
Appeal Decision

Site visit made on 26 September 2016

by D M Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 17th October 2016

Appeal Ref: APP/J0405/W/16/3153606

Hideaway Farm, Wendover Road, Stoke Mandeville, Buckinghamshire HP22 5TR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr James Bone against Aylesbury Vale District Council.
 - The application Ref 15/03663/AOP is dated 27 October 2015.
 - The development proposed is the erection of 18 detached dwelling houses and formation of a new access and infrastructure works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made against the failure of the Council to determine the application within the prescribed period. Following the submission of the appeal, the Council provided a statement outlining their concerns in relation to the proposal. The Council has confirmed that had it been in a position to determine the application, it would have been refused for a variety of reasons including highway safety and the effect on the landscape, local infrastructure and ecology.
3. The application was submitted in outline with only access and layout to be determined at this stage. I have dealt with the appeal on that basis
4. There is no dispute between the parties that the Council cannot demonstrate a 5 year supply of housing. In such situations paragraphs 47 and 49 of the "*National Planning Policy Framework*" (the Framework) state that the relevant policies for the supply of housing should not be considered up to date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I have considered the appeal accordingly.
5. A site access general arrangement drawing (Ref: C85253-D-100 rev A) was submitted with the appeal documentation. However, the Transport Statement¹ (TS) and Stage 1 Road Safety Audit both refer to a different plan (Ref: C85253-D-100 rev B). In view of this confusion, I wrote to the parties to seek clarification. The appellant has subsequently confirmed that the latter does

¹ Paragraph 4.2.2

supersede the former. I appreciate that the Highway Authority has not commented on the TS and amended plan, however as the changes are somewhat technical in nature and do not affect the substance of the proposal, I am satisfied that no injustice would be caused if I were to consider them.

Main Issues

6. In view of the above, I consider the main issues are:

- a) The effect of the development on the character and appearance of the area;
- b) Whether the development would be sustainable in locational terms;
- c) The effect on highway safety;
- d) The effect on nature conservation and biodiversity, and;
- e) The effect of the proposed development on local infrastructure and whether contributions should be made to mitigate against any such effects.

Reasons

Character and appearance

7. The appeal site is a rectangular plot of open land located to the south of the A413 Wendover Road roughly equidistant between the settlements of Stoke Mandeville and Wendover. It is bounded to the east and west by open fields, to the north by a small ribbon of houses along Wendover Road and to the south by a collection of timber agricultural buildings.
8. The site is accessed direct from Wendover Road via an unmade track in the north-west corner of the site. Whilst there are fleeting views of the site through the access, the main site frontage is largely enclosed by a substantial hedge along much of its length and which affords little visual exposure of the site from the road. The appeal site forms the front portion of a larger tract of land belonging to Hideaway Farm which falls away from the road towards the railway.
9. The surrounding area is characterised by a combination of open fields affording long distance views of the countryside beyond interspersed by sporadic development. Aside from the industrial estate to the north-west, much of this is arranged in loose linear form along Wendover Road. There are a range of house types in the immediate vicinity including bungalows and larger two storey dwellings. Most dwellings address Wendover Road albeit set back generously from it and occupy spacious plots.
10. At the time of my visit the land was being used extensively for the parking of trailer units and other miscellaneous uses². I noted the presence of several redundant buildings on the land which are of little aesthetic value. In view of the foregoing, the site has a cluttered and unkempt appearance which detracts from the open and rural character of its surroundings.
11. The submitted plans show an enclosed, relatively high-density physically distinct development of 18 dwellings arranged around a cul-de-sac. The

² There is nothing in the submissions of either party to suggest these uses have the benefit of planning permission.

development would be served from the existing access with Wendover Road which would be improved to the requisite standards. It is inevitable that the dwellings, together with the associated estate road and domestic boundary treatments would completely change the open character of the land. The proposed layout and lack of relationship with Wendover Road would contrast markedly with the prevailing pattern of development in the area and impose an unduly urbanised built form on the landscape. It would effectively introduce a substantial and largely self-contained enclave of development which, in landscape terms, would have little resonance with the more conventional and established arrangement of dwellings along Wendover Road.

