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## Appeal Decision

Inquiry held from 21 January 2025 to 14 February 2025

Site visit made on 22 January 2025

**by Jonathan Bore MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> February 2025

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**Appeal Ref: APP/N0410/W/24/3348677**

**Land at Wilton Park, Gorell Road, Beaconsfield, HP9 2RJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Beechcroft Developments Ltd against Buckinghamshire Council.
  - The application Ref is PL/23/1448/FA.
  - The development proposed is the demolition of existing buildings to allow for the construction of 95 assisted living units (Use Class C2) and a 75 bed care home (also use class C2) along with associated communal facilities, vehicular and pedestrian access, internal roads, landscaping, drainage and other associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings to allow for the construction of 95 assisted living units (Use Class C2) and a 75 bed care home (also use class C2) along with associated communal facilities, vehicular and pedestrian access, internal roads, landscaping, drainage and other associated works on land at Wilton Park, Gorell Road, Beaconsfield, HP9 2RJ in accordance with the terms of the application, Ref PL/23/1448/FA, and the plans submitted with it, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues in this case are:
  - (i) The effect of the scheme on the Green Belt and whether it would accord with Green Belt policy.
  - (ii) The design, scale and layout of the scheme and its effect on the character and appearance of the locality and the landscape.
  - (iii) Whether the prospective occupiers would have acceptable living conditions, having regard to privacy, outlook and sunlight.
3. The exceptionally poor housing supply position in South Bucks, which is not in dispute, is also an important consideration in this appeal and is addressed after the three main issues.

## Reasons

### ***Issue (i) The effect of the scheme on the Green Belt and whether it would accord with Green Belt policy***

#### *Whether the development would be inappropriate in the Green Belt*

4. The appeal site is a 2.2 hectare piece of land in the Green Belt, largely occupied by terraced homes. It lies at the western end of Wilton Park, a larger area of previously developed land which was formerly occupied by the former Defence School of Languages.
5. Wilton Park, including the appeal site, is identified by Core Policy 14 of the South Bucks Core Strategy 2011 as an Opportunity Site. The policy sets out a series of criteria for its comprehensive redevelopment. In 2015 the Council produced the Wilton Park Development Brief supplementary planning document (SPD), and in 2019 it granted outline planning permission 7/01763/OUT for the redevelopment of the Opportunity Site.
6. The permitted scheme, consisting of 350 dwellings, employment and community uses and open space, is being developed out. The layout and the amount of development on the Wilton Park site – assessed through a land use budget – reflected previous versions of the National Planning Policy Framework which required that the redevelopment of previously developed land in the Green Belt should have no greater impact on Green Belt openness than the existing development. The scheme's intention was that the existing homes on the appeal site would be demolished and replaced by formal sports pitches with the aim of meeting the Core Strategy policy requirements in terms of sports provision and Green Belt impact.
7. Under the appeal scheme, however, the care home and assisted living units would occupy the area of the proposed sports pitches. The pitches would instead be provided at Glory Hill, adjacent to Beaconsfield, a matter which is returned to later.
8. There is no dispute that the appeal scheme would conflict with Core Policy 14 of the Core Strategy and with Policy GB1 of the South Bucks District Local Plan (1999). It would have a greater impact on Green Belt openness both in volumetric and visual terms than either the existing terraced houses, which are low two storey buildings, or the sports pitches, regardless of whether they have games accessories such as goals and fencing.
9. However, national policy on Green Belt has changed since those policies were adopted. The latest National Planning Policy Framework (2024) states, in paragraph 154(g), that the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt is not inappropriate. The new criterion is that it should not cause substantial harm to openness, rather than having no greater impact on Green Belt openness. Both Core Policy 14 and Policy GB1 are therefore out of date and do not align with national policy on Green Belt.
10. The scheme would appear well-contained within the wider Wilton Park site. The A355 with its roundabouts and adjacent bund provides a very clear dividing line between the appeal site and the countryside. The appeal scheme's perceived effect

on openness would therefore not be that of a new development encroaching into open countryside.

11. The layout of the scheme, consisting of five residential blocks enclosing a landscaped courtyard, residents' lounge and access, would be compact rather than sprawling. The traditionally designed buildings of two, three and four storeys, though taller and more extensive than the terraced houses, would still be of relatively modest height. Their varied architectural form and concealed flat roofs would help to limit their visual bulk and hence their impact on openness.
12. Views of the scheme would be most evident from the A355, from north and south of the site. However, the impact on openness would be contained; blocks of woodland limit longer views of the site. The effect of the scheme on openness from these positions would be moderate.
13. The scheme would have some effect on openness when seen from within Wilton Park to the east, but this would be limited by planting within the proposed parkland. In any case, the site would clearly be perceived as connected with the overall development of Wilton Park. Again, the impact here would only be moderate.
14. The development would be seen, if consciously looking for it, from a short stretch of the footpath that runs between the A355 and Amersham Road to the east of Beaconsfield (PROW BEA/15/2), but this would be at some considerable distance. Its impact on Green Belt openness seen from this position would be very small.

