
Appeal Decision

Site visit made on 17 August 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 05 October 2016

Appeal Ref: APP/J0405/W/16/3147780

Land at the rear of 40-52 Horton Road, Slapton, Leighton Buzzard, Buckinghamshire LU7 9DB

- 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 A Dugard against the decision of Aylesbury Vale District Council.
 - The application Ref 15/02801/AOP, dated 11 August 2015, was refused by notice dated 17 February 2016.
 - The development proposed is erection of 18 houses and bungalows.
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Decision

The appeal is dismissed.

Procedural Matters

1. The application is for outline planning permission with access to be determined at this stage, and all other matters reserved for future consideration. With that in mind I have treated the site layout submitted as being illustrative only.
2. The Council refused a previous, but similar application¹ in April 2015. Following this refusal the Council clarified their policy position with regard to affordable housing², suggesting that given the scale of the development it would be more appropriate for the appellant to pursue the provisions of Policy GP4 of the Local Plan³ (LP). This allows small scale development adjacent to built-up areas in settlements to meet local needs that would not otherwise be met under the LP. The Council also states that Members had concerns with regard to the proposed layout of the development and that this was discussed at committee. I note that the appellant disagrees with the letter's content in relation to the conclusions reached by Members, but I have no further evidence before me to conclude on this, and in any case I have considered this appeal on its own merits.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area;

¹ Ref 14/02818/AOP

² Correspondence from Aylesbury Vale District Council to Clerk to the Parish Council, dated 8 April 2015

³ Aylesbury Vale District Council Local Plan 2004

- the effect of the development on local biodiversity; and,
- whether with due regard to the development plan and national policy, the location of the proposal and its proximity to services would represent a suitable site for housing.

Reasons

Approach to decision making

4. The Council does not have a five year housing supply, and Paragraph 49 of the National Planning Policy Framework (the Framework) states that in such circumstances policies for housing supply are to be considered out of date. The Council states that the development would not meet the affordable housing thresholds set out in LP Policy GP2 and that therefore there is no policy basis upon which to give weight to the affordable housing benefit to be provided. However, I consider this policy to be out of date in respect of housing supply. Consequently, I give this argument little weight. I also find LP Policy GP4, as outlined above, out of date for the same reason, and similarly give this policy little weight.
5. Paragraph 14 of the Framework states that where policies are absent, silent or out-of-date, permission for development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or unless specific policies indicate that development should be restricted. Whilst I have given little weight to the thresholds in LP Policy GP2 in my reasoning, I have considered the effects of the development in the context of national policy and other relevant policies in the Council's development plan.

Character and appearance

6. The appeal site is undeveloped land which occupies a prominent corner plot, effectively containing the settlement pattern of Slapton and providing screening from the west. There is open farmland to the immediate north, the road bounds the site to the west and south, and there is a line of dwellings and associated gardens to the east. Slapton itself is classified as a smaller village which could support small-scale development in the Council's settlement hierarchy⁴.
7. Slapton is a nuclear village with a distinct core located around a central crossroads, and although the building pattern radiates out along the main roads there is a defined and distinct edge to the village which forms a pleasing contrast with the adjoining farmland, particularly on its western edge. Dwellings on Horton Road to the east of the appeal site have active frontages on each side of the road.
8. The development would comprise a cul de sac, with its vehicular access some 150 metres from the nearest existing dwelling on Horton Road. It would comprise 18 dwellings, and the access point would be located on the western edge of the appeal site, at a right angle bend in the road. Existing boundary hedgerows would be retained to form a screen, although their current height of some 3 – 4 metres appeared on my visit to be attributable to a lack of maintenance rather than the presence of significant hedgerow trees. There

⁴ Aylesbury Vale District Council Settlement Hierarchy 2012

would also be a pedestrian link from the development on the southern boundary of the appeal site, which would exit closer to the existing dwellings on Horton Road

9. Although I recognise the layout is illustrative it nonetheless indicates the scale and spread of the development across the site. It shows a relatively high density compared to the adjacent development pattern, and would be a self-contained group of dwellings. I note that there are other cul de sacs within Slapton, but they are accessed from within the village. In this case, the access would be fairly remote from the established settlement pattern. Furthermore, the layout would bear little relation to the development pattern at the settlement edge. Consequently, I concur with the Council that its form and building pattern would be poorly integrated into the settlement, and would appear as a suburban estate tacked onto the side of the village.
10. The site is prominently located; although the unmanaged boundary hedgerow currently provides some screening of the site, this vegetation would not be tall enough in its current state to provide full screening of the dwellings, and a portion of their upper storeys and roofs would be visible from the western approach to Slapton. The density and incongruity of the development would be evident and it would appear out of keeping with the settlement pattern.
11. The appellant states that the proposed line of trees and hedge-line along the site's northern boundary would provide a buffer and planting belt, in line with the Council's suggestions in their letter of 8 April 2015. However, the evidence before me indicates that this planting would be outside the appeal site and in any case its proposed extent would be limited and it would constitute neither a planting belt nor a buffer sufficient to provide a transition between the development and the adjoining open countryside.
12. Slapton has a mixed and varied development pattern, which appears to have evolved in a piecemeal fashion. A development of 18 dwellings, as proposed here, would be a significant addition to the established settlement and as noted above, would be in a prominent location on the village edge. LP Policy GP35 states that the design of new development proposals should respect and complement the physical characteristics of the site and its surroundings, the building tradition, ordering, form and materials of the locality and the effect on important public views and skylines. I consider the proposals would appear unrelated to the form and density of the existing development pattern, and this would be to the detriment of the character and appearance of the area, and would also be contrary to LP Policy GP35, as outlined above. It would also fail to respond to local character as required by the National Planning Policy Framework (the Framework), and would diminish the definition between the countryside and the settlement edge. As such, it would fail to maintain the intrinsic beauty of the countryside as required by Paragraph 17 of the Framework. Given the scale of the development compared to the existing form, pattern and setting of this small village, I give this considerable weight.

