



Appeal Decision

Inquiry held on 19 – 21 November, 26 – 29 November and 4 December 2024

Unaccompanied site visit made on 19 November 2024 & accompanied site visit made on 29 November 2024

by Clive Coyne Dip ERM BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2025

Appeal Ref: APP/N0410/W/24/3347882

Land at Broad Lane, Holtspur, Beaconsfield HP9 1UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Hawridge Strategic Land Limited against the decision of Buckinghamshire Council.
 - The application Ref is PL/23/1801/OA, dated 22 May 2023, was refused by notice dated 4 March 2024.
 - The development proposed is described on the application form as outline application with all matters reserved except for access for the erection of up to 120 residential dwellings, including affordable and self-build homes (Use Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is for outline planning permission, with all matters, except for access, reserved for future consideration. An indicative site layout; illustrative masterplan and parameter plan were submitted with the application, and I have taken these into account only in so far as determining the acceptability, in land use principle terms, of erecting up to 120 dwellings on the site.
3. A Case Management Conference was held on 10 October 2024. The purpose of the conference was to provide a structure for the ongoing management of the case and the presentation of evidence. There was no discussion of the merits of the respective parties' cases.
4. Concerns have been raised in relation to the terminology used by the Council in its opening and closing statements in relation to the evidence presented by Mr Crawford. While I note that some of the language used was perhaps over emotive, given the good conduct of the Council at the Inquiry and the general cordiality expressed by both parties towards each other at the event, I am satisfied that this terminology was meant for emphasis and effect in relation to the evidence and not to cast aspersions on Mr Crawford's character or professionalism. In any event I have considered the evidence as it has been presented and not taken any of this emotive or over-emphasised terminology into account in reaching my decision.

5. On 12 December 2024, after the close of the Inquiry, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties have had an opportunity to comment on this matter, and I have taken their views into account.
6. Before me is a signed and dated Section 106 legal agreement. It makes various provisions which include affordable housing, first homes and self-build plots, mitigation of the recreational impact on the Burnham Beeches SAC, off-site biodiversity net gain, improvements to public transport facilities in the vicinity of the application site, the means to monitor a travel plan and education facilities. The Council has confirmed that this overcomes its concerns in respect of the second reason for refusal which relates to whether the proposal would make suitable provision for infrastructure. However, as I am dismissing for other reasons, it is not necessary for me to consider this obligation in detail.

Main Issues

7. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the Framework and any relevant Development Plan policies;
 - the effect of the proposed development on the openness of the Green Belt and Green Belt purposes;
 - the effect of the proposed development on the character and appearance of the area and its landscape;
 - the effect of the proposed development on biodiversity and the ecological value of the appeal site; and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

8. The appeal site is an undeveloped area of land situated at the edge of the built-up area of Beaconsfield. It is within the Metropolitan Green Belt and has been assessed by the Buckinghamshire Green Belt Assessment Report¹ as part of a wider parcel of land, parcel 53a. On one side of the appeal site, to the other side of Broad Lane, lies a similarly undeveloped piece of land (the Broad Lane site). Beyond the Broad Lane site there is a row of large, detached dwellings set within very large plots surrounded by large mature trees (South Drive). Beyond South Drive lies an open area of land which appears to be a paddock. On the opposite side of the appeal site, to the other side of Wooburn Green Lane lies another site like it, which is also undeveloped save for a row of semi-detached dwellings fronting onto the road (the Glory Hill site).
9. The appeal site, the Broad Lane site, the Glory Hill site, South Drive, and the paddock are all sandwiched between the A40 main road and the M40 motorway, with the A40 forming a boundary between them and the main built-up area of

¹ CD12.1 & CD12.2

Beaconsfield. On the other side of the M40 from the appeal site lies the Wooburn Green Sports Field and the Holtspur cemetery.

Whether inappropriate development

10. The Framework at paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy GB1 of the adopted South Bucks Local Plan 1999 is of some age but still has some consistency with national Green Belt policy as it outlines some similar types of development that would potentially be acceptable within it. It also recognises the importance of the Green Belt by giving significant weight to any harm to it. However, it does not mention or apply the very special circumstances test as required by the Framework. Consequently, I consider policy GB1 not to be wholly consistent with the Framework and as a result I afford greater weight to the Framework in this regard.
11. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraphs 154 to 159 of the Framework. Paragraph 155 sets out several exceptions, in addition to those set out in paragraph 154, which all need to be met for development to be classed as not inappropriate in the Green Belt.
12. Firstly, I turn to whether the proposal would utilise grey belt land. Grey belt land is defined by the Framework as *'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143'* of the Framework.
13. Green Belt purpose a) as set out in paragraph 143 of the Framework is *'to check the unrestricted sprawl of large built-up areas'*. The Buckinghamshire Green Belt Assessment Report and its appendices dated March 2016², (the Arup report) identify the appeal site as being within parcel 53a which scores 3 out of 5 with the conclusion being that *'the land parcel serves as an additional barrier to urban sprawl'*. On the other hand, the Green Belt Assessment Report produced by the appellant³ (the GBA report) states that the appeal site does not serve to prevent the unrestricted sprawl of High Wycombe as it is located to the east of the settlement and is not connected to its built-up area.
14. The appeal site is located on an undeveloped piece of land at the very edge of Beaconsfield. Furthermore, while it is disconnected from the settlement of High Wycombe it is not cut-off from Beaconsfield. It is also bounded on three sides by land that is for the most part undeveloped. I acknowledge that the Glory Hill site has planning permission for sports pitches and related development, however this is not of a scale or type that could be described as similar to the built-up settlement.
15. In addition, while the M40 is a more substantial road and piece of infrastructure than the A40, that does not necessarily mean that it forms a more durable settlement boundary. Indeed, the fact that there is currently no substantial built development like that in Beaconsfield on the same side of the A40 as the appeal site or either side of it, points to it being a durable settlement boundary in this location. Furthermore, while South Drive is developed and Glory Hill will be

