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## Appeal Decision

Hearing held on 19 and 20 May 2026

Site visit made 20 May 2026

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

an Inspector appointed by the Secretary of State

Decision date: 09 July 2026

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### Appeal Ref: 6003022

#### **Land Located South of Old Rickyard Piece, New Road, Weston Turville HP22 5ZD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by M Jamil against the decision of Buckinghamshire Council.
  - The application Ref is 25/00881/APP.
  - The development proposed is Erection of 51 dwellings each with parking spaces and private gardens, along with new roads and landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Under section 319A of the Town and Country Planning Act 1990, this appeal has been determined through a hybrid procedure. The effect of the development on the character and appearance of the area and whether the mix of housing would reflect the local need were dealt with through written representations. The other main issues were addressed at the hearing.
3. At the time of submitting the appeal, additional evidence was provided that was not before the Council at the time it determined the application. This evidence includes; a further ecological assessment and associated information; an updated biodiversity site metric and condition report; a letter regarding Biodiversity Net Gain (BNG); an arboricultural impact assessment; and additional drainage and flood risk evidence.
4. Following the submission of the appeal and in advance of the hearing, amended and additional plans were provided. These included corrected 'handed' house type plans, a landscape strategy plan, a proposed drainage layout plan, a revised proposed boundary treatments plan, and amended street section plans – which show garages. However, during the hearing, the landscape strategy plan and the revised proposed boundary treatments plan were withdrawn.
5. Also, in advance of the hearing, the appellant provided further written representations related to the effect of the development on the character and appearance of the area and the mix of housing, as well a draft section 106 agreement, a further preliminary ecological appraisal, an archaeological desk-based assessment, and additional evidence regarding biodiversity.

6. During the hearing, a Breeding bird survey methodology, as well as appendix D of the Vale of Aylesbury Local Plan<sup>1</sup> (the VALP) were provided. The parties had sufficient time to review these documents, and they were afforded the opportunity to comment on them during the hearing.
7. The amendments to the proposed plans were made to improve consistency between all the proposed plans. Together, the associated changes, the additional details and the drainage plan would not substantially change the scheme from that which was before the Council when the application was determined. Moreover, the Council and interested parties had the opportunity to review the amended plans and additional evidence either prior to or during the hearing and to comment on it during the event. As such, and even though the Government's relevant procedural guide for planning appeals<sup>2</sup> advises that the appeal process should not be used to evolve a scheme, no parties would be prejudiced by my decision to accept the amended and additional plans, and the additional evidence.
8. However, during the hearing, the appellant advised that the proposed landscaping plan - ref NR0001 rev D, and the proposed boundary treatment plan - ref A1810 2020 rev B, are no longer to be relied upon. This is because of inconsistencies between them and other plans. Therefore, these plans and the proposals shown on them no longer form part of the appeal scheme.
9. After closing the hearing, a signed and executed section 106 agreement was provided. As this document echos the draft section 106 agreement discussed during the hearing, no party would be prejudiced by my taking it into account.
10. Having reviewed the additional surface water drainage evidence provided in support of the appeal, and prior to the hearing, the Council indicated that its concerns leading to the 3<sup>rd</sup> reason for refusal of the application had been overcome. This was subject to conditions being imposed on any planning permission requiring the Council's written agreement to a detailed surface water drainage scheme and a surface water drainage management plan. In the absence of any ongoing dispute between the main parties on this matter, and based on the drainage evidence provided, I proceed on the basis that surface waters arising from the development would be adequately managed so as to prevent an increase in flood-risk.
11. During the hearing, the Council advised that, based on the content of the archaeological desk-based assessment, it no longer wished to pursue its reason for refusal of the application relating to buried archaeological deposits. This was predicated on a condition being imposed upon any permission that would, amongst other things, require geophysical survey and trial trenching to be undertaken. Because the effect of the development on the archaeological interest of the site is no longer an area of dispute between the main parties, it does not form a main issue in this appeal.

