



Appeal Decisions

Hearing held on 4 March 2014 and 23 April 2014

Site visit made on 23 April 2014

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 10 June 2014

Appeal A: APP/K0425/A/13/2208726

Abbeyfield Society, 193-197 West Wycombe Road, High Wycombe, Buckinghamshire, HP12 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Dad against the decision of Wycombe District Council.
 - The application Ref: 13/05308/OUT dated 12 February 2013, was refused by notice dated 16 May 2013.
 - The development proposed is demolition of existing building at 193-197 West Wycombe Road and erection of new building comprising 32 serviced apartments; closure of existing access points on West Wycombe Road; and alterations to existing access on Desborough Park Road.
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Appeal B: APP/K0425/A/13/2210518

Abbeyfield Society, 193-197 West Wycombe Road, High Wycombe, Buckinghamshire, HP12 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Dad against the decision of Wycombe District Council.
 - The application Ref: 13/07011/OUT dated 16 August 2013, was refused by notice dated 28 November 2013.
 - The development proposed is demolition of existing building at 193-197 West Wycombe Road and erection of new building comprising 24 serviced apartments; closure of existing access points on West Wycombe Road; and alterations to existing access on Desborough Park Road.
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Decision Appeal A:

1. The appeal is dismissed.

Decision Appeal B:

2. The appeal is allowed and outline planning permission is granted for demolition of existing building at 193-197 West Wycombe Road and erection of new building comprising 24 serviced apartments; closure of existing access points on West Wycombe Road; and alterations to existing access on Desborough Park Road at Abbeyfield Society, 193-197 West Wycombe Road, High Wycombe, Buckinghamshire, HP12 3AW in accordance with the terms of the application, Ref: 13/07011/OUT dated 16 August 2103, subject to the conditions set out in the Schedule attached to this decision.

Applications for Costs

3. At the Hearing two applications for costs were made. The first by Mr S Dad against Wycombe District Council, and the second by Wycombe District Council against Mr S Dad. These applications are the subject of a separate Decision.

Procedural Matters

4. The Hearing opened on 4 March 2014 and resumed on 23 April 2014. During the opening session a detailed legal submission was presented by the appellant, which resulted in adjournment of the Hearing to allow time for the Council to fully consider this information and to take further legal advice.
5. With regard to Appeal A¹, the application was made in outline with approval sought for access, landscaping and layout at this stage; appearance and layout being reserved for subsequent approval. When considering the application the Council concluded that the application must be determined on the basis of the submitted (not reserved) details but also taking into account the details shown on the submitted drawings titled 'proposed plans' and 'proposed elevations'. These are not marked as being for illustrative purposes although there are references to illustrative drawings in the Design and Access Statement, and the Planning Support Statement seems to suggest otherwise.
6. With regard to Appeal B² the application was made in outline with approval sought for access, layout and scale at this stage; appearance and landscaping being reserved for subsequent approval.
7. Following submission of this application the Council served an Article 4(2) notice determining that details of internal layout and external appearance were required. Amended drawings were submitted responding to this and showing 24 serviced apartments, rather than the 25 proposed in the original application.
8. These matters were discussed at the hearing and it was agreed that for reasons of clarity, both applications should be considered on the same footing. Therefore, approval is now sought for access, layout and scale and appearance (excepting external materials) at this stage; with landscaping and appearance (insofar as it concerns external materials) reserved for subsequent approval. I have treated the appeals on this basis.
9. The Hearing opened and was adjourned on 4 March 2014, two days before the National Planning Policy Guidance (PG) came into force on 6 March 2014, when various planning guidance documents and Circulars were cancelled. The parties had the opportunity to consider the implications of the PG on these appeals, and I have taken it into account as a material consideration.
10. The development plan comprises the saved policies of the *Wycombe District Local Plan to 2011* (LP) and the *Wycombe Development Framework Core Strategy* (CS). There is no dispute between the parties that the policies to which I have been referred are consistent with the National Planning Policy Framework (The Framework) and should be given full weight. I agree with that position.