² CD12.1 & CD12.2

³ CD1.10

developed, neither of these sites have or will have development of a similar scale and density of the existing settlement.

16. Therefore, in terms of parcel 53a and the appeal site itself, it is clear that residential development on this land of the scale proposed, would constitute an extension of Beaconsfield into an area of currently undeveloped land. Furthermore, while the appeal site does not contribute to the prevention of the urban sprawl of High Wycombe as set out above, it does clearly prevent the urban sprawl of Beaconsfield.
17. Moreover, while the M40 performs a role as a barrier to development along some parts of the settlement edge of Beaconsfield, as highlighted above, this is not the case for this part of the settlement edge where evidently the A40 forms the permanent and durable development boundary with the site being an additional buffer. This is the case even taking account of the Glory Hill site development, which is of a type and scale totally unlike that of the proposal. Consequently, and while I note the score for parcel 53a set out in the Arup report and the findings of the GBA report I find that the appeal site strongly contributes to purpose a).
18. Green Belt purpose b) as set out in paragraph 143 of the Framework is *'to prevent neighbouring towns merging into one another'*. The Council's Arup report gives parcel 53a a score of 5 out of 5 in relation to purpose b) concluding that it forms an essential gap between the settlements of Beaconsfield and High Wycombe thereby preventing development that would reduce the perceived and actual distance between them. The appellant's GBA report states that the appeal site plays a limited role in the separation between Beaconsfield and Wooburn Green and that while its development would reduce the gap between them, it would not do so for the gap between High Wycombe and Beaconsfield at their closest point.
19. As highlighted above, the appeal site and parcel 53a sit within a predominantly undeveloped strip of land to the edge of Beaconsfield and as shown by the GBA report, the development of the appeal site would bring development approximately 100 metres closer to High Wycombe. Moreover, when taken together, it is clear that the Glory Hill site, the appeal site, and the Broad Lane site in particular do form a collective strip of predominately undeveloped open land sitting between the A40 and M40 at the edge of the built-up area of Beaconsfield. It is also clear that they collectively form part of the essential gap identified by the Arup report.
20. In addition, as indicated by the submitted gap measurement drawing⁴, the gap between the two settlements as separated by this strip of land is not very broad with it measuring around 669 metres at its widest point. In my view, the narrowness of this existing gap means that the appeal site makes a very important contribution to purpose b). Furthermore, even though the development of the appeal site would not reduce the physical gap between the two settlements to anything near that of the closest point between them (taking into account the rest of parcel 53a), it would still contribute to the reduction of this essential strategic gap, nonetheless. Moreover, it is not set out in national policy that the coalescence of two neighbouring towns should only be prevented at the location they are closest to each other.

⁴ CD 19.3

21. I note that the separation of the two settlements has to a degree been influenced by the area's topography, with Beaconsfield being on an elevated plateau and parts of the built-up area of High Wycombe being on the valley floor or lower valley sides. This has to some extent influenced the pattern of their development in this area. However, this is not the only factor which has influenced their development patterns. Other factors such as the nearby presence of the A40 and M40 have also played their part.
22. I note that there would be no actual merging of the two towns nor a great perception of it; that the topographical distinction between the two settlements would remain as would the delineating role of the M40. However, this discounts the delineating role currently being played by the A40. It also discounts the important collective role that the land comprising parcel 53a plays in maintaining the strategically important gap between the two settlements as set out in the Arup report.
23. Therefore, even though the western portion of parcel 53a may conceivably play a lesser role than the central or eastern part, this collective function of the parcel cannot and should not be discounted. Consequently, as a constituent part of this parcel, I consider that the appeal site plays an important role in this regard and therefore find that it also strongly contributes to purpose b), preventing neighbouring towns merging into one another.
24. Green Belt purpose d) as set out in paragraph 143 of the Framework is '*to preserve the setting and special character of historic towns*'. As set out in the Arup report, Parcel 53a, including the appeal site, is not near any identified settlement with historic heritage significance. I therefore find that the appeal site does not strongly contribute to purpose d).
25. In summary, I have found that the appeal site strongly contributes to Green Belt purposes a) and b). Accordingly, the proposal would not meet the definition of grey belt land. As I have found that the proposal would not utilise grey belt land, I need not consider whether it would meet criteria b) to d) of paragraph 155. In addition, given the type, scale and location of the development proposed the appeal scheme does not meet any of the exceptions set out by paragraph 154 of the Framework.
26. I therefore conclude that the appeal proposal would form inappropriate development within the Green Belt in conflict with the aims of the Framework. Consequently, it would also conflict with Policy GB1 of the adopted South Bucks District Local Plan (SBDLP).