## **Main Issues**

12. The main issues are;
  - the effect of the development on the character and appearance of the area,
  - whether the mix of housing would reflect the local need,

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<sup>1</sup> Buckinghamshire Council – Vale of Aylesbury Local Plan (VALP) 2013-2033 – Adopted Plan – September 2021

<sup>2</sup> Procedural Guide: Planning appeals – England. For appeals relating to applications dated on or before 31 March 2026.

- the effect of the development on biodiversity, with particular regard to, i) on-site protected species – specifically considering breeding birds, badgers, roosting bats and foraging and commuting bats, and ii) whether the biodiversity net gain condition is capable of being discharged,
- whether the scheme would accord with the local development strategy, with particular regard to connectivity to the wider green infrastructure network,
- whether the development would make suitable provision for affordable housing, public transport, primary health care, primary and secondary education, publicly accessible green space and play provision, sport and leisure provision, and highway mitigation measures; and
- if conflict with the development plan would arise, whether any such conflict would be outweighed by material considerations.

## Reasons

### *Character and appearance*

13. The appeal site comprises a largely undeveloped and rather overgrown field at the edge of Aylesbury. Fairly recent residential development has taken place on nearby land to the north and north-west of the site that mainly comprises 2 storey houses, with brick and/or rendered walls and clay tile or slate roofs. This development has undoubtedly had an urbanising effect on the character and appearance of the area. Nevertheless, with various hedges and trees alongside its northern, eastern and southern boundaries, and despite being a little unkempt, the appeal site continues to make a positive contribution to the character and appearance of the area.
14. No detailed landscaping scheme has been provided. However, a significant number of trees would be felled along the northern boundary of the site. The loss of these trees, without suitable replacement, would result in the erosion of a locally distinctive feature, i.e. a treeline that contributes positively to the character and appearance of the site and to the nearby area.
15. In common with the modern houses to the north and northwest of the site, most of the proposed houses adjacent to New Road would face it. Similarly, several of the houses close to the northern site boundary would address the adjacent open space to the North. However, the fairly long and straight rows of houses close to the southern and eastern site boundaries, would face inwards towards the internal estate road, and have fairly shallow rear gardens. Consequently, and notwithstanding the proposed retention of hedgerows on the southern and eastern boundaries, the development would be visually isolated from the land and future development to the south and east. Furthermore, and because there would be no direct access between the appeal site and adjacent land to north, east and south, there would also be poor functional connections between these areas.
16. In addition, the long and straight main spinal estate road - which would have a side fork and an extended turning head at the end, would result in cars and car-parking being highly prominent when entering and travelling through the site. In addition, the cul-de-sacs so formed would fail to provide a choice of access routes, or to create a positively distinctive street scene or sense of place.
17. The window dimensions and positions within individual houses and across the development lack consistency and balance, and the houses would have very basic

ornamentation. However, because there is no prevalent architectural style in the nearby area, and because the exterior materials and the scale and massing of the houses would relate satisfactorily to other houses in the area, the design of the houses would not be incongruous with other development in the area.

18. Nevertheless, and for the reasons given above, the development as a whole, would cause harm to the character and appearance of the area. Consequently, and in respect of this main issue, it would conflict with policies NE4 and BE2 of the VALP and policy H2 of the Weston Turville Neighbourhood Plan<sup>3</sup>. Collectively, these seek to ensure that developments respect local distinctiveness and are of a design and layout that reflects their surroundings. However, on the basis that boundary hedges would be retained along most of the site boundaries, and because the majority of the houses adjacent to New Road would address this road, the harm that would be caused in respect of this main issue would be small, and the weight given to it and the associated development plan conflict is small.

