
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/16/3152083

The Rick Yard, Hazelmead Farm, High Street, Sherington, Newport Pagnell MK16 9QP

- 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 Bernard Soul against the decision of Milton Keynes Council.
 - The application ref 15/02946/OUT, dated 26 November 2015, was refused by notice dated 25 February 2016.
 - The proposal was originally described as "convert brownfield site to residential housing; old rickyard on site was used for repair of commercial vehicles, farm equipment, welding repairs to various vehicles, storage of scrap metal, ancillary farm equipment and other motor vehicles".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development included in the header above is taken from the planning application form. It is clear from other information before me that outline planning permission for residential development is sought with all matters reserved. The Design and Access Statement suggests the erection of nine two-storey houses with access from High Street, although this is indicative rather than a formal part of the proposal.
3. Planning permission was granted on appeal earlier this year for the erection of 36 residential units on land a short distance to the south of the current site¹. 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of deliverable housing sites, development plan policies relating to the supply of housing should be regarded as being out of date.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 similarities between that case and the one before me, and I will have due regard to the findings of my colleague Inspector.

¹ Appeal Ref APP/Y0435/W/15/3133886 - outline application for 36 residential units on land adjacent to High Street, Sherington, allowed 22 March 2016.

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 comprises part of a field enclosed by mature hedgerows with a number of disused vehicles and structures in one corner. To the south is the remainder of the field within which there are some agricultural buildings, and beyond this the site that benefits from planning permission for 36 dwellings recently allowed on appeal. To the east, on the opposite side of High Street, is a small field which is subject to a current appeal proposal for residential development². The centre of the small village, which includes a shop and other local facilities, is around half a kilometre away.

Character and Appearance

7. Whilst a statutory declaration submitted with the planning application states that part of the site has not been used for agriculture for ten years, but rather for storage and repair work, the Council advises as this remains unproven the lawful use should be regarded as agriculture. It is not my role to pass judgment on this, but it was apparent from my site inspection that the majority of the site is undeveloped and open, and that whilst the proposal would result in the removal of the various structures in one corner these are not unduly prominent and do not detract significantly from the rural character of the area.
8. The site is 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 policy³, the rolling countryside extending up to the village clearly provides an attractive rural setting to Sherington.
9. The development of 36 dwellings on land to the south would extend the built up area of the village in a northerly direction closer to the current appeal site. However, it is physically and visually separate from the land that benefits from planning permission, with mature vegetation, agricultural buildings and open land in between. The location of the site means that the proposal would represent an isolated pocket of residential development in the countryside outside and poorly related to the village.
10. 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 High Street, particularly in winter months, and through the opening that would be created to provide access. However well designed and landscaped, the site's inappropriate location would mean that the proposal would detract from the rural character of this part of the countryside and the setting of the village.

² Appeal ref APP/Y0435/W/16/3152055 - Field at the corner of Gun Lane and High Street, Sherington.

³ NPPF paragraph 109.

11. 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 countryside⁴.

Other Matters

12. 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 around nine 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.
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 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.

⁴ NPPF paragraph 17, 5th bullet point.

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 policies⁵.

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 otherwise⁶.
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 towards creating 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 whole⁷.

Conclusion

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

William Fieldhouse

INSPECTOR

⁵ Planning Practice Guidance (PPG) ID-21b-014.

⁶ NPPF paragraph 11.

⁷ NPPF paragraph 14.