Openness & Permanence of the Green Belt and Green Belt purposes

27. As set out in paragraph 142 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As highlighted above, the appeal site comprises undeveloped land at the edge of a large settlement. On my visit to the appeal site, it was clear that there is a real and tangible sense of spatial and visual openness within it.
28. The proposal for all intents and purposes would build a modern housing estate on the appeal site. Therefore, in simple spatial terms it would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. Indeed, the GBA report concludes that in spatial terms, the proposal would represent a substantial loss of openness

within the appeal site. As a result, the proposal would not preserve the openness of the Green Belt thereby having a significant adverse spatial impact causing substantial harm in this regard.

29. For similar reasons I consider that the proposal would also have an adverse impact on the spatial openness of parcel 53a albeit to a lesser extent, causing moderate harm. Consequently, and given its likely scale and density, I consider that overall, the proposal would cause substantial harm to the spatial openness of the Green Belt.
30. Turning to the visual aspect of openness, the appeal site is bounded on all sides by a belt of semi-mature trees, hedges, and shrubbery which in effect visually screens it apart from the vantage point of where the existing access is located. The main parties agree that the proposal's impact on the visual openness of the wider Green Belt would be limited because of this visual screening and from the evidence before me I see no reason to disagree. I therefore consider that the proposal would cause limited harm to the visual openness of the wider Green Belt.
31. However, as set out above, the proposal would construct a modern housing estate on the appeal site, which is currently visually open, particularly from vantage points within it, as I saw on my visit. Therefore, in visual terms the proposal would represent a substantial loss of visual openness within the appeal site itself. As a result, it would not preserve the openness of the Green Belt thereby having a significant adverse visual impact causing substantial harm in this regard.
32. In relation to permanence, the proposal would conflict with this essential Green Belt characteristic, as the strip of Green Belt land to which the appeal site belongs would no longer be seen as permanent. It is agreed by the parties that this would constitute a substantial harm in this regard. From the evidence before me I see no reason to disagree.
33. In terms of the purposes of the Green Belt set out in paragraph 143 of the Framework, I have already assessed the sites performance against purposes a) and b) above and concluded that the site strongly contributes to preventing unrestricted urban sprawl and contributes strongly to preventing neighbouring towns from merging into one another. The appeal proposal would undermine these purposes and cause substantial harm.
34. In regard to purpose c), safeguarding the countryside from encroachment, as set out above, the appeal site, the Glory Hill site and the Broad Lane site comprise predominantly open and undeveloped land bounded by hedgerows, trees and shrubbery. The land beyond them on the other side of the M40 also exhibits similar characteristics and to my mind this land and these sites could collectively be described as countryside. As acknowledged by the GBA report the proposal would result in encroachment of the countryside.
35. The proposal would in essence introduce a new housing estate onto a currently open piece of undeveloped land which for all intents and purposes is a field in the countryside. While I acknowledge that the site's sense of rurality has already been diminished somewhat by urbanising influences such as the proximity of the A40, the M40 and the built-up part of Beaconsfield, given the substantial boundary screening surrounding the site, I consider that these urban influences have little impact on the rural character within the site itself. As a result, I find that the

proposal would result in encroachment into the countryside causing substantial harm in this regard.

36. As set out above, the appeal site, is not near any identified settlement with historic heritage significance. In addition, the appeal site is not urban land. I therefore find that purposes d) or e), which aim to preserve the setting and special character of historic towns and assist in urban regeneration by encouraging the recycling of derelict and other urban land are not relevant to this appeal.
37. I therefore conclude that the proposed development would cause substantial harm to the openness of the Green Belt in conflict with paragraph 142 of the Framework. It would also conflict with Green Belt purposes a), b) and c), paragraph 143 of the Framework and policies CP1 and GB1 of the SBDLP.