### *Housing mix*

19. VALP policy H6a seeks to ensure that new housing is of a suitable mix to meet housing need and to create socially mixed and inclusive communities. In this respect, it is consistent with the parts of the National Planning Policy Framework (the Framework) that seek to ensure an appropriate mix of housing types for the local community.
20. Table 102 of the VALP provides a summary of the expected mix of flats and houses with different numbers of bedrooms, based on the identified housing needs as set out in the Council's Housing and Economic Development Needs Assessment - dated 2016 (the HEDNA). Within this table, separate proportions are provided for market and affordable housing needs. In respect of market housing, this table shows that the highest demand is for 3-bedroom houses, but that there is also a significant demand for market houses with greater and fewer bedrooms. In respect of affordable housing, the same table shows that the vast majority of the need is for 2 and 3-bedroom houses.
21. Although the supporting text of policy H6a states that the proportions are a guide rather than a requirement, it also indicates that any variation from these proportions needs to be fully justified and not adjusted to simply accord with developers preferences. In this case, and notwithstanding the age of the HEDNA, no compelling evidence has been provided to justify a departure from the general housing mix proportions set out in table 102 of the VALP.
22. If all the proposed houses are considered together, then the house sizes by number of bedrooms would broadly reflect the identified local demand for market housing, as set out in table 102. However, the scheme would deliver zero 1 or 2-bedroom market houses or flats. Furthermore, and even though the proportion of 3 and 5-bedroom market houses would be similar to that set out in table 102, there would be an over-delivery of 4-bedroom market houses. Consequently, the mix of market housing would be skewed towards the provision of larger houses, and the scheme would fail to provide the smaller market houses and flats that are also needed to meet the existing and future needs of the local population.

<sup>3</sup> Weston Turville Neighbourhood Plan 2013-2033 – dated May 2018

23. The affordable housing - which would be secured via the section 106 agreement, would include high proportions of 2 and 3-bedroom units, which the main parties agree would adequately reflect the local need. With no reason to conclude otherwise, I proceed on the same basis.
24. Nevertheless, the failure to deliver a balanced mix of market housing, means the scheme as a whole would fail to deliver a mix of housing that would reflect the local need. Consequently, the development would conflict with policy H6a of the VALP. However, because the scheme would contribute to meeting the large need for 3-bedroom market houses and 2 and 3-bedroom affordable houses, and because of the modest shortfall in the provision of smaller units of market housing, I attribute small weight to the harm and associated development plan policy conflict caused by the failure of the scheme to meet the local housing need.

### *Biodiversity*

#### *Protected species*

25. Collectively and amongst other things, policies NE1 and NE8 of the VALP require sufficient information to be provided to enable the impact of the development on habitats and the protected species supported by them to be understood. They also encourage natural buffers to be provided around hedgerows for the benefit of wildlife. In the exceptional circumstances where the benefits of the development would outweigh the harm that would be caused to protected species, policy NE1 requires any loss be mitigated and compensation provided to achieve a net gain.
26. Bats and wild breeding birds are species afforded protection by the Habitat Regulations (which include the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017).
27. The main parties agree that the site provides suitable habitat for foraging and commuting bats. Having particular regard to the bird and bat activity surveys that were undertaken in April 2026, the envirores preliminary ecological appraisal reports moderate bat activity across the site. It also confirms the use of the site by breeding song thrushes and probable breeding within the site by a collection of other bird species. I have no reason to doubt the findings of these surveys, and proceed on the basis that the site is used by bats and breeding birds.
28. However, the bird surveys did not cover the full breeding season. That being the case, later arriving migrants and later breeding activity have not been surveyed. Moreover, bat surveys undertaken in April represent only the early part of the bat season, and the author of the envirores assessment acknowledges that bat activity may be higher later in the season. It is therefore likely that the reported use of the site by breeding birds and by foraging and commuting bats is underrepresented in the envirores preliminary ecological appraisal, and that use of the site by some species of breeding birds and foraging and commuting bats may have been missed entirely. This may explain why the same assessment indicates that additional bat activity surveys and breeding bird surveys visits were scheduled to be undertaken later in the year.
29. Given the protection afforded to bats and breeding birds, it is imperative that related surveys contain sufficient evidence to enable full consideration of the effect of a development proposal on the protected species they relate to, and their habitats.