¹ 13/05308/OUT

² 13/07011/OUT

Main Issues

11. I consider the main issues are as follows:

- Whether the proposed development should be considered as falling within Class C1 (hotels) or Class C3 (dwelling houses) of the Town and Country Planning Use Classes Order 2007 (as amended) (both appeals).
- The effect of the proposal on the character and appearance of the street scene and surrounding area (both appeals).
- The effect of the proposal on the living conditions of the occupiers of Nos 6-8 Desborough Park Road with regard to outlook and privacy (both appeals).
- Whether the proposal would provide acceptable standards of amenity in terms of levels of daylight, outlook, and private outdoor space (both appeals).
- Whether the proposal would result in additional pressure for parking on the surrounding streets, and if so, whether this would harm highway safety (Appeal A only).
- The effect of the proposal on the provision of affordable housing in the District (both appeals).

Reasons

12. The appeal site comprises a now vacant former care home at Nos 193-195 West Wycombe Road, and the attached No 197 West Wycombe Road, a former dwelling which is now in use as a HMO. It is proposed to provide serviced accommodation in the form of small flats to be operated in conjunction with the Buckingham Hotel north-east of the appeal site.

13. Appeal A proposes 32 serviced apartments in a predominantly four-storey building (plus full basement/lower ground floor) and Appeal A proposes 24 serviced apartments in a predominantly three-story building (again with basement/lower ground floor). Parking and communal garden areas to the rear, together with a new access to Desborough Park Road (and closure of the existing West Wycombe Road access) are common to both schemes.

(Both Appeals): Whether the proposal should be considered as falling within Class C1 or Class C3 of the Town and Country Planning (Use Classes) Order

14. There is a difference in approach here between the Council and the appellant. The Council consider the proposed apartments fall within Class C3 (dwelling houses) of the Use Classes Order, whereas the appellant considers it falls within Class C1 (hotels). This is a key and fundamental issue, particularly as many of the reasons for refusal in both appeals refer to standards and policies which relate specifically to residential development (outlook, privacy, parking, outdoor amenity space), as well as the difference in approach to developer contributions and affordable housing provision.

15. The Council took the same approach in an earlier appeal by the same appellant in respect of a proposal for 14 serviced apartments to the rear of the Buckingham Hotel.³ Although that appeal was dismissed, it was solely on the

³ APP/K0425/A/2168933

- basis of reasons relating to off-site leisure facility contributions; the Inspector being satisfied that the accommodation proposed (of the same type as that before me) could reasonably be considered to fall within Use Class C1. This appeal decision is very recent, is capable of being implemented, and is an important material consideration.
16. The Council considers, in part, that a distinction can be made from that appeal decision due to the fact that the apartments now proposed would be approximately 90m from the parent hotel on the opposite side of the road, and thus forming a separate planning unit. However, I have found no evidence to convince me that the matter of apportioning the Use Class is in any way dependent on whether the appeal site lies within the same planning unit as the Buckingham Hotel, forms its own planning unit, or is ancillary to a parent hotel. As such, I find no reason to consider this point further.
 17. Reference has been made to the case of *Mayflower Cambridge Limited v Secretary of State for the Environment and Cambridge City Council (1975)*. Here, the Court of Appeal concluded that there was a well understood and acceptable distinction between use as bed sitting rooms and use for the purposes of a hotel turning on the stability or instability of the population in the building and the extent to which they were making individual units their homes. The essence of a Class C1 use being that it took transient passengers.
 18. I have also been referred to an appeal decision at 1a Pemberton Gardens, London⁴ which included the formation of a 24 room Apart-Hotel where the Council did not dispute that the proposed use fell within Class C1. The Inspector agreed, saying there is a significant difference between temporary and permanent occupation. He considered that both the expectations of the occupiers and the way the space is actually used are likely to be very different, adding that whatever the length of stay, visitors are likely to have a considerable degree of choice as to where they stay and how long they stay in a particular establishment. I find no reason to take a contrary view.
 19. Indeed, serviced accommodation (or Apart-Hotels as they are sometimes referred to in this context) offer more flexibility than hotel rooms and are often used for longer stays by business customers. In my view the main difference from a hotel room, apart from extra space, is the provision of a basic kitchen area, living area. The management of the proposed apartments would be through the hotel which would provide reception/registration as well as the cleaning servicing and provision of linen for the apartments. In operational terms I consider the apartments would be no different from many hotels which provide for a range of accommodation; the common denominator being the management of the apartment or room, the services provided, and the ability to use the hotel's facilities (bar, lounge and restaurant). The apartments would not be the primary residences of guests, but a temporary form of accommodation for a guest who has a permanent residence elsewhere.
 20. The Council has referred to a number of legal authorities in support of its stance which were rehearsed in evidence including *Moore v Secretary of State for the Environment 1998* and *Gravesham Borough Council v Secretary of State for the Environment and Another 1984*, and I have taken these into account. However, in a later case: *Moore v Secretary of State for Communities and Local Government and Suffolk Coastal District Council 2012* Lord Justice Sullivan