Character and Appearance/Landscape

38. The appeal site, the Glory Hill site and the Broad Lane site are all similar and form predominantly undeveloped open pieces of land bounded by trees, shrubbery, and hedges. This contrasts with the other side of the A40 that consists of the built-up area of Beaconsfield. The land beyond the appeal site, on the far side of the M40 is also predominately undeveloped and open and is bounded for the most part by trees and hedgerows. In addition, apart from some street lighting along the A40 and to a lesser extent on Wooburn Green Lane, the site and its surrounds are mostly unlit with Broad Lane not having any street lighting at all.
39. I note that the site contains bunds at points along its perimeter that are a result of human activity and made from what appears to be builder's rubble. However, these bunds are not very high and are overgrown with grass and other vegetation meaning that they are visually and perceptually read as being part of the site's already partially undulating natural landscape. Consequently, and as set out above, I consider the character of the appeal site to be intrinsically rural.
40. The submitted Landscape and Visual Impact Assessment (LVIA)⁵ states that the proposal would give rise to moderate adverse effects on the character of the appeal site due to the physical change resulting from the development. However, given the open, undeveloped, and rural nature of the appeal site, I consider that the construction of a new housing estate within it, would constitute a significant change and not be one of limited or moderate extent. Moreover, as acknowledged by the appellant, there would still be views in and out of the site even though they would be limited by the screening boundary vegetation. The site would also be affected visually by the built development, activity, noise and lighting arising from the proposal. Accordingly, the proposal would have a significant adverse visual impact on the rural character of the site.
41. The LVIA finds that there would be major-moderate adverse visual effects as the proposal would be directly visible from vantage points opposite the proposed site access as vegetation would be removed along the boundary. As a result, I find that the proposal would have a significant adverse visual impact in this regard thereby causing substantial harm.
42. It is agreed that broadly, the visual effects of the proposal are quite localised, and I concur with this view. There is, however, dispute between the parties in terms of

⁵ CD1.11

the magnitude of visual effects from other vantage points apart from the one directly opposite the site's proposed access. These vantage points are Broad Lane, Wooburn Green Lane and the A40 (representative viewpoints 1, 3, 4 and 5 as shown in the LVIA photo panels document⁶).

43. In terms of representative viewpoint 1 (right) - White Hill/A40, as it stands currently, due to the boundary vegetation very little if any of the appeal site can be seen. However, according to the updated Parameter Plan⁷ the site boundary vegetation visible from this viewpoint would be partially removed. Consequently, it would be reasonable to conclude that the proposal would at least be partially visible from here. Similarly, for representative viewpoint 1 (left) - White Hill/A40, some of the boundary vegetation would also be removed. In addition, the proposed access would also be partially visible from this point due to sparse boundary vegetation. As a result, the proposed development would also likely be at least partially visible from this viewpoint. Consequently, the proposal would have an adverse visual impact on the character of the area when seen from this viewpoint thereby causing moderate harm to the character of the area.
44. For similar reasons I also consider that the proposal would at least be partially visible from representative viewpoint 2 (centre) at Holtspur Top Lane. This would also have an adverse visual impact when seen from this viewpoint to which I attribute moderate harm.
45. In relation to representative viewpoint 3 (left) - A40/Broad Lane, the submitted parameter plan shows that the boundary would be retained. Furthermore, the vegetation is quite dense at this location and as a result it would be unlikely that the proposal would be visible from this viewpoint. However, in relation to representative viewpoint 3 (right) - A40/Broad Lane, it is clear from the LVIA image and what I saw on my visit, that the boundary vegetation is not as dense in this location with partial gaps being evident. Consequently, the proposal would at least be partially visible from this vantage point. This would have an adverse visual impact albeit a limited one.
46. As for representative viewpoints 4 (left) and (right) - Broad Lane, given the distance of the site from these vantage points and the fact that the boundary vegetation would be retained I consider that any visual impact from these locations would be negligible.
47. Turning to representative viewpoint 5 (left) - Wooburn Green Lane (B4440), most of the site boundary that is visible from this location would be retained. As a result, the proposal would not likely be visible so that any adverse impact would be limited. Representative viewpoint 5 (right) - Wooburn Green Lane (B4440), appears to be located at the other side of the bridge over the M40 to the appeal site, further back from representative viewpoint 5 (left). As a result, and for similar reasons any visual impact from here would also be limited.
48. That said, the LVIA appears to discount other vantage points such as the footpath next to the houses fronting Wooburn Green Lane or other points along the footpath closer to the roundabout. These are much closer to the appeal site and its boundary, and I observed on my visit that the vegetation is not as dense at certain parts of the boundary at this point. This, combined with the fact that some of this

⁶ CD1.11.2

⁷ CD16.4

boundary vegetation will be removed means that the proposal would be at least partially visible from such locations as well thereby having an adverse visual impact causing moderate harm.

