bus stop or train station.

14. The appellant has indicated that a financial contribution would be made to the first resident of each dwelling, towards the purchase of a public transport ticket or bicycle. However, no mechanism has been put before me to ensure that this would occur. As such, these payments cannot be relied upon to prevent most future residents from relying on the use of cars for access to and from the site.
15. Even if much of the area is rural in nature and there are high levels of car ownership, these considerations do not justify development in a location where private car would primarily be used to access services, facilities, and public transport. Furthermore, and while the car parking spaces would be provided with EV charging points, this would not prevent future occupiers or visitors from using non-electric cars to access and subsequently park within the site.
16. The evidence indicates that planning permission has previously been granted authorising the formation of 3 residential units at Model Farm Barn. However, the scale of that scheme was significantly less than the development subject of this appeal, and as such it is not directly comparable. The precise details of the consented development at Newland Park (Ref: CH/2014/1964/FA) are also not before me. However, the Council advises that the scheme included the provision of bus stops and diversions to bus routes. The proposals subject of this appeal do not include equivalent provision. As such, the Newland Park decision does not lead me away from my findings in respect of this main issue.
17. For the reasons given, the appeal site would not be a suitable location for the proposed development, with particular regard to accessibility to services, facilities, and public transport. Consequently, it would conflict with policies CS4 and CS26 of the Core Strategy. It would also conflict with the parts of the Framework that seek to promote sustainable travel and which require the provision of suitable access to the site for all users. The development would also conflict with the Local Transport Plan 4¹ and the Highways Development Management Guidance². Amongst other things, these seek to ensure that developments are well connected to existing infrastructure, services, and facilities, and to reduce the need to travel.

Living conditions – future occupiers

18. The varying-sized houses and apartments would be surrounded by landscaped areas within the appeal site. These would include roadways, walkways, and vehicle parking, as well as a range of soft landscaped areas.
19. Where dwellings would be formed following the conversion of buildings, policy H12 of the Chiltern District Council Chiltern District Local Plan Written Statement dated 1997 and consolidated in 2007 and 2011 (the Local Plan) indicates that suitable private garden areas should be provided. For apartments, the policy indicates that such areas may be communal, but for

¹ Buckinghamshire County Council – Buckinghamshire's Local Transport Plan 4 – March 2016 - 2036

² Buckinghamshire County Council – Highways Development Management Guidance: Managing the transport and travel impact of new developments – July 2018

- houses, it requires the provision of private garden areas that would be adequate for and appropriate to the size of the living accommodation.
20. Even if minimum space standards for new residential development are not specified within the policies of the Development Plan, Local Plan policy GC3 indicates that the Council will seek to achieve good standards of amenity for future occupiers.
21. Apartment 5 would comprise a small 1-bedroom dwelling. Although it would also include an open-plan kitchen/living room with space for a small table; a bathroom; and a hallway cupboard, there would be very limited circulation or storage space within the apartment. Therefore, and as a result of its small size, it would provide very cramped living accommodation, which would prevent future occupiers from being able to secure adequate living conditions. Furthermore, the main parties agree that the internal area of apartment 5 would not meet the minimum standard identified within the Government's Technical housing standards – nationally described space standard. These are minimum standards that are intended to act as a benchmark for high design quality.
22. The proposed dwellings would be formed within landscaped grounds and within what would become an attractive landscaped setting. However, I cannot be confident that communal access to the soft landscaped and grassed areas beyond the car parking and bike storage areas would be afforded to future residents. As such, these areas cannot be relied upon to afford space for activities such as outside play, dog walking, exercising, relaxing, or clothes drying.
23. The dwellings with more than 1 bedroom could reasonably be expected to accommodate families. The proposals include the provision of variously shaped, albeit generally small and in some cases narrow, gardens adjacent to many of the houses and apartments. However, some dwellings would be afforded no individual outside space. I accept that the conversion of buildings to dwellings can lead to the provision of non-typical garden layouts. Nonetheless, in this case, windows within neighbouring dwellings; communal pathways; and/or internal estate roads would be close to many of the garden areas. Although hedgerows are proposed between some gardens and communal areas, these would not be sufficient to prevent clear and close views into gardens from communal areas or neighbouring properties. As such, not all occupants would have access to garden areas that would be of sufficient quality, in terms of their size and shape, to enable them to undertake ordinary activities such as sitting outside and relaxing, and/or suitable space for children to play, with a reasonable degree of privacy.
24. Some of the proposed hedges would be planted close to windows. However, subject to these hedges being maintained at a relatively low height, their presence would not prevent occupants from securing a reasonable outlook from within their dwellings and gardens. The residential accommodation would be formed within buildings that are or would be close to each other. However, the separation distances afforded by the access roads within the site, and the courtyard area within the menage block, would ensure that future residents would be able to secure an adequate outlook from within the accommodation.
25. Consequently, future occupiers would be able to secure adequate living conditions with regard to outlook. However, and for the reasons given, they

would not be able to secure adequate living conditions with particular regard to the size of the living accommodation, or the amount and quality of outdoor spaces. In these respects, the development would conflict with policies GC3 and H12 of the Local Plan. It would also conflict with paragraph 135 of the Framework, which amongst other things, requires development to create places that provide a high standard of amenity for future users.