#### *Conclusion on appropriateness*

15. For the reasons given above, the scheme would not cause substantial harm to the openness of the Green Belt. Its impact would only be moderate, whether in comparison with the existing dwellings or the sports pitches that had been planned for the site. Having regard to paragraph 154(g) of the Framework, the scheme would not amount to inappropriate development in the Green Belt.

#### *Golden Rules*

16. Compliance with the Golden Rules set out in paragraph 156 of the Framework is not a precondition for appropriateness where development satisfies the requirements of paragraph 154(g).
17. Nonetheless, the Golden Rules are important for the overall consideration of the proposal, because paragraph 156 of the Framework states that where major development involving the provision of housing is proposed on sites in the Green Belt, the various contributions under the Golden Rules should be made. These include contributions to affordable housing, improvements to local or national infrastructure, and the provision of new or improvements to existing green spaces.

#### *Golden Rule (a): affordable housing*

18. Paragraph 157 of the Framework states that the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. It states that in the absence of a pre-existing requirement, a 50% affordable housing contribution should apply by default.

19. The South Bucks affordable housing requirement, set out in Core Policy 3, is 40% of all dwellings in schemes above a certain size, but this is expressly limited to Use Class C3 by paragraph 5.5 of the Council's Affordable Housing Supplementary Planning Document (SPD). The appeal scheme would fall within Use Class C2 so, in line with its policy, the Council did not seek affordable housing when dealing with the planning application.
20. However, at the inquiry the Council sought to argue that the SPD's exemption for Use Class C2 had been rendered out of date by the new Framework and that the development plan requirement of 40% should now apply to Use Class C2 as well as C3, and should be uplifted to 50% in the Green Belt by paragraph 157 of the Framework. In the alternative, it argued that the development plan and SPD contained no pre-existing affordable housing requirement for Use Class C2, so that a 50% affordable housing contribution should now apply by default under paragraph 157 of the Framework.
21. There is no justification for the Council's position in either alternative. The fact that the SPD did not extend the 40% requirement to Use Class C2 was a conscious, evidence-based decision at the time it was produced, and thus itself constitutes part of the Council's affordable housing policy, which is of long standing and consistent application. Both the development plan policy and the SPD remain relevant and reflect the wider objectives of current and previous Frameworks in seeking to ensure that the needs of groups with specific housing requirements are addressed, in this case older people in need of care. It is obviously desirable that this objective is not inappropriately impeded, and any affordable housing requirement needs to be considered in this context. The Council's policy position, embodied in Core Policy 3 and the SPD, has not therefore been rendered out of date by the Framework.
22. It follows that the highest existing affordable housing requirement which would apply to the development under the Core Strategy and SPD is zero percent. The 50% provision referred to by paragraph 157 of the Framework does not apply to the appeal scheme either by default – because there is an existing affordable housing policy requirement – or by uplift, since the existing policy requirement for C2 use is zero.
23. Affordable housing equating to 15% of the assisted living part of the scheme, paid as a commuted sum, is included as an optional clause in the completed s106 agreement, dated 12 February 2025. This reflects the Golden Rules' 15 percentage point uplift applied to the current zero requirement. This is a reasonable approach. It is estimated that affordable housing need for Use Class C2 accommodation in South Bucks, though minimal at present, will rise to 10% or 11% by 2040. An affordable housing requirement of 15% applying to the assisted living part of the scheme, which is more akin to conventional housing, would therefore broadly reflect the evidence of the future affordable housing needs of older people requiring housing-with-care as well as complying with the Golden Rules. The completed s106 agreement, which expressly limits the development to Use Class C2, includes such a provision as a commuted sum for off-site provision. This is an appropriate and necessary inclusion in the agreement, and it reflects the Framework's objective to improve affordable housing levels in the Green Belt.
24. Taking all the above into account, the appeal scheme would meet the affordable housing objective of the Golden Rules.

*Golden Rule (b): infrastructure*

25. The Appeal Scheme would satisfy the infrastructure criterion through Community Infrastructure Levy contributions and through the s106 agreement, which contains an NHS contribution to deliver necessary improvements to accommodate the new population.