49. The submitted LVIA also states that there would be no further effects on landscape character beyond the appeal site due to the visual screening provided by the boundary vegetation and that the character of the area is already heavily affected by urbanising influences such as existing lighting, traffic and noise on the A40 and M40. However, this discounts the intensification of the urbanising influences within the immediate vicinity of the site that the proposal would bring about particularly from the new highways infrastructure and lighting proposed. Therefore, even though the area around the site is already affected by urbanising influences the fact remains that they would be intensified thereby having an adverse visual and perceptual impact on the character of the area, nonetheless. That said, given their extent I consider that the harm caused would be moderate in this regard.
50. The LVIA states that the proposal would have no effects on the character of the wider landscape including the Beaconsfield Mixed Use Terrace Landscape Character Area (LCA). I note that it is agreed between the parties that the proposal would have no appreciable effects on the landscape to the south of the M40. I also note the appellant's contention that the appeal scheme would not change the current perception of the wider landscape generally.
51. There was debate at the Inquiry in terms of landscape character and whether the extent of harm to the wider landscape or the site itself should be assessed. Appendix 1 of the LVIA defines landscape receptors as '*aspects of the landscape resource that have the potential to be affected by a proposal*'. The appeal site is part of the wider parcel 53a and the local countryside. Consequently, in spatial, visual and perceptual terms it can be read as a part of the local landscape. It is therefore an aspect of the landscape resource which clearly has the potential to be affected by the proposal. Furthermore, the Guidelines on Landscape and Visual Impact Assessment (GLVIA)⁸ do not stipulate that any landscape effects on a development site should be discounted or that such a site should not be subject to a landscape character assessment as a matter of principle. It is therefore reasonable for me to consider the proposal's impact on the landscape character of the site itself, its immediate vicinity and the wider area.
52. Accordingly, in terms of wider landscape character, I consider the site itself to be an appropriate landscape receptor. Furthermore, it has been agreed between the parties that if the appeal site is a landscape receptor, then the proposal would have a large-scale effect, be of permanent duration thereby giving rise to a major adverse impact. Therefore, even though the site and its neighbours may not be of the highest landscape quality and the impact on the wider landscape character and LCA would likely be limited, I consider that the proposal would cause substantial harm in this regard, nevertheless.
53. Bringing all the above together, I conclude that the proposed development would have a significant adverse visual impact on the character and appearance of the area and its landscape thereby causing substantial harm. It would therefore conflict with policies H9 and EP3 of the SBDLP and policies CP8 and CP9 of the adopted

⁸ CD12.19

South Bucks Core Strategy (SBCS). It would also conflict with the aims of paragraph 135 of the Framework.

Biodiversity and Ecological Value

Grassland, Waxcaps and Ecological corridor

54. As set out above the appeal site is undeveloped, open and rural with a natural landscape. In terms of its biodiversity value both parties agree that the grassland on the site comprises 'other neutral grassland' that is moderately distinctive in that it is flower-rich but not species-rich and that most of this grassland will be lost if the proposal is developed. It is also agreed that the site is not currently designated as having any ecological value.
55. The Council submits that this wildflower grassland is also scarce in the locality and wider area of Beaconsfield, and that as waxcap fungi have been found there the site also comprises an unimproved, low fertile and long-standing historical grassland⁹ which has been undisturbed for many years. However, a fungal survey submitted by the appellant suggests that the site falls short of being important for this species.
56. That said, the fungal survey was undertaken in November and the survey report itself contains a caveat that *'it should be noted that waxcap fungi species fruit from late summer until autumn frosts and additional surveys earlier or later in the year, or in different years, may find additional species of waxcaps'*. This contrasts with when the Council's ecology officer recorded the presence of waxcaps in October. Even so, one of the species identified by the Council is the Blackening Waxcap which is a species more tolerant to fertilisers and according to the Council's proof of evidence this species has also been found on other grassland adjacent to the M40 so may not be unique to the appeal site.
57. The appellant has also produced historical photographs to show that the appeal site has had a mixed use historically including arable use and some limited buildings. However, as stated by the evidence¹⁰ these photographs are not 'definitive proof' of a particular use. The photographs are also not very clear or easy to decipher. Therefore, and based on the above I have no substantive evidence before me to determine whether the appeal site forms a historical grassland or not. As such I afford this consideration neutral weight.
58. The Council have also submitted that the site is part of an ecological corridor. However, I have no substantive evidence before me to support this. I therefore afford this limited weight in the planning balance.

Veteran Tree

59. It is also a matter of dispute as to whether the oak tree (tree T4) is a veteran tree given the potential implications for the extent of open and natural greenspace provision and consequential impacts on the detailed design of the appeal scheme. The possibility of it being a veteran tree was highlighted by the Council's ecologist in their consultation response dated 27 July 2023 (CD13.3) where it was identified as a veteran pedunculate oak.

⁹ CD17.3

¹⁰ CD18.7

60. The Woodland Trust document 'Ancient tree guide 4'¹¹ provides guidance on the definition of a veteran tree and an ancient tree and what to look out for in identifying such trees. It highlights that the difference between the two is that a veteran tree is *'a survivor that has developed some of the features found on an ancient tree, not necessarily as a consequence of time, but of its life or environment.'* It identifies features which veteran trees usually have such as: decay in the trunk, branches or roots; fungal fruiting bodies; or dead wood. It also identifies key habitat features of veteran trees as *'evidence of decay processes, such as hollowing in the trunk, fruit bodies of fungi known to cause wood decay and cavities or rot holes (e.g. where limbs have broken off or bark is damaged); and significant amounts of dead wood: many dead limbs or branches (larger than 20cm in diameter) in the crown or fallen.'*
61. As set out in the evidence¹² other key features of veteran trees include: a low, fat and squat shape due to the crown being retrenched (reduced in size) through age; a wide trunk compared with others of the same species; and hollowing of the trunk. It also highlights that *'unlike an ancient tree, a veteran tree can be any age, but it is a tree which shows ancient characteristics such as those above. These may not just be due to age, but could result from natural damage, management, or the tree's environment. Ancient trees are all veterans, but not all veterans are ancient.'*
62. Based on the evidence and what I saw on my visit the oak tree on site (tree T4) does not have a retrenched crown and the width of its trunk does not appear to be wider than others of the same species. Furthermore, while the exterior of the trunk does appear to be damaged, it does not appear to be hollow. In addition, while there appears to be some sort of white rot on the exterior of the trunk this was not at the time of my visit a fruiting fungal body. There are also some holes on the trunk, but they do not currently appear to be rot holes.
63. Therefore, while the tree exhibits some of the characteristics of a veteran tree it does not exhibit them to a great degree. Consequently, and as the appellant has accepted, I consider that these potentially represent the start of the veteranisation process, but that overall, the oak tree cannot currently be defined as a veteran tree.