30. Without suitable later-season bat and breeding bird survey work being undertaken, it is not possible to fully understand how the site is used throughout the year by foraging and commuting bats and by breeding birds.
31. A large proportion of the site would be cleared to accommodate the proposed development, and there would be a substantial increase in the amount of development and activity within the site. Therefore, and even if most of the boundary hedgerows and some of the trees on the northern site boundary would be retained and unlit both during and following the implementation of the works, I cannot establish the likely effect/s of the development upon foraging and commuting bats or upon breeding birds that use the site. Consequently, it is not possible to confirm either the need for, or details, of any appropriate avoidance, mitigation or compensation measures in respect of these protected species.
32. The DWAecology ecological assessment indicates that one of the trees that would be removed has potential bat roost features for individual bats. However, no evidence of the use of this climbed tree as a bat roost was observed during either the survey work undertaken by DWAecology or envirores.
33. If during the implementation of the development, bat roost/s were subsequently discovered within this tree, a European Protected Species licence from Natural England in respect of the works to the bat roost/s would be required. The implementation of the development would deliver much-needed housing. Moreover, with respect to bat roost/s, the main parties agreed during the hearing that development would meet the derogation tests. I have no reason to take an alternative view. As such, and subject to a suitably detailed licence application being made, I am content that such a licence would be granted.
34. Therefore, and subject to suitable measures being identified and implemented as part of a biodiversity mitigation strategy and method statement, any adverse impacts on roosting bats would be minimised, adequately mitigated, and/or compensated. Had the scheme been otherwise acceptable, these measures could have been secured via condition/s on the planning permission.
35. At the hearing, the Council confirmed that sufficient survey and assessment work has been provided in respect of badgers, and it agreed that the evidence indicates that sett 2 is out of use. However, the same evidence indicates that sett A, is likely to be in use by badgers. Nevertheless, and subject to the implementation of the measures set out in section 5.4 of the DWAecology Ecological Assessment, then the implementation and subsequent use of the development would not cause unacceptable disturbance to badgers.
36. However, and notwithstanding my findings in respect of roosting bats and badgers, insufficient evidence has been provided to fully characterise the use of the site by foraging and commuting bats and by breeding birds, or to assess the effect of the development upon these protected species. That being the case, I cannot establish that development would not cause harm to foraging and commuting bats and to breeding birds, as a result of loss and/or the erosion of the habitats that support them. Moreover, and even if I were to find that the benefits of the scheme would significantly and demonstrably outweigh any harm that would be caused to these protected species, from the evidence, it has not been possible to identify whether and how any harm to these species could be mitigated or compensated

for. Nor has it been shown that the proposal represents the exceptional circumstances where conditions could be used to require further surveys.

### *BNG*

37. Unless a relevant exception applies, BNG is a mandatory requirement of Schedule 7A of the Act. The main parties do not dispute that the mandatory biodiversity gain condition would apply to the development, and I agree.
38. The Government's Planning Practice Guidance<sup>4</sup> (PPG) confirms that the biodiversity gain condition is a pre-commencement condition once planning permission has been granted. Moreover, elsewhere, the PPG<sup>5</sup> indicates that it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met.
39. Notwithstanding the dispute between the main parties regarding some of data input into the metrics and the approach to securing BNG, during the hearing, and with particular regard to BNG, the Council confirmed that the application had been validly made. With no reason to conclude otherwise, I proceed on the same basis.
40. Issues related to the quality of the minimum information that has been supplied, and details of the nature and extent of the measures to secure the mandatory BNG would be established and resolved as part of the discharge of the biodiversity gain condition once planning permission was granted.
41. The amended metric shows that there would be an overall reduction in biodiversity when all on site & off-site habitat retention, creation and enhancement are taken into account, and that the trading rules would not be satisfied. However, I have no doubt that suitable measures could be undertaken to ensure some on-site habitat retention, the creation of new habitat features on site, and/or the purchase of credits towards off-site habitat creation and enhancement, so as to ensure that the development would deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat.
42. For these reasons, the biodiversity gain condition as set out at Schedule 7A of the Town and Country Planning Act 1990 – as amended, is capable of being successfully discharged.