*Golden Rule (c): green spaces*

26. Golden Rule (c) seeks the provision of new, or improvements to existing, green spaces that are accessible to the public. It adds that new residents should be able to access good quality green spaces within a short walk of their home. Paragraph 159 of the Framework states that the improvements to green spaces should contribute positively to the landscape setting of the development and meet local standards for green space provision where these exist in the development plan.
27. The scheme would provide a new, attractive courtyard garden with a southerly aspect immediately outside their homes. The garden would have a good sense of enclosure and the feel of a semi-private space. This would be a very positive feature for the residents of this older persons' community. The design of the green space reflects the nature, use and occupation of the development. It would be highly accessible to those living closest to it and the s106 agreement secures wider public access.
28. Much of the rest of the site would be landscaped, which would enhance the setting of the development and would represent a considerable visual improvement over the poor quality and disjointed green spaces that currently exist around this site.
29. The sports pitches that would have been provided on the site under the outline planning permission would instead be laid out on a site at Glory Hill, for which planning permission was granted on appeal in January 2024 (Ref no APP/N0410/W/23/3326343). That scheme was accompanied by a planning obligation which secured the laying out of pitches and their transfer to Beaconsfield Town Youth Football Club, and a deed of variation which would alter the s106 agreement relating to the Wilton Park development by reducing the provision of permanent formal pitches at Wilton Park.
30. The s106 agreement submitted in connection with the current appeal prevents the development of the appeal scheme until the alternative sports provision at Glory Hill has been implemented. The appeal scheme would therefore facilitate the provision of the Glory Hill facilities and there is no convincing evidence of any other mechanism by which they would be brought forward. Moreover, the facilities would be better than those that would have been provided on the appeal site. Whilst the Glory Hill pitches would be intended for Beaconsfield Town Youth Football Club, they still represent a significant public benefit in providing new, good quality playing pitches for a local youth organisation with accessible membership fees.
31. Paragraph 159 of the Framework states that the improvements to green spaces required as part of the Golden Rules should meet local standards for green space provision where these exist in the development plan. The scheme is supported by adequate, good quality and accessible open space and recreational facilities and therefore meets the requirements of Core Policy 5 in respect of the provision of open space. It also meets the more detailed standards of the South Bucks and Chiltern Joint Open Space Study 2018, which is not itself part of the development

plan, but is nevertheless a study-based, tried and tested document which continues to be used by the Council as the starting point for assessing the adequacy of open space in development schemes.

32. Paragraph 159 of the Framework also states that improvements to green spaces should support nature recovery. In the appeal scheme, the landscaped areas would assist with nature recovery insofar as it is possible to do so, given the fact that this is a more intensive development designed to make the best use of previously developed land. The scheme would deliver compensatory habitat within the site and an overall 10% biodiversity net gain would be achieved by offsetting habitat units through the use of a third-party biodiversity offsetting provider. These benefits would be achieved through Condition 8 and the s106 agreement.
33. Bats are present in the buildings that are currently on the site. The development would incorporate sufficient bat species mitigation measures, and these are covered by conditions 5 and 8 along with other wildlife and habitat mitigation requirements.
34. Taken overall, the scheme would meet the objectives of the Golden Rules in respect of the provision of greenspace.

#### *Conclusion in respect of the Golden Rules*

35. The appeal scheme would meet the affordable housing, infrastructure and greenspace objectives of the Golden Rules.

#### *Other Green Belt matters*

36. Where a development falls within the criteria of paragraph 154(g), no further assessment of Green Belt impacts is required to evaluate appropriateness.
37. However, the criteria set out in paragraph 155 of the Framework are referred to below because they were discussed at the inquiry and are relevant to the overall balance of conclusions in the appeal.

#### *Purposes of the Green Belt*

38. The scheme being not inappropriate development, it would not undermine the purposes of the Green Belt. It would not cause sprawl, and it would not cause the merging of neighbouring towns: a large gap would remain between the development and Beaconsfield. Being on previously developed land, it would not encroach on the countryside. No historic setting or character would be affected.
39. One of the Green Belt purposes is to encourage the recycling of derelict and other urban land. When seeking to meet local needs, the use of previously developed land helps to reduce the necessity to develop other land which might have a greater impact on the purposes of the Green Belt.

#### *Unmet need*

40. As discussed later in this decision, the position on housing land supply in South Bucks is exceptionally poor and there is an acknowledged need for homes suitable for older people. The scheme would help towards meeting unmet housing need.

### *Sustainable location*

41. It is agreed that the development would be in a sustainable location. Beaconsfield is walkable from the site and there is a bus service along the A355.