Invertebrates

64. It is agreed that the proposal would result in the loss of almost all the grassland and some areas of shrub on the appeal site. Indeed, the updated invertebrate survey¹³ states that *'The proposed development will result in the loss of almost all of the existing tall sward and short sward grassland and some areas of scrub'*. The survey report also highlights that the development would retain approximately 1.95 hectares of semi-natural greenspace around the perimeter of the site which is currently dominated by the historic hedgerow, recent scrubland and earth bunds.
65. The appellant considers the invertebrate assemblage on the appeal site to be only of local importance with the Council arguing that it is also of national importance. As set out above it is now agreed between the parties that the appeal site consists of 'other neutral grassland' and not 'open mosaic habitat on previously developed land'. As stated in the Council's proof of evidence brownfield sites are important for invertebrate species as they contain a mix of habitats that are vital for the completion of their life cycles. Therefore, as the site is 'other neutral grassland' it

¹¹ CD19.4

¹² Ibid footnote 9

¹³ CD16.1 para. 3.28

has a sparser variety and mix of habitat meaning that its value to invertebrates is likely to be diminished in comparison. As a result, I consider the invertebrate assemblage to be of local not national importance. Even so, given the almost total loss of the grassland on the appeal site I consider that the adverse impact of the proposal on the invertebrates present there would be significant thereby causing substantial harm in this regard.

66. In any event, the loss of almost all of the existing tall sward and short sward grassland and some areas of scrub on the appeal site is bound to have an adverse impact on the number of invertebrates to be found there. This, in turn would likely have a knock-on effect for foraging animals such as badgers and bats.

Bats

67. In relation to bats, according to the Council the bat assemblage on the appeal site is important at a county level as opposed to at a local level. However, according to the CIEEM UK Bat Mitigation Guidelines¹⁴ assessing the bat assemblage may not always be the correct approach and that *'assigning a level of importance to an assemblage provides contextual information only; it is not expected that the assemblage as a whole would be assessed as a single receptor'*.
68. In any event, the evidence¹⁵ highlights that the species of bat that currently forage in and around the appeal site such as the common pipistrelle, have a core sustenance zone with a radius of about 2 kilometres meaning that the loss of the appeal site would likely only have a limited impact on bat foraging activity in the area. Consequently, I consider that the proposal would cause limited harm in this regard.

Badgers

69. As for the badgers, the appellant's updated survey report¹⁶ shows that there is currently a main breeding badger sett (sett 1), an annexe sett (sett 2), five active outlier setts, an active subsidiary sett, one partially active outlier sett and three inactive outlier setts on the appeal site as well as associated latrines and badger runs. The report highlights that the proposal would likely have direct impacts on setts 1 and 2 which are likely used for breeding and proposes that a replacement sett is provided in another site location with both existing setts being closed under licence.
70. The survey report concludes that the badger clan present on site would be unlikely to be subject to a significant detrimental effect as a result of the proposal. The report also states that this is because much of the existing woodland on site would be retained which would allow them to still forage on-site as well as in other areas such as the embankments of the M40 and on open ground to the south and east.
71. The report also sets out that the closure of the setts would be under licence which would impose monitoring requirements, and that the submission of a related construction environmental management plan would ensure that badgers would not be injured during the development of the site. The survey report also highlights that the level of badger activity on the appeal site has increased significantly since the original survey submitted with the planning application was undertaken.

¹⁴ CD7.20

¹⁵ CD 18.2

¹⁶ CD16.2

72. Natural England's standing advice¹⁷ provides guidance on avoidance, mitigation and compensation measures to be undertaken in such circumstances with the main thrust being that development proposals should avoid effects on badgers but where this is not possible to include mitigation or compensation measures.
73. While I acknowledge that the proposal is in outline and therefore indicative, I have no substantive evidence before me to show that any alternative scheme has been considered by the appellant that would avoid any need to relocate the active breeding badger setts currently on the appeal site particularly given the trend of rapidly increasing badger activity. Consequently, I fail to see how the standing advice has been followed.
74. Furthermore, I have no substantive evidence before me to suggest that the retention of the existing woodland would be sufficient in terms of quantity or quality to allow for the continued foraging of eight fully active setts (two of which are breeding) and one partially active sett, when taking into account the loss of most of the grassland within which they obviously currently thrive. I am not persuaded that some land on the embankment of a motorway or other nearby open land that may well have other clans present, would be sufficient in this regard.
75. Moreover, and notwithstanding the granting of the necessary licence, and the creation of a replacement sett, given the scale of the proposal and the likely length of the construction phase, I am not convinced that any adverse impact on the badgers in this regard would be temporary. As a result, I consider that the proposal would have a significant adverse impact in this regard thereby causing substantial harm.