⁴ APP/V5570/E/10/2131885 and APP/V5570/A 10.2131865 (Planning and Listed Building Consent Appeals)

giving the judgement of the Court had cause to revisit both the *Gravesham* and earlier *Moore* decisions and stated that 'even if a dwelling house is not occupied as a permanent dwelling throughout the year, it is not the authority for the proposition that that any use of a dwelling house for holiday lettings will not amount to a material change of use'. Therefore, the up-to-date case law position is that even where a unit of accommodation does afford the basic prerequisites of day-to-day living it does not mean that it is a Class C3 dwelling house. Rather that will depend on the facts of the case. The facts of the case here, as stated above, satisfy me that the proposed apartments fall within Class C1.

21. Consequently, I will consider the remaining main issues on the basis that they relate to a Class C1 Use, and apply the relevant development plan policies accordingly.

(Both appeals): The effect of the proposal on the character and appearance of the street scene and surrounding area

22. The appeal site is within the built up area of the town on a main arterial road which has a mix of residential and commercial uses closer to the town centre. However, in the vicinity of the appeal site West Wycombe Road is predominantly residential in character. The mainly Edwardian style dwellings are set back from the road to a reasonably consistent building line with typically generous tree planting in the front gardens. A further characteristic of the road is the rhythm of buildings and intervening spaces, with larger detached houses or paired semis set in fairly spacious plots. Dwellings are predominantly two-storey, providing a relatively uniform height of development facing the road, with traditional gabled or ridge roof designs. There are some examples of modern flatted development, including the nearby Eden Gardens which was allowed on appeal and is now built. Although this is larger in scale and closer to the road than neighbouring properties, it is still two storeys in height to the road, with other accommodation within the steeply pitched roof.
23. I have no objections to the uncompromisingly modern design of the proposed buildings, or to other detailed design matters referred to by the Council. My main concerns are whether the proposed layout, scale and form of the two schemes is acceptable in their context, and whether the quality of design is sufficiently high to make a positive contribution to the character of the area and sense of place.

Appeal A

24. The scheme proposed in Appeal A shows a building that would be three storeys in height (rising to four storeys in the central section), together with a further full basement below ground level on the street side. This would result in a building that is significantly taller and bulkier than neighbouring and nearby properties, a contrast that would be highlighted by its prominent location on a corner site. To my mind it would appear obtrusive, incongruous and at odds with the prevailing character. Nor would the penthouse storey be subservient to the main floors of accommodation below, making it appear dominant and obtrusive in relation to the more domestic scale and conventional ridge type roofs of the dwellings further west and opposite. Furthermore the proximity of the building to the road would mean that insufficient space is available for meaningful planting to help integrate the development into the street scene,

and as the building would occupy much of the available width of the plot, this would lead to an uncharacteristically cramped appearance.

25. I consider that this scheme fails to capitalise on the opportunities available to create a sympathetic development on this prominent corner site which successfully integrates with its surroundings. LP Policy G3 and CS Policy CS19 have similar aims and require all development to achieve a high standard of design and layout that respects and reflects the local context, including the enhancement of existing landscape and built characteristics of the site and area. In my opinion the proposal manifestly fails to meet these objectives. As such, I conclude on this issue that it would materially harm the character and appearance of the street scene in West Wycombe Road and the surrounding area. As such, it conflicts with LP Policy G3 and CS Policy CS19.

