
Appeal Decision

Site visit made on 20 September 2016

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 29 September 2016

Appeal Ref: APP/Y0435/W/16/3152055

Field at the corner of Gun Lane and High Street, Sherington, Newport Pagnell MK16 9PE

- 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 Mrs Doris Soul against the decision of Milton Keynes Council.
 - The application Ref 15/02890/OUT, dated 20 December 2015, was refused by notice dated 30 March 2016.
 - The proposal is an outline planning application for up to 14 residential houses on a one hectare field.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved. An illustrative layout plan shows 14 two-storey houses with access from High Street. However, this was treated by the Council as indicative rather than a formal part of the proposal and I have dealt with the appeal accordingly.
3. An executed section 106 unilateral undertaking was submitted at the appeal stage. This contains planning obligations to make financial contributions towards the provision of various types of infrastructure and services. In order for me to take these into account they would need to meet the relevant legal and national policy tests¹, a matter I return to later in this letter.
4. Planning permission was granted on appeal earlier this year for the erection of 36 residential units on land a short distance to the south west of the current site². The Inspector in that case found that, whilst the land is outside the settlement boundary defined in the Milton Keynes Local Plan 2005 ("local plan"), in the absence of a five year supply of deliverable housing sites, development plan policies relating to the supply of housing should be regarded as being out of date. He concluded that, as the proposal would cause only limited environmental harm and there would be substantial benefits, the adverse impact would not significantly or demonstrably outweigh the benefits meaning that planning permission should be granted. There are clearly

¹ Community Infrastructure Regulations 2010 (as amended) and National Planning Policy Framework (NPPF) paragraph 204.

² Appeal Ref APP/Y0435/W/15/3133886 - outline application for 36 residential units on land adjacent to High Street, Sherington, allowed 22 March 2016.

similarities between that case and the one before me, and I will have due regard to the findings of my colleague Inspector.

Main Issue

5. The main issue is the effect that the proposal would have on the character and appearance of the area.

Reasons

The Site and Surroundings

6. The site is in the open countryside to the north of Sherington and is part of a small field to the east of, and slightly elevated above, High Street with a substantial hedgerow and mature trees along the road frontage. To the east is the other part of the field which has a timber barn in the south east corner close to Gun Lane; I am advised that this has planning permission for conversion to a dwelling. To the south of that barn is "Coney Grey", a detached dwelling with agricultural and equestrian outbuildings. On the opposite side of High Street is a field that includes a collection of small agricultural buildings and a site that is currently subject to an appeal proposal for residential development³. To the south west is the site that benefits from planning permission for 36 dwellings recently allowed on appeal. The edge of the existing built up part of the village along High Street and Gun Lane is around 200 metres or so to the south, and there is a significant amount of open land between those two roads. The centre of the small village, which includes a shop and other local facilities, is around half a kilometre away.

Character and Appearance

7. The site is currently undeveloped agricultural land, physically separate from the built up village, and forms part of the open countryside within an area of attractive landscape defined in the local plan. Whilst this may not be a "valued" landscape as referred to in national policy⁴, the rolling countryside extending up to the village clearly provides an attractive rural setting to Sherington.
8. The development of 36 dwellings on land to the south west would extend the built up area of the village in a northerly direction on the western side of High Street. However, the current appeal site is physically and visually separate from that site, with a rural lane and mature vegetation in between. The location of the site would mean that the proposal would represent an isolated pocket of residential development in the countryside outside and poorly related to the village.
9. Whilst the proposal would not be visually prominent in the wider rural landscape due to the mature hedgerows and trees alongside the country roads approaching the village, it would be seen through the existing boundary vegetation from nearby on Gun Lane and High Street, particularly in winter months. The provision of safe vehicular access and visibility splays would require the removal of a section of the existing frontage hedgerow and potentially mature trees. In the absence of a tree survey and detailed plans

³ Appeal ref APP/Y0435/W/16/3152083 - The Rick Yard, Hazelmead Farm, High Street, Sherington.