Biodiversity Net Gain

76. As set out above the appeal site is 'other neutral grassland' which is of moderate distinctiveness in terms of biodiversity net gain. The appellant has stated that the proposal has sought to retain priority habitats of medium distinctiveness or higher but that as the whole appeal site is of medium distinctiveness any development of it would lead to a loss of this habitat to some degree.
77. The evidence¹⁸ demonstrates that the mitigation hierarchy will be followed at reserved matters stage with any lost habitat being compensated for with the same or higher level of habitat where possible. Where this is not possible off-site compensation will be delivered to ensure that a 10% biodiversity net gain is achieved with a suitable off-site habitat bank already being identified.
78. The proposal would lead to the loss of most of the grassland habitat on the appeal site which would clearly be a significant loss of biodiversity which cannot be avoided should the scheme be developed. Paragraph 193 of the Framework states that in such circumstances compensation should be a last resort. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains or enhance public access to nature where this is appropriate.
79. That said, the proposal would include the retention of the woodland and some scrubland and the provision of an infiltration basin and play area in one corner of

¹⁷ CD19.5

¹⁸ CD18.2

the site as well as a green space around the oak tree (T4). The proposal is also in outline with details such as design and the inclusion of biodiversity improvements reserved for future consideration. The proposed off-site biodiversity net gain would also be secured via a legal agreement. I am therefore satisfied that this matter could be addressed at reserved matters stage and through the imposition of suitably worded conditions.

Overall conclusion on biodiversity and ecological value

80. I have found that the proposal would cause substantial harm to invertebrates, limited harm to bats and substantial harm to badgers. Therefore, and notwithstanding the biodiversity net gain of around 10% that would be achieved off-site, I conclude that overall, the proposal would cause substantial harm to local biodiversity in conflict with Policy CP9 of the SBCS and paragraph 193 of the Framework.

Other considerations

81. The main parties agree that the housing supply situation in Buckinghamshire is currently dismal with there being an acute shortfall in delivery. From the evidence before me, I see no reason to disagree. The proposal would provide 60 affordable dwellings and 60 market dwellings. The main parties also agree that in the context of the dismal housing delivery in the district that the benefits of providing these two types of housing should each be afforded substantial weight. I see no reason to disagree.
82. The proposal would also provide around 6 plots for self-build and custom housebuilding which represents about 5% of the self-build register demand. It would meet the relevant statutory duty in this regard, and I note that other appeal decisions have given significant weight to such a benefit¹⁹. However, I understand from the submitted evidence²⁰ that the shortfall is at worst 233 plots across base periods 1 to 6 and even if I were to take the best-case scenario of a shortfall of 142 plots during the same period, the provision of 6 plots would not make a significant contribution to addressing this shortfall. Consequently, I afford this benefit moderate weight in favour of the appeal scheme as the contribution to boosting the supply and range of dwellings is proportionate to the number of plots proposed.
83. The proposal would give rise to economic benefits including economic investment of around £30 million that would generate around 394 net new jobs, including 195 that would be direct construction employment, and 131 indirect jobs supported in the house building supply chain over a two-year period with the remainder being induced employment supported in the wider economy. It would also generate about £59.5 million in construction GVA over the building phase of the development. These are clear economic benefits that weigh in favour of the proposal. However, given the short-term nature of the bulk of the employment arising from it, I afford these benefits moderate weight in the planning balance.
84. Other economic benefits such as additional Council Tax, New Homes Bonus and Stamp Duty Land Taxes have also been put forward by the appellant as economic benefits of the proposal. However, Council tax only covers the cost of providing services for the proposal's future new residents i.e. it would mitigate the impact of

¹⁹ CD18.6 para 6.78

²⁰ CD18.6

the new housing on public services, it is therefore neutral in the planning balance. Similarly, Stamp Duty Land Tax goes directly to the national treasury meaning it would be unlikely to be spent locally thereby also having a neutral effect. Consequently, I afford these economic benefits neutral weight in the planning balance.

85. The proposal would provide 10% biodiversity net gain off-site and some on-site benefit via proposed landscaping measures. This biodiversity net gain provision is above any policy requirement such as that in paragraph 193 of the Framework. The appeal also pre-dates the Environment Act, so there is no legal requirement to provide it. As a result, I afford this benefit moderate weight in the planning balance.
86. It is agreed that the proposal would also provide open space, amenity space and play space. It is also agreed by the main parties that these can be controlled and delivered through the imposition of an appropriate planning condition and a section 106 legal agreement. There is a shortage of children's play space in the area but no shortage of open space, or other play space. Whilst the appeal scheme provides an area of play space, given its size I am not persuaded that it would provide sufficient capacity to serve any other children apart from those that would live on the proposed development. As a result, I afford these benefits limited weight.