### ***Conclusion on Issue (i): Green Belt matters***

42. The scheme would not be inappropriate development in the Green Belt. It would occupy previously developed land and would not have a substantial effect on the openness of the Green Belt, either compared with the existing situation, in which there are houses on the site, or with the outline planning permission, under which the site would have been laid out for sports pitches.
43. The scheme would also meet the objectives of the Golden Rules. It would provide an appropriate affordable housing contribution under paragraph 157 of the Framework, would facilitate necessary improvements to local infrastructure under paragraph 156 and would create new and improved accessible green spaces that would contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space, thus meeting the requirements of paragraphs 156 and 159 of the Framework.
44. The scheme would not undermine any of the purposes of including land in the Green Belt and would help to address a very serious unmet need for housing and a need for specialist accommodation for older people. It would be in a sustainable location.
45. Whilst the appeal scheme would conflict with the out of date development plan policies Core Policy 14 of the South Bucks Core Strategy (2011) and Policy GB1 of the South Bucks District Local Plan (1999), it would be fully in accordance with Green Belt policy in the National Planning Policy Framework.

### ***Issue (ii): The design, scale and layout of the scheme and its effect on the character and appearance of the locality and the landscape***

#### *Scale and design*

46. The elevations of the appeal proposal would consist of pleasant traditional forms and materials. In architectural style, detail and articulation, all aspects of the development would present an attractive face. The perceived bulk of the three or four storey buildings would be limited by means of the separation and articulation of the blocks, roof rooms, and the use of concealed flat roofs. Three and four storey buildings are not high buildings, and indeed the Wilton Park redevelopment contains buildings of that scale.

#### *Layout*

47. The qualities of the landscaping are discussed above under the Green Belt issue.
48. The entrances would face the landscaped courtyard, creating active frontages around the courtyard where they are most needed. Outward-facing active street frontages and a perimeter block form, as suggested by the Council, are not necessary since the site is bounded not by streets but by an engineered highway and by land with a parkland quality. The scheme would reflect its purpose and intended occupation and would be an appropriate solution for the site.

### *Character of the site and locality*

49. The scheme would obviously be different from the outcome envisaged by the supplementary planning document and the outline planning permission. The pitches were intended to be part of the transition between the Wilton Park development and the open countryside. However, simply because a scheme proposes buildings instead of open space does not necessarily mean that its impacts would be negative. Through an attractive design of an appropriate scale, the scheme would be a characterful waymark for those travelling by vehicle or on foot along the A355 and an appropriate entrance to the Wilton Park site. In these things it would be actively beneficial rather than harmful, and no less appropriate in visual terms than the sports pitches that had been intended for the site.

### *Landscape impact*

50. There would be little impact on the wider character of the landscape, the material effect being almost entirely confined to views from a relatively short stretch of the A355, and filtered views from the interior of the Wilton Park site. The character of the landscape in this locality is influenced by the wider Wilton Park site, and by road infrastructure and passing vehicles.
51. Blocks of woodland would obscure most longer views as discussed in respect of Green Belt openness. There would be views of the scheme from the edge of Beaconsfield and from a short stretch of footpath PROW BEA/15/2 but these would be too distant to have even a modest effect on landscape character.

### ***Conclusion on Issue (ii): Design, scale, layout and landscape impact***

52. The design, scale and layout of the development would be appropriate and the scheme would not harm the character of the site, the locality or the landscape. It would make the best use of previously developed land. The development would accord with Core Strategy Core Policy 8 which seeks high standards of design which makes a positive contribution towards the character of the surrounding area; Core Policy 9 which seeks to protect the quality of the natural environment; and saved local plan policies S6, EP3, EP4 and H9 of the South Bucks Local Plan 1999.

### ***Issue (iii) Whether the prospective occupiers would have acceptable living conditions, having regard to privacy, outlook and sunlight***

#### *Privacy and overlooking*

53. The scheme would enclose three sides of a courtyard, resulting in a relatively close relationship between some habitable room windows in Blocks A and B, Blocks B and C, and between some windows at the care home. However, the number of windows involved would be relatively small, and since the closest windows would be at right angles, the obliqueness of the views, the thickness of the jambs and the reflectivity of the glazing would all serve to prevent significant loss of privacy. Residents would also have the opportunity of installing blinds, although the potential for overlooking would not be so significant that this would be a necessity.
54. The Council is also concerned about the possibility of overlooking from balconies, but these are less intensively used than habitable rooms and in most cases the distances would be sufficient to avoid a significant loss of privacy to nearby rooms.

Condition 4 requires obscure glazing on parts of the first and second floor balconies of the care home adjacent to the Quiet Lounge, where there would be greater potential for overlooking.