Appeal B

26. However, the more modest proposal in Appeal B has addressed many of the deficiencies of the larger scheme in that it is set further back from the road frontage, is a full storey lower overall, and has a recessed central 'cut back' providing articulation and reducing its apparent bulk.
27. The relatively high density of even this much reduced scheme and high proportion of built development on the site would still result in a building which would be noticeably larger in scale than neighbouring and nearby dwellings. However, this is to be expected of an apartment block, and I do not consider this factor in itself to be necessarily harmful or detrimental to the character and appearance of the street scene, particularly as it would approximately correspond to the ridge heights of neighbouring dwellings to the west. In any event, the perceived scale and bulk of the building would be reduced by its visual separation into three sections, the large window openings, and use of timber cladding. These would all serve to minimise the 'weight' of the building and further mitigate its visual impact.
28. A number of representations have been made objecting to the scale and contemporary design of both appeal schemes, saying it would be wholly at odds with the area. However, in respect of the Appeal A scheme I do not find this contrast would be unacceptably jarring, or materially harmful to the character and appearance of the area.
29. It is proposed to use high quality natural materials throughout, and whilst timber cladding is not typically found locally, it is appropriate for such a contemporary building, and I do not consider its use in this location would have a harmful visual impact. Paragraphs 57 and 58 of the Framework say it is important to plan positively for the achievement of high quality and inclusive design; and whilst developments should respond to the identity of local surroundings, this should not prevent or discourage appropriate innovation.
30. Overall, in respect of Appeal A, I conclude on this issue that the proposed development would not materially harm the character and appearance of the street scene in West Wycombe Road and surrounding area. As such, I find no conflict with LP Policy LP Policy G3 and CS Policy CS19.

(Both appeals) Effect on living conditions of occupiers of 6-8 Desborough Park Road

31. The Council's main concern here relates to the potential for overlooking from the rear facing windows of the proposed apartments to the rear gardens of

these properties. Although I am aware of the fallback position represented by the approved (and extant) permission for the HMO scheme to the rear of No 197, the appeal proposals before me introduce development above ground level in the middle part of the development (above the existing ground floor link building). However, although there would be some overlooking and loss of privacy in respect of part of the adjacent rear gardens, this would be marginal in my view, especially in the context of the approved development on part of the site, and not sufficiently harmful to warrant withholding permission for this reason alone.

32. I therefore conclude on this issue that the proposals would not materially harm the living conditions of the occupiers of Nos 6-8 Desborough Park Road with regard to outlook and privacy. I find no conflict with LP Policy G8.

(Both appeals) Amenity standards for future occupiers

33. The matter of outlook and acceptable levels of daylight relates to the lower ground floor units in both schemes. In Appeal A these are units 1-4, and in Appeal B, units 1-3. All these units are single aspect facing north with light wells being relied upon for daylight. LP Policy G8 applies to both C1 and C3 uses, but it is accepted by the Council that it does not apply equally. It says that development will be required to safeguard the future amenity of residents and also those of surrounding land and buildings. Criterion (a) refers specifically to daylight and sunlight. The low levels of daylight, absence of direct sunlight, and limited outlook from these units would result in unappealing and possibly unacceptable living conditions if the apartments were intended for permanent residential occupation (Class C3). However, as the apartments would be for short stays and a transient population, it is reasonable to conclude that living conditions which may not meet the standard sought for a permanent dwelling could, dependant on the nature and degree to which living conditions are compromised, be acceptable in a serviced apartment.
34. LP Policy H19 says proposals for residential development should include conveniently located, useable outdoor amenity space, and the Council's amenity standards for flats are set out in the guidance in Appendix 1. However, as the policy relates to residential development, I consider it is inappropriate to apply the policy and related standards here. In my view, the provision of outdoor amenity space (even in the form of a balcony) is not a pre-requisite of serviced accommodation. Overall, I conclude on this issue that both schemes would provide acceptable standards of amenity in terms of levels of daylight, outlook, and private outdoor space. As such I find no conflict with LP Policy G8 (a) and H19.

(Appeal A only) Parking and highway safety

35. This issue only concerns Appeal A. The Council is satisfied that adequate off street parking would be provided for Appeal B, and I find no reason to take a different view. Following publication of the Framework the Council has reviewed its parking policies and standards, and the outcome of this review is contained in the *Wycombe District Council Interim Guidance on Parking Standards*, set out in LP Appendix 9. These standards are based on car ownership and local accessibility mapping and take account of the factors identified in paragraph 39 of the Framework. LP Policy T2, which says on-site parking shall not exceed, and may be below, that set out in the adopted

maximum standards, and CS Policy CS20 which requires 'appropriate and effective parking provision' may therefore be afforded full weight.