⁴ NPPF paragraph 109.

the extent of the loss of attractive vegetation is uncertain, but it is likely to have a significant impact on the rural character of the area and open up views of the site from High Street. However well designed and landscaped, the site's inappropriate location means that the proposal would detract from the rural character of this part of the countryside and the setting of the village.

10. I conclude on the main issue that the proposal would cause substantial harm to the character and appearance of the area contrary to local plan policies S10 and S11 and policy CS9 of the Milton Keynes Core Strategy 2013 ("core strategy"). These policies restrict new building outside development boundaries to that which is essential for agriculture or other uses that are wholly appropriate to a rural area, and seek to ensure that development does not damage the special character of attractive landscape areas. The proposal would also be at odds with one of the core principles of national planning policy which recognises the intrinsic character and beauty of the countryside⁵.

Other Matters

11. The absence of a five year housing land supply means that development plan policies for the supply of housing are out of date and it is important that additional deliverable land is made available in the district in the short term. Sherington is identified in the core strategy as a settlement where development boundaries need to be reviewed to accommodate more housing. The development would lead to long term social and economic benefits through the provision of up to 14 new homes, and additional households would be likely to help support local businesses and services. The construction phase would lead to increased local economic activity in the short term. However, the limited scale of the proposal means that I attach moderate weight to the social and economic benefits.
12. In order for the planning obligations made at the appeal stage to meet the relevant tests, they would have to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. This means that the improvements to local facilities and services that I could legitimately take into account would be to mitigate the additional demands placed upon them by the development, rather than to provide any significant wider public benefits. They do not, therefore, materially add to the benefits that the proposal would deliver.
13. Sherington has a population of just under 1,000 people and a reasonable range of local services and facilities including a pre-school, primary school, general store, post office, public house, restaurant, village hall and church. There are regular bus services to Newport Pagnell and Milton Keynes which are around two and seven miles away respectively. However, the isolated location of the site and the distance to the village centre and bus stop (which is greater than from the recently-allowed appeal site) mean that most journeys that would be made by future residents would be likely to be by private car even if pedestrian links along the unlit country lane were to be improved. Whilst national policy recognises that opportunities to maximise sustainable transport solutions vary from urban to rural areas, the isolated location of the site does mean that the

⁵ NPPF paragraph 17, 5th bullet point.

proposal would fail to make a positive contribution to the creation of a sustainable pattern of development in the district.

14. In the absence of a site specific survey, the actual quality of the agricultural land that would be lost is not known although I note that the local plan indicates that the site is in a grade 3 area. However, the modest size of the site means that only limited harm would be caused by the loss of agricultural land.
15. Information provided by the appellant at the appeal stage shows that the site is at low risk of fluvial flooding and that adequate drainage could be provided. Furthermore, whilst the site is generally of low biodiversity interest, a reptile survey is required. Given my overall conclusion, these are not matters that I need to consider further.
16. I am aware that Sherington Parish Council has started work on a Neighbourhood Plan and that the proposal would be contrary to the policies contained in the consultation draft. However, given the relatively early stage that has been reached in preparing this plan, it would be inappropriate to conclude that the proposal is premature in this respect or to attach significant weight to draft policies⁶.

Overall Assessment

17. By virtue of the conflict with the local plan and core strategy policies that I have referred to in my conclusion on the main issue, the proposal would not be in accordance with the development plan meaning that planning permission should not be granted unless material considerations indicate otherwise⁷.
18. The substantial harm that the proposal would cause to the character and appearance of the area, together with the limited harm that would arise from the loss of agricultural land and the fact that the proposal would fail to contribute to the creation of a sustainable pattern of development, would significantly and demonstrably outweigh the moderate social and economic benefits that I have identified when assessed against the policies in the NPPF taken as a whole⁸.

Conclusion

19. I therefore conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

⁶ Planning Practice Guidance (PPG) ID-21b-014.

⁷ NPPF paragraph 11.

⁸ NPPF paragraph 14.