### *Sunlight*

55. Taken as a whole, the layout of the scheme has clearly given appropriate consideration to building orientation as recommended by the document Design Principles for Extra Care Housing (CD3.16), which supports the use of the BRE guidance "Site layout planning for daylight and sunlight: a guide to good practice". Adequate daylight would be achieved to all dwellings. The care home and Blocks A, C and D would be orientated north-south, thus ensuring that all the rooms and apartments in those buildings would face broadly east or west and receive sunlight at certain times of the day.
56. Block B would however be orientated east-west to close off the northern end of the courtyard space. This would result in 10 single aspect north facing dwellings falling short of the sunlight target in the BRE Guide of 1.5 hours to a habitable room, and a number of living rooms in other apartments receiving little sunlight. However, these dwellings would account for a relatively small proportion of the overall number of homes in the development, and all apartments would still meet the guideline standards for daylight.
57. Orientation for sunlight is not the only matter to be considered when designing development layouts: other matters might include, for example, the need to make the best use of land and create good quality external space. In this case the orientation of Block B would create other benefits for the scheme because it would create an attractive courtyard containing a sheltered south-facing garden. Within the courtyard there would be a lounge open to all residents, which would receive plenty of sunlight.

### ***Conclusion on Issue (iii): Living conditions***

58. Taken as a whole the scheme would provide acceptable living conditions for its prospective residents. It would be acceptable in respect of privacy, orientation, daylight and sunlight and would accord with saved policies EP3, EP5 and H9 of the South Bucks Local Plan 1999.

### **Other Matters**

#### ***Housing land supply***

59. The position on housing land supply in South Bucks is exceptionally bad. Under the new Framework and standard method for calculating housing need, there is a minimum 5 year housing requirement for (on the Council's slightly more optimistic figures) 3,535 homes, with a supply of just 408 homes. This amounts to a 0.58 year housing land supply with a shortfall of 3,127 homes, one of the worst housing supply positions in the country. In order to access a median priced house in South Bucks a household would need to spend 13.06 times the median income, and in Buckinghamshire 11.6 times the median income.
60. Evidence also demonstrates that there are shortfalls in the wider Buckinghamshire area. There is also an acknowledged need for homes suitable for older people, currently amounting to 707 sheltered or retirement homes in South Bucks alone, with a forecast need for 1,270 homes by 2040.

61. The current Local Plan runs until 2026 and the emerging local plan is at a very early stage. Even if the Council were to submit the emerging plan for examination in 2026, the examination process and the other requirements of the planning process would result in a considerable time lag before site allocations could start to deliver homes. Until then, there will be no means of redressing the housing land supply position through the plan-making process.
62. Against this background, the scheme would deliver a substantial number of new homes for older people in need of care. Evidence suggests that this would release some 134 under-occupied homes on to the market. The scheme would therefore have the important double benefit of providing specialist housing for those in need of care and improving the availability of homes on the general market.
63. The adverse housing supply position means that the development plan policies that are most important for determining the scheme are out of date. I return to this later in summing up.

### ***Burnham Beeches***

64. There is the potential, without mitigation, for the development to have significant effects on Burnham Beeches SAC through increased recreational pressure. However, it is agreed with the Council, in consultation with Natural England, that these effects would be adequately mitigated through a financial contribution (related to the 95 bed assisted care living units) to the Strategic Access Management and Monitoring (SAMM) strategy. This is secured through the s106 agreement. Through this means, any adverse effects on the integrity of Burnham Beeches SAC would be avoided.

### **Summing up**

65. The scheme would be sited on previously developed land and would have only a modest impact on Green Belt openness. It would therefore not be inappropriate in the Green Belt and it would meet the Golden Rules for major housing development.
66. The housing land supply position is exceptionally poor and the development plan policies that are most important for determining the scheme are out of date. In accordance with paragraph 11(d)(ii) of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
67. The scheme would deliver urgently needed new dwellings consisting of specialist housing for older people and would help to release homes, including under occupied dwellings, on to the general market. In replacing planned open space with buildings, it would effect a change to the planned layout of Wilton Park, but the change would not be negative. The design of the scheme would be attractive; the scale and layout would be appropriate; there would be adequate landscaping and open space; the scheme would not harm the character of the site, the locality or the landscape; and it would be acceptable in respect of provision, privacy, orientation, daylight and sunlight.
68. The adverse impacts, such as they are, would be confined to a modest impact on Green Belt openness and landscape character in relatively close proximity to the

site, together with some minor overlooking and the absence of sunlight to a small minority of homes.