36. The proposed 32 apartments would be served by 21 spaces, and it can be seen from Appendix 9 that the maximum provision required would be 32 spaces. I accept that the site is within Accessibility Zone 2 (LP paragraph 7.25 refers), where a modal shift away from the car and better use of public transport is encouraged. However, bearing in mind the nature of the accommodation, and its location away from the town centre and main transport hubs, I consider it highly likely that the majority of guests would arrive by car.
37. Although it is reasonable to apply some flexibility, the shortfall in provision is not a marginal. Therefore, and bearing in mind the parking restrictions and considerable pressure for on-street parking in the locality, I conclude that the proposed development in Appeal A would result in additional pressure for parking on the surrounding streets, and consequently would be harmful to highway safety. As such, it conflicts with LP Policy T2 and CS Policy CS20.

(Both appeals) Affordable Housing

38. Turning now to affordable housing, CS Policy CS13 and the related Supplementary Planning Document seek to secure affordable housing on sites of 15 or more dwellings (or of minimum size 0.5ha), and subject to the physical condition of the site and anticipated market conditions, the Council will seek to ensure that at least 30% of the total bed spaces are within affordable dwellings. It is common ground that if the proposed development was for open market housing, these thresholds are exceeded in both appeal proposals, and as such an element of affordable housing provision would be a pre-requisite of granting planning permission.
39. However, as I have concluded that the proposals should not be assessed on the basis of Use Class C3 dwelling houses, the requirement for affordable housing does not arise, and I do not need to consider this issue further.

Conclusion

40. In both appeals I have concluded that no harm would be caused to the living conditions of the occupiers of neighbouring dwellings, and that acceptable amenity standards would be provided for future occupiers.

Appeal A

41. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal in relation to Scheme A should fail on the basis of its harmful effect on the character and appearance of the street scene and surrounding area, and the inadequacy of the parking provision and its effect on highway safety. These are important and overriding considerations which prevail, and are decisive.

Appeal B

42. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal in relation to Scheme B should succeed.

Conditions (Appeal B)

43. The Council submitted a schedule of suggested conditions at the Hearing which was largely agreed, although others were also discussed. I have considered these in the light of the advice in the PG and the retained Appendix A (model conditions) of Circular 11/95: *The use of Conditions in Planning Permissions*.
44. As the application is made in outline, conditions are required for the submission and approval of the reserved matters (adapted in this instance from the model conditions). As rehearsed in my paragraphs 5-6 above, and as agreed by the parties at the hearing, for the avoidance of doubt I shall impose a condition relating to the submitted plans. However, this is only relevant in relation to access, layout, scale and appearance (excepting materials), which are not part of the reserved matters. Any other details shown on the plans which suggest the external are for indicative purposes only, and not binding. The details shown on Plan No LC-2369-01 Landscape Strategy are also for indicative purposes and not binding.
45. Conditions to restrict the use of the apartments to Class C1, to limit the length of stay for guests, and requiring a register to be kept are necessary for the avoidance of doubt and to ensure that the proposal provides short-stay visitor accommodation.
46. A condition requiring details of finished floor levels is needed, as these details are not shown on the submitted plans, although I favour a simplified wording. The condition requiring the bin/cycle store facilities to be provided prior to occupation is not needed, as these details are shown on the approved plans. A condition to promote energy efficiency and lower water consumption is reasonable to secure an energy-efficient development and to accord with Council policy and guidance.
47. The condition requiring the implementation and future maintenance of the approved landscaping details is necessary in the interests of the appearance of the area. A condition requiring the existing access points to be closed is necessary in the interests of highway safety. A condition has been suggested withdrawing permitted development rights for gates at the new access. Such conditions should only be imposed exceptionally where they would serve a clear planning purpose. However, I consider it is justified in this case for highway safety reasons.
48. Conditions have been put forward requiring the noise attenuation measures to protect the occupiers of the development from traffic noise on the main road, and for a solid fence or wall to be erected around the car parking area. These are necessary in order to ensure an acceptable living environment for future occupiers and to protect the living conditions of neighbours. Provisions to be made for the control of any plant noise emanating from the site are necessary to protect residents' living conditions, though I consider this should take the form of a Construction Method Statement.