Planning Balance and Conclusion

87. In the context of the above and the evidence before me, I consider that the most important policies for determining this appeal relate to the outstanding matters of Green Belt, biodiversity, character and landscape impacts. These are policies CP1, GB1, H9 and EP3 of the SBDLP and policies CP8 and CP9 of the SBCS.
88. In the absence of a five-year supply of housing land, the most important policies for determining this appeal are out of date as set out in paragraph 11 d) of the Framework. Even so, just because a policy is deemed out of date does not mean that any conflict with it should be ignored. It also does not mean that it carries no weight. As set out by paragraph 232 of the Framework, the degree of weight given to any policy deemed to be out of date depends on its consistency with the Framework. The greater the consistency, the greater the weight. It is therefore a possibility that a policy deemed out of date due to a lack of housing land supply can carry substantial weight, nonetheless.
89. As set out above, policy GB1 of the South Bucks Local Plan (1999), predates the Framework in all its iterations and is not wholly consistent with it as it does not mention the 'very special circumstances' which allow inappropriate development in the Green Belt. As a result, I afford the proposal's conflict with it moderate weight.
90. Policies H9 and EP3 of the SBDLP are, amongst other things, concerned with how development would affect the character or amenities of a locality in general and that it would be compatible with the surrounding area. Policy CP1 focusses development in identified sustainable settlements such as Beaconsfield and Gerrards Cross, in accordance with the spatial strategy as set out in the SBCS which aims to protect the Green Belt, by focusing new development on previously developed land within existing settlements. In the above context, I find these policies to be broadly consistent with the Framework and as such I afford them full weight. I also afford the conflict I have identified with them substantial weight.

91. Policy CP8 of the SBCS is concerned with the built and historic environment and its protection and, where appropriate, its enhancement. It also aims to ensure that all new development is of a high design standard and that it makes a positive contribution to the character of the surrounding area. Policy CP9 relates to the natural environment and its conservation and enhancement particularly in relation to nationally designated landscapes and European sites. It also aims to conserve and enhance the landscape characteristics and biodiversity resources within South Bucks more generally. In the above context, I find these policies to be broadly consistent with the Framework and as such I afford them full weight. I also afford the proposal's conflict with these policies substantial weight.
92. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework also sets out that any harm to the Green Belt should be afforded substantial weight. In this context, very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
93. I have found that the proposal would amount to inappropriate development in the Green Belt in conflict with the aims of the Framework. It would also harm the openness of the Green Belt and conflict with the Green Belt purposes of checking unrestricted sprawl, preventing neighbouring towns merging and safeguarding the countryside from encroachment. I afford these harms substantial weight in the planning balance. I have also found that it would cause substantial harm to the character and appearance of the area and its landscape as well as substantial harm to local biodiversity.
94. Turning to the benefits of the proposal, I have afforded substantial weight to the appeal scheme in relation to both market and affordable housing provision given that these homes are needed now, with the emerging plan not being expected to be submitted until around August 2026. I have afforded moderate weight in relation to self-build and custom housing provision and to the provision of BNG. I have also afforded limited weight to open space and play benefits and moderate/neutral weight to the economic benefits put forward in favour of the proposal.
95. Consequently, overall, I conclude that the harm by reason of inappropriateness, the harm to openness and the other harms, are not clearly outweighed by the identified other considerations so as to amount to the very special circumstances required to justify the proposal. For this reason, I also consider that there is a strong reason for refusing the proposal meaning that the presumption in favour of sustainable development as set out in Framework paragraph 11d) is not engaged.
96. Given the above, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The appeal proposal conflicts with the development plan when read as a whole and there are no material considerations which indicate that it should not be followed. Accordingly, I conclude that the appeal should be dismissed.

Clive Coyne

INSPECTOR

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DOCUMENTS SUBMITTED AT OR SHORTLY AFTER THE INQUIRY

CD 19.1 Appellant's Opening Statement and List of Appearances

CD 19.2 LPA's Opening Statement

CD 19.3 Gap Measurements (Dwg No. 9520_002) (November 2024)

CD 19.4 Ancient Tree Guide 4 – What are ancient, veteran and other trees of special interest? (November 2008)

CD 19.5 Guidance Badgers Advice for Making Planning Decisions (14 January 2022)

CD 19.6 Protected Species and Development Advice for Local Planning Authorities (6 October 2014, updated 25 October 2023).

CD 19.7 Errata Sheet Self Build and Custom Housebuilding Proof of Evidence Andy Moger (November 2024)

CD 19.8 Start to Finish: How quickly do Large-Scale Housing Sites Deliver? 3rd edition (March 2024)

CD 19.9 Woodlands Park Landfill Site, Land South of Slough Road, Iver, Buckinghamshire PL/21/4429/OA (30 October 2023)

CD 19.10 Bewley Homes Plc v. Secretary of State for Levelling up, Housing and Communities [2024] EWHC 1166 (Admin) (16 May 2024)

CD 19.11 Appellant's Closing Statement

CD 19.12 LPA's Closing Statement

CD 19.13 Agreed list of draft suggested conditions V5

CD 19.14 Signed and executed S106 legal agreement