69. These impacts would fall far short of outweighing the benefits. The appeal is therefore allowed.

### **Conditions**

70. The list of conditions is set out in the attached schedule. I have been mindful of the seriously poor housing land supply position and the fact that the need to discharge conditions has significant implications for the time and resources of all parties. Very many of the conditions suggested at the inquiry were over-prescriptive or unnecessary in the light of existing studies submitted in connection with the planning application. Also, given the urgency of the housing supply position, too many pre-commencement conditions were proposed. For these reasons, I have not accepted some of the suggested conditions and have substantially altered others.
71. I have altered the condition relating to the letting of the contract for the Glory Hill pitches to an occupation rather than a pre-commencement condition.
72. The suggested pre-commencement condition relating to levels has not been included because the site is relatively flat and there are no nearby properties that would be affected by the scheme.
73. I have replaced the lengthy suggested conditions relating to landscaping, tree planting and protection with simplified standard conditions.
74. Regarding biodiversity, permissions granted for applications made before 12 February 2024, which includes the appeal scheme, are not subject to the biodiversity net gain provisions in the Environment Act. The suggested detailed condition requiring the submission of a landscape and ecological management plan is excessive in the circumstances. However, the Golden Rules seek greenspace that promotes nature recovery, and the scheme aims to achieve 10% biodiversity gain through onsite and offsite provision. I have therefore included within the landscaping condition an additional requirement for the approval of biodiversity measures.
75. In addition, biodiversity mitigation measures and ecological enhancements are set out in the Ecology Survey. I have attached a condition requiring adherence to the submitted ecological survey and its update.
76. A bat survey has been provided as part of the submitted ecological report and updated inspections were carried out in summer 2023. Bats are present in the roofs of the existing buildings and the nature of those buildings and the site has not altered since the surveys were carried out. The presence of bats is well-documented and mitigation work has been identified. The demolition of the buildings would have to be carried out under licence obtainable from Natural England. It is not therefore necessary to attach a condition requiring a further bat survey. It will still be necessary to comply with the requirements of the Conservation of Habitats and Species Regulations.
77. The pre-commencement condition requiring a surface water drainage scheme is not necessary, since a strategy has already been submitted. I have instead attached a condition requiring adherence to the submitted strategy.

78. The submitted evidence shows that the site has relatively low archaeological potential, so only a watching brief is required rather than a pre-commencement condition seeking an archaeological evaluation including trial trenching.
79. The suggested condition requiring the submission of a full travel plan before any development above slab level can take place is unnecessary. A framework travel plan has already been submitted and refined in the light of comments from the highway authority, and a condition is attached requiring adherence to that plan. Given the nature of the development, further detail is not necessary. It is not necessary to appoint a subsidiary travel plan co-ordinator or prepare a subsidiary travel plan.
80. The suggested lighting condition was too prescriptive and a simplified lighting condition has been attached.
81. The suggested pre-commencement condition for an air quality dust management plan is unnecessary. The site is within an air quality management area but there is nothing particularly unusual about the site or its conditions that would warrant such a condition.
82. The suggested condition seeking to restrict the annual average daily traffic count during construction would be both unnecessary and unenforceable and has been omitted.
83. Submissions were made at the inquiry about whether a condition should be attached seeking a strategy to ensure that the development permitted under the extant outline planning permission could come forward in a manner compliant with the Supreme Court decision in *Hillside Parks Ltd v Snowdonia National Park Authority*. I do not consider this necessary. It is agreed between the parties that the Hillside issue is not a basis for refusing planning permission. There is no evidence that the appeal scheme would obstruct the implementation of the outline permission, which is not a rigid masterplan and does not require the appeal site to remain undeveloped. There is no legal impediment to the appeal site being used for alternative development. Any implications arising for the outline planning permission could be met through future applications for planning permission or variations.

## Conclusion

84. For the reasons given above the appeal is allowed.

*Jonathan Bore*

INSPECTOR

## CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the attached schedule of approved plans.
- 3) No development above ground level shall take place until details, including samples, of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the notations on plan reference 21-126-150 Rev F, the first four glazing panels of the Care Home (closest to the Quiet Lounge) of the balcony to the terraces on the first and second floors (as shown on drawings 21-126 121 Rev D and 21-126 122 Rev D) shall be obscure glazed and retained in that condition thereafter.
- 5) No development shall commence until a scheme of landscaping, including tree planting and measures to promote nature recovery and biodiversity gain, together with details for their future management, has been submitted to and approved in writing by the local planning authority. The landscaping, nature recovery and biodiversity measures shall be carried out in accordance with the permitted scheme in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall thereafter be managed in accordance with the approved details.
- 6) All tree removal, pruning, retention and protection shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement (CD 5.57) and accompanying Tree Protection Plan No BEE23834-03. With the exception of any pruning, tree surgery or felling specifically shown on the Tree Protection Plan, no tree or hedge shown to be retained shall be pruned, felled or removed without the prior approval in writing of the local planning authority.
- 7) Any trees, including retained trees, or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) Ecological mitigation and enhancement measures during and after construction shall be carried out in accordance with recommendations MM1 to MM4 and EE1 to EE4 of the submitted Ecological Survey (CD 5.62) and Table 4.1 of the Updated Habitat Survey and Biodiversity Net Gain Assessment (CD 6.15).
- 9) Details of external lighting, which shall take into account the criteria in mitigation measure MM2 of the Ecological Survey (CD 5.62), shall be submitted to and approved by the local planning authority before the development is first occupied. The lighting shall be installed in accordance with the approved details and maintained thereafter.