### *Biodiversity conclusion*

43. For the reasons previously given, the mandatory biodiversity net gain condition would be capable of being discharged. However, and although the development would not cause unacceptable harm to bat roosts or badgers, the extent to which breeding birds and foraging and commuting bats may be affected by the development has not been satisfactorily addressed. Consequently, and in respect of this main issue, the development would conflict with policies NE1 and NE8 of the VALP. Moreover, and because bats and breeding birds are also afforded protection under the Habitat Regulations, I give substantial weight to the harm that would be caused by the associated development plan conflict.

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<sup>4</sup> Paragraph: 001 Reference ID: 74-001-20240214

<sup>5</sup> Paragraph: 019 Reference ID: 74-019-20240214

### *Green infrastructure network*

44. The appeal site is allocated for 51 dwellings - ref WTV021, as part of a much wider strategic allocation under VALP policy D-AGT4. Moreover, there is no dispute that the delivery of development in accordance with this allocation, would contribute to the delivery of the Aylesbury Garden Town, which is the focus of the majority of growth identified in the VALP.
45. Amongst other things, D-AGT4 indicates that existing vegetation and landscape features should be retained where possible; that green corridors should be used to link the site with surrounding communities and facilities, and that there should be provision of and management of 50% green infrastructure to link other new development areas and the wider countryside. In addition, VALP policies NE8 and I1 seek to protect the green infrastructure network and to avoid the loss of green corridors.
46. The section of hedgerow that is proposed to be retained along the northern site boundary mainly comprises a row of trees of low and moderate quality. Many of these trees would be felled. At the hearing, the Council agreed that these are not native black poplar trees. Nevertheless, if any of this hedgerow were to remain following the tree felling, it would be very sparse. However, a condition could reasonably be imposed requiring the replanting/gapping up of this hedgerow following the felling of the trees, in accordance with an agreed landscaping scheme. Therefore, and even though the resultant hedge would not extend across the full length of the northern site boundary, it would continue to function as a green corridor.
47. During my site visit, I also observed lengths of hedgerow growth alongside the inside edges of water-filled ditches adjacent to the eastern and southern site boundaries. Furthermore, the southeastern corner of the site was heavily overgrown and not readily accessible. Although no detailed landscaping proposals/strategy or proposed boundary treatment plan are before me, the proposed plans show that most of the hedgerows along the southern and eastern site boundaries would be retained. However, they also show that the plots for the individual properties would extend into these hedge areas. Nevertheless, and had the development been otherwise acceptable, a suitably worded condition/s could have been imposed to protect the function and role of these hedges as part of the wider green infrastructure network in the area.
48. The layout plans show that trees would be planted throughout the site. In addition, an area to the southeast corner of the site would be retained as greenspace - to protect a badger sett within it. The area so formed would connect to a network of fields, ditches and hedgerows that extend beyond the site boundaries.
49. There would be no direct pedestrian access to nearby footpaths or areas of green open space outside of the site. However, the land that is required to make these connections is outside of the control of the appellant. Nevertheless, pathways would be formed which would terminate at the northern, eastern and southern site boundaries, and a section of hedgerow would be removed close to the northeastern corner of the site. These would facilitate future connections to adjacent land including play areas and areas of publicly accessible green space.
50. Even if the development would not deliver at least 50% green infrastructure as set out in Policy D-AGT4, that standard is for the whole of the wider allocation.



Therefore, and because the appeal site is only a very small part of the wider allocation - much of which is yet to be delivered, I have no reason to doubt that the appeal scheme would prevent this standard being achieved.

51. For these reasons, the scheme would accord with the local development strategy, with particular regard to connectivity to the wider green infrastructure network. Consequently, and in respect of this main issue, it would comply with policies D-AGT4, NE8 and I1 of the VALP. However, because no improvement in connectivity to the green infrastructure network has been demonstrated, this is a neutral consideration that does not weigh in favour of the scheme.