Nigel Harrison

INSPECTOR

Schedule of Conditions: Appeal B: Ref: APP/K0425/A/13/2210518

- 1) Details of the appearance (insofar as it relates to external materials and finishes) and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at 1:1250 scale and Plan No 1168-P10D: Proposed Plans and Elevations (except in respect of the suggested external materials for different sections of the building which are for indicative purposes only).
- 5) The serviced apartments hereby permitted shall only be used for purposes falling within Class C1 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
- 6) The serviced apartments hereby permitted must not be leased under either a tenancy agreement or any other form of accommodation contract for a continuous period of more than 28 consecutive nights.
- 7) The owner/operator of the serviced apartments hereby permitted shall maintain an up-to-date register of all the names of persons occupying the accommodation, and of their main home address, their length of stay. The Register shall be made available at all reasonable times for inspection by the local planning authority.
- 8) No development shall take place until full details of existing ground levels, proposed finished floor levels of the building, the proposed finished levels of the site, and the level of the road outside the site 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.
- 9) Before the development begins a scheme (including a timetable for implementation) to secure at least 15% of the energy supply of the development from decentralised and renewable or low carbon energy sources, and to secure a water efficiency standard of no more than 105 litres per head per day shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submissions required by condition (1) above. The approved scheme shall be implemented and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

- 10) All hard and soft landscape works comprised in the approved landscaping details shall be carried out in the first planting and seeding season following the occupation of the building or completion of the development, whichever is sooner. If within a period of five from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
- 11) The development hereby approved shall not be brought into use until the new access to Desborough Park Road has been laid out in accordance with the approved details, and the existing access points to West Wycombe Road have been permanently closed.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected at the Desborough Park Road access within 5m of the edge of the carriageway.
- 13) No development shall take place until a scheme for protecting occupiers of the development hereby approved from noise from West Wycombe Road has been submitted and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any of the development hereby approved is occupied.
- 14) No dwelling shall be occupied until a 2.0m high solid close-boarded fence or solid wall has been erected along the boundary of the car parking area to the rear of the site and in accordance with full specification details submitted to and approved in writing by the local planning authority.
- 15) No development shall take place, including any ground clearance and decontamination, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The provisions to be made for the control of any plant noise emanating from the site.
 - iii) Measures to prevent mud/debris from being deposited on the public highway

(End of Conditions)

APPEARANCES

FOR THE APPELLANT:

Martin Crook	(4 March and 23 April)	MSC Planning Limited
Richard Clark	(4 March and 23 April)	Architect
Paul Stinchcombe QC	(4 March and 23 April)	Of Counsel

FOR THE LOCAL PLANNING AUTHORITY:

Richard White	(4 March and 23 April)	Wycombe District Council
Jonathan Crowhurst	(4 March and 23 April)	Wycombe District Council
Tim Mould QC	(23 April only)	Of Counsel
Teresa	(23 April only)	Wycombe District Council

INTERESTED PERSONS:

Nigel Phillips	(4 March only)	Sands Residents Association
Monica Higgins	(4 March only)	Neighbour
Mr S Dad	(4 March and 23 April)	The Appellant
Mr Amir Dad	(4 March and 23 April)	
Mr Allah Dad	(4 March and 23 April)	

DOCUMENTS

1. Council's letter of notification dated 23 January 2014 for the date and venue of the Hearing.
2. Council's letter dated 12 March 2014 for the date and venue of the resumed Hearing.
3. List of suggested conditions.
4. Legal submission and application for costs on behalf of the appellant.
5. Appeal Decision APP/X5990/A/10/2142755: 8 Bentinck Street, London.
6. Decision Notice: 12/07374/OUT 156 and rear 154 West Wycombe Road.
7. Avon Estates Limited & Welsh Ministers & Ceredigion County Council.
8. Sheila Moore and Secretary of State for CLG & Suffolk Coastal DC.
9. Application for costs on behalf of Wycombe District Council.
10. Supplementary submission on the appellant's application for costs further to the NPPG, and the appellant's response to the Council's application for costs.
11. Case authorities referred to in the legal opinion of Tim Mould QC.

PLANS

1. Approved plans: 1168/P8/C dated June 2012 193-197 West Wycombe Road, High Wycombe.