- 10) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow that person to observe the excavations and record items of interest and finds.
- 11) No part of the development shall be occupied until the means of access has been provided in general accordance with the approved planning drawing FA21-1865-058-A.
- 12) Prior to occupation of any part of the development, minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the new vehicular access shall be provided in general accordance with drawing number 8220132/6103 (site access visibility splays). The visibility splays shall thereafter be kept clear from any obstruction between 0.6m and 2.0m above ground level.
- 13) The areas shown on the submitted drawings for parking (including blue badge parking, motorcycle parking, electric vehicle parking and cycle parking) together with the areas shown for manoeuvring, loading and unloading, shall be provided in accordance with the submitted drawings prior to the first occupation of the relevant part of the development and shall be retained for those purposes thereafter.
- 14) No development shall commence until a construction traffic management plan (CTMP) detailing the management of construction traffic has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CTMP.
- 15) Measures to promote active travel, promote public transport and car-sharing shall be carried out in accordance with the details and timescale set out in Sections 6.0 "Measures" and 7.0 "Action Plan" of the Framework Travel Plan Issue 3 (9 November 2023) (CD 6.16), with the exception of the appointment of a subsidiary travel plan co-ordinator and the preparation of a subsidiary travel plan.
- 16) Development on the relevant part of the site shall not take place until drainage works have been carried out in accordance with the submitted Drainage Statement (CD 5.60) and Drainage Technical Note (CD 8.2) and thereafter maintained in accordance with the submitted statement and note.
- 17) Any previously-unidentified contamination found during the course of construction shall be reported immediately to the local planning authority. Development on the affected part of the site shall be suspended until a risk assessment by a suitably qualified person has been carried out and submitted to the local planning authority. Where unacceptable risks are found, remediation work shall be carried out in accordance with details submitted to and approved in writing by the local planning authority. Development shall not recommence on the affected part of the site until the remediation work has been completed in accordance with the approved details and verified by the local planning authority.
- 18) No part of the development shall be occupied until the contract for the construction of the alternative football pitches at Glory Hill has been let in accordance with the permission for that development (APP/N0410/W/23/3326343).

## APPEARANCES

### FOR THE APPELLANT:

Charles Banner KC and

Joel Semakula of Counsel

instructed by Steven Kerry MPlan MRTPI of Beechcroft Developments.

### They called

Michael Carr BA (Hons) LA DIP UD RUDP, Director, Design & Master Planning, Pegasus Group

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Neil Tiley Assoc RTPI BSc (Hons), Senior Director, Pegasus Group

Oliver Bell BSc MSc MRTPI, Director, Nexus Planning

### FOR THE LOCAL PLANNING AUTHORITY:

Nick Grant of Counsel

instructed by Katherine Stubbs Senior Solicitor, Buckinghamshire Council

### They called

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Jonathan Bellars, BA Dip LA (Hons), Dip UD, CMLI Landscape Architecture and Urban Design Team Leader Buckinghamshire Council

Catherine Stubbs, Principal Solicitor, Buckinghamshire Council

## DOCUMENTS

### Core documents

- CD 1.1 to CD 1.17: National policy and guidance
- CD 2.1 to CD 2.8: The development plan and supplementary guidance
- CD 3.1 to CD 3.15: Other relevant supporting documents
- CD 4.1 to CD 4.24: Housing needs and housing supply
- CD 5.1 to CD 5.70: Originally submitted planning application documents
- CD 6.1 to CD 6.21: Additional and amended submitted documents
- CD 7.1 to CD 7.7: Consultation comments received during application
- CD 8.1 to CD 8.3: Additional documents submitted during the appeal
- CD 9.1 to CD 9.2: Statements of case
- CD 10.1 to CD 10.6: Statements of common ground
- CD 11.1 to CD 11.11: Proofs of evidence
- CD 12.1 to CD 12.11: Documents associated with development at Wilton Park
- CD 13.1 to CD 13.16: Relevant case law
- CD 14.1 to CD 14.30: Other appeal decisions
- CD 15.1 to CD 15.2: Glory Hill planning application documents
- CD 16.1 to CD 16.2: Proof of evidence rebuttals
- CD 17.1: ACRO model s106 for integrated retirement communities