### *Infrastructure*

52. Collectively and amongst other things, VALP policies D-AGT4, S5, I1, I2 and L3, require new development to provide or contribute towards the provision of the infrastructure, accessible green space and sports and recreation facilities needed to support it. For residential development schemes on sites where 11 or more dwellings are proposed or where the site is 0.3 hectares or larger, VALP policy H1 requires a minimum of 25% of the houses on site to be provided as affordable housing.
53. The section 106 agreement includes several obligations which I have considered in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 – as amended.
54. The main parties agree that the section 106 agreement ensures that the development would deliver a policy-compliant amount and tenure of affordable housing. I agree.
55. The scheme would lead to increased demand for the use of public transport, primary and secondary education, and primary healthcare, as well as publicly accessible green space and sport and recreation facilities (the services and facilities).
56. Due to their small sizes and/or roadside positions, the areas of publicly accessible green open space that would be provided on the site would not provide meaningful spaces for recreational use. In circumstances where a site is of insufficient size to provide the amount of publicly accessible green space and play provision, and sports and recreation provision, VALP policies I1 and I2 – and their supporting appendices, indicate that the open space needs can be met by new or enhanced off-site provision, via a planning obligation. In this case, ecological constraints and the layout and quantum of development, mean there would be insufficient space to accommodate either a policy compliant amount of publicly accessible green space and play provision, or sport and recreation provision on the site. Consequently, and even if the development would not adhere to the Fields in Trust standards for on-site provision, a financial contribution towards off-site publicly accessible sports and recreation provision – which includes green spaces and play provision is justified.
57. There is no dispute between the main parties regarding the level of financial contributions that are necessary to ensure that adequate services and facilities would be available to meet the needs of future occupiers of the development. The main parties also agree that there is a highway safety-based need for a financial contribution towards the consultation and implementation costs of a Traffic

Regulation Order to reduce the speed limit of a nearby section of New Road to 40mph.

58. Consequently, the contributions set out within the planning agreement related to affordable housing and to each of the previously identified services and facilities are justified and soundly based upon planning policy requirements. For the same reasons, they are also necessary to make the development acceptable; directly related to the development; and fairly and reasonably related in scale and kind to the development. As such, these obligations pass the statutory tests set out within regulation 122 of the CIL regulations as well as the requirements of 58 of the Framework.
59. For the reasons given above, the development would make suitable provision for affordable housing, public transport, primary health care, primary and secondary education, publicly accessible, sport and leisure provision – to include greenspace and play provision, and highway mitigation measures. Consequently, and in respect of this main issue, it would comply with VALP policies D-AGT4, S5, I1, I2 and I3

#### *Material considerations*

60. At the hearing the main parties agreed that the Aylesbury Vale area has a 3.62 - year supply of supply of deliverable housing sites, and I have no reason to find otherwise. In light of the fairly large shortfall in housing land supply, great weight is attributed to the contribution that 51 dwellings would make to reducing this shortfall.
61. The number of affordable housing units provided would not exceed the minimum standard set out in the development plan. Consequently, only moderate weight is attributed to the benefit that would result from the delivery of affordable housing.
62. The scheme would also result in short-term economic benefits during construction, and the subsequent occupation of the houses is likely to result in longer-term economic and social benefits to the local economy and community. Environmental benefits would also result from the delivery of measures to secure biodiversity net gain and energy efficiency. However, the relatively modest scale of the scheme means that these social, economic and environmental benefits can be attributed only moderate weight.
63. Suitable provision has been made to ensure that the infrastructure needs arising from the development would be met, and future occupiers would be able to secure adequate living conditions. These are neutral considerations.
64. However, the development would lead to harm in respect of matters related to character and appearance, and to housing mix. Moreover, the extent to which breeding birds and foraging and commuting bats may be affected by the development has not been satisfactorily addressed. These harms and concerns, and the weight given to the associated conflicts with development plan policies, have already been set out.
65. The identified development plan policy conflicts relates to several policies that are central to the consideration of the scheme. Moreover, despite the age of these policies, and insofar as they relate to the scheme subject of this appeal, I agree with the main parties that they are generally consistent with the Framework.