Affordable housing

26. The Chiltern District Council Affordable Housing Supplementary Planning Document dated 2012 (the affordable housing SPD), confirms that up to 2026 as many as 272 affordable homes are needed each year to fully meet housing needs. Policy CS8 of the Core Strategy requires schemes that would result in the provision of 15 or more new dwellings to provide 40% as affordable homes.
27. On the evidence before me, it appears that the need for the affordable housing provision sought by the Council arises from the development and satisfies the 3 tests in Regulation 122(2) of the CIL Regulations 2010.
28. As part of the appeal, the appellant has indicated a willingness to enter into a legal agreement committing to a 40% affordable housing provision. However, in the absence of a signed and completed Section 106 agreement, I cannot be confident that such a provision would be made.
29. For this reason, the proposed development would fail to ensure adequate provision of affordable housing. As such, it would conflict with Core Strategy Policy CS8. It would also conflict with the affordable housing SPD and Chapter 5 of the Framework, where they seek to ensure that development contributes to meeting the identified housing need for the area.

Other matters

30. While informal advice may have been provided by the case officer prior to the determination of the application, such advice was not binding on the Council.
31. The main parties agree that the proposals would not represent inappropriate development in the Green Belt, and that the contemporary design approach respects the character of the area and the existing buildings on the site. However, these are neutral considerations.

Planning Balance

32. The Council has stated that the Chiltern area has a 2.1 year housing land supply. Such a shortfall is substantial. The scheme would make a reasonable contribution to housing supply and would provide accommodation of various sizes to meet differing local needs. Future residents are also likely to provide additional support and custom for local services and facilities, and to benefit from access to the local countryside via the PRoW network. However, given the scale of the scheme, the benefits in respect of each of these matters would be moderate.
33. The proposals would make use of previously developed land. Even if I were to agree that the proposed development was the most efficient use of the land, the benefit resulting from its re-use would be very small. This is because it is, at least partially, still in use. There would be a benefit to the economy during

- the construction stage of the development, but given that this is likely to be short-term, this benefit would be small.
34. Nevertheless, future occupiers of the development would be heavily reliant on cars for access to services, facilities, and public transport. They would not all be able to secure adequate living conditions, and the development would not contribute towards meeting the affordable housing needs of the area. Great harm would result in respect of each of these matters.
35. The proposed development would conflict with the policies of the development plan which relate to living conditions, affordable housing, and accessibility to services, facilities, and public transport. These policies are broadly consistent with the Framework, and as such the conflict with them attracts significant weight.
36. The Council's lack of a five-year housing land supply means paragraph 11 d of the Framework applies. The application of policies in the Framework that protect areas or assets of importance, as identified in footnote 7, do not provide a clear reason for refusing the development. Therefore, paragraph 11 d) ii. of the Framework is engaged.
37. The proposals align with the parts of the Framework that seek to significantly boost the supply of homes and to provide homes of the sizes needed. Furthermore, paragraph 70 of the Framework indicates that small and medium sites can make an important contribution towards meeting the housing requirement of an area. The development would also contribute towards meeting the Framework objective of building a strong competitive economy. Furthermore, the use of the nearby PROW network, would give future residents access to a network of high-quality open spaces, which accords with paragraph 102 of the Framework. For the reasons previously given, these considerations each attract moderate weight.
38. The proposals would also accord with the part of paragraph 124 of the Framework which provides support for the development of underutilised land and buildings. However, limited weight is attributed to this, because parts of the buildings and land are still in use.
39. However, the development would be contrary to the Framework where it requires development to create places with a high standard of amenity for future occupiers and to provide an appropriate mix of housing types for the local community. It would also be contrary to the parts of the Framework that require significant development to be focussed on locations that either are or can be made, sustainable, by limiting the need to travel and offering a genuine choice of transport modes, and which require the provision of safe and suitable access to the site for all users. Given the levels of harm I have identified, the conflict with these each attracts substantial weight.
40. Therefore, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

41. The proposed development would conflict with the development plan when taken as a whole. There are no material considerations, either individually or in combination, which outweigh the identified harm and associated development plan conflict. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR

Richborough