### Inquiry documents

- ID 1: Appellant's Opening
- ID 2: Council's Opening
- ID 3: Wilton Park Inquiry 3rd Party Representation
- ID 4: Updated Inquiry Timetable
- ID 5: Site Visit Itinerary
- ID 6: Agreed Draft S106
- ID 7: VP assessment comparison table + RC assessment
- ID 8: NPPF Tracked Changes (2023/2024)
- ID9: Wilton Park Third Party Representation (Backshall)
- ID 10: Planning Application 16-02250-FUL (Drawings, Committee Report and Appeal Decision)
- ID 11: Wilton Park Window to Window Distances

ID 12: Wilton Park CIL Compliance Statement

ID 13: Buckinghamshire Council interim Housing Land Supply Position

ID 14: Revised Draft List of Conditions (27/01/2025)

ID 15: R. (Substation Action Save East Suffolk Ltd.) v SSESNZ [2024] P.T.S.R.  
561; [2024] EWCA Civ 12

ID 16: Glory Hill s106 (dated 15/12/2023)

ID 17: R. (On the Application of Asda Stores Limited) v Leeds City Council & Anor  
[2021] EWCA Civ 32

Richborough

**PLANS**

|                                        |                 |   |
|----------------------------------------|-----------------|---|
| Site Location Plan                     | FA21-1865-050-A | A |
| Proposed Site Layout                   | FA21-1865-058-A | A |
| Proposed Site Layout (Coloured)        | FA21-1865-056-A | A |
| Proposed Site Sections                 | FA21-1865-060-A | A |
| Block A Ground Floor Plan              | FA21-1865-100   | - |
| Block A First Floor Plan               | FA21-1865-105   | - |
| Block A Second Floor Plan              | FA21-1865-110   | - |
| Block A Roof Plan                      | FA21-1865-115   | - |
| Block B Ground Floor Plan              | FA21-1865-120   | - |
| Block B First Floor Plan               | FA21-1865-125   | - |
| Block B Second Floor Plan              | FA21-1865-130   | - |
| Block B Third Floor Plan               | FA21-1865-135   | - |
| Block B Roof Plan                      | FA21-1865-137   | - |
| Block C Ground Floor Plan              | FA21-1865-102   | - |
| Block C First Floor Plan               | FA21-1865-107   | - |
| Block C Second Floor Plan              | FA21-1865-112   | - |
| Block C Roof Plan                      | FA21-1865-117   | - |
| Block D Ground Floor Plan              | FA22-1865-140   | - |
| Block D First Floor Plan               | FA22-1865-145   | - |
| Block D Second Floor Plan              | FA22-1865-150   | - |
| Block D Roof Plan                      | FA22-1865-152   | - |
| Basement Plan                          | FA21-1865-199   | - |
| Resident's Lounge Floor Plns & Elevs   | FA21-1865-205   | - |
| Proposed Bin Store                     | FA21-1865-210   | - |
| Proposed Bike Store                    | FA21-1865-211   | - |
| Proposed Substation                    | FA21-1865-212   | - |
| Block A Front and Right Flank Elevs    | FA21-1865-450   | - |
| Block A Rear and Left Flank Elevations | FA21-1865-451   | - |
| Block B Front and Right Flank Elevs    | FA21-1865-460   | - |
| Block B Rear and Left Flank Elevs      | FA21-1865-461   | - |
| Block C Front and Right Flank Elevs    | FA21-1865-453   | - |

|                                     |               |   |
|-------------------------------------|---------------|---|
| Block C Rear and Left Flank Elevs   | FA21-1865-454 | - |
| Block D Front and Right Flank Elevs | FA22-1865-470 | - |
| Block D Rear and Left Flank Elevs   | FA22-1865-471 | - |
| Care Home – Proposed Site Plan      | 21-126 110H   | H |
| Care Home – Ground Floor Plan       | 21-126 120E   | E |
| Care Home – First Floor Plan        | 21-126 121D   | D |
| Care Home – Second Floor Plan       | 21-126 122D   | D |
| Care Home – Third Floor Plan        | 21-126 123D   | D |
| Care Home – Roof Plan               | 21-126 124C   | C |
| Care Home – Elevations Sheet 01     | 21-126 150F   | F |
| Care Home – Elevations Sheet 02     | 21-126 151F   | F |
| Care Home – Illustve Lndscp Strat   | DD604L01C     | C |
| Tree Protection Plan                | BEE23834-03   |   |
| Landscape Masterplan                | BEE23834 10B  | B |