66. That being the case, and notwithstanding my other considerations in relation to matters including; BNG; the green infrastructure network; infrastructure and affordable housing, the development would conflict with the development plan as a whole. I attribute substantial weight to the harm that would be caused by this.
67. Because the Council cannot demonstrate a 5-year housing land supply, paragraph 11. d) of the National Planning Policy Framework (the Framework) applies.
68. In terms of 11. d) ii, the proposal aligns with the parts of the Framework that seek to significantly boost the supply of homes and to provide affordable housing. Furthermore, paragraph 73 of the Framework indicates that small and medium-sized sites can make an important contribution towards meeting the housing requirement of an area. The Framework compliance in respect of the delivery of housing attracts great weight. Moderate weight is also given to the scheme's compliance with the part of the Framework that seeks to ensure the effective use of land.
69. That the development would comply with the parts of the Framework that seek to ensure the provision of necessary infrastructure is a neutral consideration.
70. Being contrary to the development plan as a whole, means the proposal would be contrary to the part of the Framework that states that the planning system should be genuinely plan-led. However, given that the development plan is not providing for enough housing to be delivered, this conflict attracts a small amount of weight.
71. The development would also be contrary to a key policy within the Framework to secure well-designed places, and it conflicts with other parts of the same document that seek to ensure that housing is of an appropriate mix to meet the needs of the local community. Nevertheless, and given the amount of harm that would be caused in respect of these matters, the associated conflicts with the Framework each attract a small amount of weight.
72. However, due to insufficient information being provided to enable the effect of the development on some protected species to be properly understood, substantial weight is given to the scheme's conflict with the parts of the Framework that seek to ensure the conservation of habitats and species.
73. Consequently, I find that the adverse impacts of granting permission for the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal does not therefore benefit from the presumption in favour of sustainable development.

### **Other matters**

74. The appeal site is within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (SAC), which is a habitat site afforded protection under the Habitat Regulations, and which is subject to pressure from recreational disturbance.
75. Had I been minded to allow the appeal, it would have been necessary to establish whether, without mitigation, the proposal would have a likely significant effect on the integrity of this habitat site - either on its own or in combination with other projects. If it would, as the competent authority, I would then have been required to undertake an Appropriate Assessment. However, it has not been necessary for me

to pursue this issue. This is because a finding that the proposal would not have an adverse effect on the integrity of the European sites, either with or without mitigation, would, at best, be a neutral matter.

76. I appreciate that the fairly narrow and elongated shape of the appeal site together with the trees and hedges around it and the badger sett within it, have increased the complexity of designing a scheme for the proposed quantum, type and form of houses. Moreover, I accept that 2 x 2 bedrooms flats in a single building are likely to require a comparable amount of land as 2 x 2 bedroom semi-detached houses. However, and despite the potential alternative layout showing a lower quantum of development, this doesn't mean that an alternative and acceptable 51 dwelling scheme could not be delivered on the site.

### **Conclusion**

77. The proposal conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that this appeal should be dismissed.

*V Simpson*

INSPECTOR

### **Appearances**

FOR THE APPELLANT:

|               |                      |
|---------------|----------------------|
| Dr N J Udin   | HAD Developments Ltd |
| Mr P Robinson | Orbis Planning       |
| Mr T Mohammed | TMA Co Ltd           |
| Mr J Mather   | TMA Co Ltd           |

FOR THE LOCAL PLANNING AUTHORITY:

|               |                         |
|---------------|-------------------------|
| Mrs F Mesgian | Buckinghamshire Council |
| Miss E Foster | Buckinghamshire Council |
| Mrs H McGrory | Buckinghamshire Council |

DOCUMENTS SUBMITTED AT HEARING:

- 1) Appendix D of the VALP
- 2) Breeding bird survey methodology