Biodiversity

13. I noted on my visit that the boundary hedge adjacent to the highway had not been managed for some time, and there were heaps of brash on the site. The appellant's planning statement indicates that a biodiversity assessment was carried out at planning application stage. However, the Council's evidence indicates that it did not form part of the evidence that informed determination

of the application, and nor does it appear to be included in the evidence provided for this appeal.

14. Although the appellant states that there will be a net gain in biodiversity, there is no evidence to support this. Furthermore the density of the development is such that realistic provision to accommodate biodiversity gains would be limited, and the additional tree and hedge planting indicated on the layout plan appears to be outside the site boundary.
15. I disagree with the appellant that an ecological assessment is unnecessary, as this is an undeveloped site contiguous with farmland. Whilst to some extent mitigation could be achieved by condition, were the appeal to be allowed, the absence of an ecological assessment for development prevents me reaching a conclusion in respect of biodiversity. Furthermore, although I appreciate layout is not to be determined at this stage, the biodiversity value of the retained hedgerows may be affected by the proximity of dwellings and amenity space.
16. As such, the development would fail to demonstrate that the development would minimise its impact on biodiversity or provide net gains, as required by Paragraph 109 of the Framework.

Location

17. The status of the village indicates that notwithstanding the limitations on local services and transport links, it is a village where the Council considers limited expansion is considered acceptable. The evidence before me also indicates that the parish council is supportive of the scheme and that there is a demand for housing from local people. Furthermore, the distances to the nearest station (2 miles) and to the town of Leighton Buzzard (3.5 miles) are not, in my mind, excessive or indicative of a remote rural location. The Council has raised a concern in respect of the proposed pedestrian link to the village, but it would exit onto Horton Lane fairly close to existing housing and there is an existing footway to the centre of the village, albeit on the other side of the road.
18. Consequently, although the addition of 18 dwellings would be fairly significant given the size of the existing village, I consider the location of the development and its proximity to services would represent a suitable site for housing and the development would not be contrary to the principles of Paragraph 7 of the Framework with regard to location. These principles require the sustainability of proposed development to be assessed in the context of economic, social and environmental considerations.

Housing supply

19. The development would provide six units at a discounted sale or rent, and I appreciate that the appellant has entered into a Deed of Settlement to safeguard their provision in perpetuity. However, notwithstanding the parish council's support for the development, evidence before me from the Neighbourhood Plan process⁵ indicates that the development's proposed mix of tenure, design and layout does not have universal support in the village. This observation reinforces my concern in relation to the effect of the development on the character and appearance of the area.

⁵ Slapton Parish Neighbourhood Plan, Vision Workshop Note August 2015 (Draft)

Other matters

20. The Council advises that financial contributions would be required to support the provision and maintenance of educational and leisure facilities and although the appellant has acknowledged this need and is willing to enter into an agreement, a Unilateral Undertaking has not been provided in this regard. However, given my findings in relation to the main issues, it is not the sole determinative factor in the dismissal of the appeal.
21. There does not appear, on the basis of the evidence before me, to be a dispute between the main parties with regard to the desirability of affordable housing provision within the village. I note that the appellant states there have been difficulties engaging with the Council with regard to the Deed of Settlement included with the evidence. However, such procedural difficulties as the appellant may have experienced are outside the scope of this appeal, as are concerns with the Council's timeliness in determination of this appeal, and I give them little weight in my reasoning. The Council's first reason for refusal relates to the character and appearance of the area. As such, I disagree with the appellant's statement⁶ that the Council has refused permission solely on the basis of out of date policies in respect of affordable housing thresholds.
22. The evidence before me also indicates that the appellant has provided an obligation in relation to the proposed affordable housing, but this is incomplete. In any case, as I have found harm in relation to the main issues it is not necessary for me to consider this further.

Sustainable development

23. Paragraph 187 of the Frameworks states that decision-takers should seek to approve applications for sustainable development wherever possible, and the appellant has drawn my attention to the economic, social and environmental benefits to be derived from the development. With regard to economic benefits, I appreciate that there would be short-term benefits from the construction works and the contribution future occupiers would make to the local economy. I also concur with the appellant that the development would widen the choice of homes, and provide homes for identified groups as required by Paragraphs 9, and 17 and 50 of the Framework respectively.
24. However, Paragraph 8 of the Framework seeks to improve the lives of people and communities through well-designed buildings and places and I consider the development's design would not create a well-designed place in relation to its particular location. Nor do I consider that the development takes local circumstances into account with regard to local place-making.
25. Although I have not found harm in relation to the location of the development, the site is prominent and it would encroach into the countryside and represent a density and form of development unrelated to its immediate surroundings or the character of the established development pattern. The adverse effects so caused would significantly and demonstrably outweigh the benefits, and would therefore fail the provisions of Paragraph 14 of the Framework, as outlined above.

⁶ Final comments, 16 August 2016

Conclusion

26. For reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR