



# Appeal Decision

Hearing held on 16 March 2010

**by A J Davison BA(Hons) LLB(Hons) MSc  
MBA Dip LD RIBA FRTPi**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:  
24 March 2010**

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## **Appeal Reference: APP/K0425/A/09/2114169/NWF**

### **Wycombe Summit, Abbey Barn Lane, High Wycombe HP10 9QQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Snowdome Limited against the decision of Wycombe District Council.
- The application Reference 07/05134/FUL, dated 11 January 2007, was refused by notice dated 23 April 2009.
- The development proposed is the erection of an indoor ski and leisure centre with associated ancillary equipment and refrigeration plant.

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### **Procedural Matters**

1. In December 2007 the Council resolved that it was minded to grant planning permission for the scheme, subject to a Section 106 Agreement. Before that Agreement was completed, the Appellants revised the scheme. It was these changes that led to permission eventually being refused in April 2009. Prior to the Hearing the Appellants sought to revert to the original version, which the Council had supported. At the Hearing the Council confirmed that it had no objection to the appeal being determined on the basis of the original scheme, which it still regarded as being acceptable.
2. The Council also confirmed that it had carried out proper consultations in respect of the original drawings and that the only response had come from the High Wycombe Society, which was represented at the Hearing. That being the case I consider that interested parties have had adequate opportunity to make representations and that no significant prejudice would be caused to any interested person by reverting to the original scheme. I have therefore dealt with the application on that basis.

### **Decision**

3. I allow the appeal, and grant planning permission for the erection of an indoor ski and leisure centre with associated ancillary equipment and refrigeration plant at Wycombe Summit, Abbey Barn Lane, High Wycombe HP10 9QQ in accordance with the terms of the application, Reference 07/05134/FUL, dated 11 January 2007, and the plans submitted with it, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
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- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 305-2, 305-3, 305-4, 305-10, 305-11C, 305-12, 305-13E, 305-14C, 305-15, 305-18, 10743/100, 10742/200B, LIZ0063646, 06.14.101, 06.14.010 and CB5447
- 3) No development shall take place until drawings showing existing and proposed ground levels and levels of thresholds of the proposed building have been submitted to and approved in writing by the local planning authority. Such levels shall be shown in relation to a fixed and known datum point. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No floodlighting or other form of external lighting shall be installed other than in accordance with details that have been submitted to and approved in writing by the local planning authority. Any lighting that is so installed shall thereafter be retained in its approved form.
- 6) No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No other part of the development shall be carried out until the new means of vehicular access has been constructed in accordance with the approved plans.
- 8) The parking and vehicle manoeuvring arrangements shown on the approved plan shall be implemented in accordance with the approved plans before the building is occupied and the area concerned shall not thereafter be used for any other purpose.
- 9) No development shall be carried out until a Travel Plan has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the approved Travel Plan has been implemented. The Travel Plan shall thereafter be subject to an annual review.
- 10) No development shall take place until full details of both hard and soft landscape works, including any walls, screens, fences or other means of enclosure have been submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner.
- 11) If within a period of five years 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, or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

- 12) No existing tree on the site, other than any shown to be removed in the landscaping scheme, shall be lopped, topped, felled or removed.
- 13) No development shall take place until details of facilities for the storage of refuse bins within the site have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details prior to the occupation of any part of the development and they shall thereafter be permanently retained.
- 14) No development shall take place until details of all footpath and cycle routes within the site and their linkage with existing public footpaths and bridleways adjoining it have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details prior to the occupation of any part of the development and they shall thereafter be permanently retained.
- 15) No development shall take place until details of the provision to be made for secure and covered cycle parking for the use of both staff and visitors have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details prior to the occupation of any part of the development and they shall thereafter be permanently retained.
- 16) No development shall take place until a revised Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Method Statement.
- 17) The shop hereby approved as part of the development shall only be used for the sale of equipment and clothing relating to skiing and skating and for no other purpose.

### **The Main Issue**

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

5. The appeal site consists of a large area of woodland on a north-facing slope of the Wye Valley. Permission to develop a dry ski slope and associated club house was granted in 1993 but the operation has been suspended since 2005 when the club house at the top of the slope was destroyed by fire. The main 300m slope on the eastern side of the site is the longest of its type in England. It is separated from the 100m practice slope by a belt of trees. Further to the west is a smaller nursery slope.
6. The proposal involves the erection of a large building occupying the site of the former clubhouse and enclosing the nursery and practice slopes. The practice slope would be enclosed so as to permit the use of snow – produced by a refrigeration plant – rather than the existing dry slope. The site of the nursery slope would be occupied by a small ice rink.

7. At the Hearing the Council confirmed that, although it had concerns about some aspects of the scheme it still considered that its benefits outweighed any shortcomings and that planning permission should be granted.
8. Similar views were expressed by the High Wycombe Society. It was also apparent that there was widespread public support for the development. The concerns that have been raised relate mainly to the visual impact of the development and to the fact that the site is in a relatively remote location that is not served by public transport.
9. The site is very visible in views from the other side of the Wye Valley, much of its prominence being due to the way that the ski runs cut swathes through the wooded slopes. The matting surfaces of the runs were originally white, which would have accentuated their impact. They have faded over time but could become more visible if the surface was renewed. The large new building would be visible at a distance although the proposed materials – timber cladding and a sedum roof – would mitigate its impact. Indeed the sedum roof over the practice run would be less obtrusive than the existing exposed matting surface. Most of the site is occupied by ancient woodland. Management of the ancient woodland would be secured as a result of the development as would public access to it. Overall, I am of the view that, while it might result in the site having a greater visual impact than at present, the development would not unduly harm the character or appearance of the area.
10. The Council also has concerns about the unsustainable location of the site, which is about 1.5 miles from the town centre and is not served by public transport. The use of the site as a ski centre is well established and, apart from improvements to the existing facilities the development would not greatly expand what is there already. The ice rink would be too small to become a destination in its own right. Nevertheless, it is likely that this and the other additional facilities, together with the qualitative improvements to the skiing opportunities would make the centre more attractive. However, the effects of the commercial success of the operation, in terms of traffic generation, would be offset by the introduction of a Travel Plan.
11. There are also powerful arguments to set against the concerns about the appearance and sustainability of the development. I see no reason to doubt the Council's view that it would bring significant economic benefits to the area. It would also preserve and enhance a valuable recreation and sporting facility of regional significance.
12. My overall view is that any harm caused by the development would be limited and would be greatly outweighed by the benefits it would bring to the area. Consequently it would not conflict with the objectives of the development plan.

### **Conditions and Section 106 Agreement**

13. Prior to the Hearing the Council indicated that it would like 22 conditions attached to the planning permission, including the statutory time limit for starting development and the now standard condition listing the approved drawings. I have modified the latter by omitting reference to documents other than the drawings as these are all that are required to be included. The list of drawings was agreed at the Hearing.

14. I have considered the proposed conditions in the light of the guidance in Circular 11/95, The Use of Conditions in Planning Permissions. Some of the information given in the Council's conditions with regard to what should be included in details submitted for approval is, in my view, superfluous. If the submitted details are inadequate the Council can withhold its approval. I have, therefore, amended the conditions where appropriate.
15. Given the prominence and topography of the site conditions are needed in order to ensure that the development does not detract from the appearance of the area. These include a condition requiring submission of details of refuse storage facilities, the position of the building relative to ground levels and the submission of details of building materials. A condition controlling external lighting is also needed.
16. For the same reason there is a need for conditions requiring the protection of existing trees on the site (I consider that the extension of this to include shrubs and other plants would be excessive) and the implementation of an approved landscaping scheme. I see no need for separate conditions relating to details of hard surfaces, walls and plant specifications as this information should form part of the landscaping scheme.
17. There is a need for foul and surface water drainage to be controlled in order to prevent pollution. However, I consider that this could be dealt with more simply by a single condition rather than three.
18. Conditions requiring amendments to the access, the provision of parking facilities for motor vehicles and bicycles and the implementation of an approved Travel Plan are needed in the interests of highway safety and the free flow of traffic.
19. I agree that an arboricultural method statement is needed because of the importance of the woodland on the site. However, by seeking to modify the statement already submitted, the proposed condition would only serve to confuse matters. As agreed at the Hearing, I have amended this condition so as to require the submission of a revised method statement.
20. While the shop shown on the plans would be ancillary to the main use I agree with the Council that a condition is needed in order to prevent the retail activity being diversified in this out of town location.
21. Prior to the Hearing the parties had signed a Section 106 Agreement. The terms of the Agreement places a number of responsibilities on the Appellants. Principal among these is a restoration plan and associated financial measures, which is needed to ensure that this prominent site would not be left in a derelict condition if the use were to cease. The undertaking to manage public access to the woodland and to implement a Nature Conservation and Woodland Management Plan is needed in the interest of nature conservation. The Agreement duplicates the requirement to submit a Travel Plan, which is separately covered by a condition, but sets out in more detail what would be in that Plan.

**Conclusion**

22. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed.

*Anthony J Davison*

Inspector