12. I accept that the retention of the hedge would assist in softening the visual impact of the development to the point where the houses would not be unduly prominent in views from Wendover Road. However, bearing in mind that at least some of the houses would be two storeys in height, they would be visible above the hedge and in angled views from the north-west and south-east. In any event, I concur with the Council that the argument that the dwellings would be out of public view is not a good one in principle; it could be oft-repeated to the overall detriment of the character and appearance of the countryside.
13. Amongst other things the Framework identifies the legitimacy of promoting or reinforcing local distinctiveness, seeks to encourage high quality design, and which establishes a core principle to recognise the intrinsic character and beauty of the countryside. It further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. At the local level, these objectives are reflected in Policy GP35 of the "*Aylesbury Vale District Local Plan 2004*" (the LP) which states that new development proposals should respect and complement the physical characteristics of the site and its surroundings.
14. Based on the foregoing, I find the scheme would introduce a harmful change in the character and appearance of the site from an open rural setting to a highly urbanised one, and one jarring in its physical form with the existing immediate pattern of built development. I therefore conclude that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. Accordingly, it would be contrary to Policy GP35 of the LP and the aims and objectives of the Framework.

Locational sustainability

15. One of the core principles of the Framework is; '*to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable*'. The Council argue that the location of the site outside any recognised settlement is not conducive to the use of sustainable modes of transport and would result in an over-reliance on car borne trips.
16. There is no dispute that the site is some distance from the nearest built-up area. As I saw when I visited the site, there are few shops or community facilities within convenient walking distance of the site. I acknowledge the shop at the nearby garden centre would provide for some day-to-day essentials, however, on the evidence before me I am not persuaded it offers a wide range of goods. The nearest local centre offering a range of services is

Stoke Mandeville. According to the appellant this is approximately 1 mile from the appeal site. Notwithstanding that the route is lit and benefits from pedestrian footways and off-carriageway cycle facilities, in my view, it is not reasonable to expect future occupiers of the development to regularly travel such a distance on foot.

17. The appellant argues that the site is well served by public transport with proximate bus stops on Wendover Road. However, from the timetables supplied it is evident that services are infrequent during the working week and non-existent at the weekends. Consequently, whilst it might be possible for some carefully planned journeys to be undertaken by bus, I am not persuaded that this represents a viable alternative to car based travel.
18. Although the site fairs better in relation to its cycling with a number of destinations within the recommended 5km, I do not consider that this in itself is sufficient to overcome the limited public transport and pedestrian options I have identified.
19. I have had regard to the argument that the emerging Local Plan³ proposes significant housing growth to the south of Aylesbury which may entail improvements to public transport which could in turn boost the sustainability credentials of the appeal site. However, as this document is not at an advanced stage I have attached little weight to it in accordance with paragraph 216 of the Framework.
20. Overall I find that the balance of probability is that for most journeys, for most purposes, in most seasons of the year, the transport mode of choice, and in most cases necessity, would be the private car. There would thus be conflict with paragraph 17 of the Framework.

Highway Safety

21. Rather than the principle of accessing the development from Wendover Road, it is the design of the junction and the pedestrian crossing point which is the issue. To address these concerns the appellant has submitted a Transport Statement and an amended plan. I acknowledge that the Highway Authority has not had chance to comment on these. Nonetheless, their concerns are clearly articulated in their Appeal Statement and I have taken these into account when considering the revised new material.
22. This design of access has been amended to increase its width to 5.5m with 10m radii. Swept paths have been submitted to show the workability of this arrangement and the Stage 1 Road Safety Audit found no fundamental issues. Bearing in mind that the access has historically accommodated a degree of turning traffic, I am satisfied the design of the junction is appropriate to both the amount and type of traffic likely to be generated by the development.
23. In terms of the design of the pedestrian crossing point on Wendover Road, it is not clear from the Highway Authority's evidence what the justification is for such a facility. Given the scale of development and the modal splits set out in the TS, the development is only likely to generate a small number of pedestrian movements. Moreover, there is already a joint-use footpath/cycleway on the

³ Vale of Aylesbury Local Plan: Draft Plan for Summer 2016 Consultation

south side of the Wendover Road and I therefore find it unlikely that pedestrians from the development would want to cross at this point.

24. Putting that aside, it is evident that the Highway Authority's objection is based on the width of the central refuge which it considers should be a more onerous 2m not the 1.5m shown on the submitted plans. However other than a fleeting reference to a technical document⁴ there is little justification provided. As I have already found, the likelihood of cyclists or pedestrians from the development or anywhere else crossing at this point would be small. There is no obvious need for cyclists to cross at this point since there is a continuous cycleway to Stoke Mandeville on the south side of Wendover Road. It is of course possible that other cyclists and other road users might want to cross here but this is not a built-up area and in the absence of any evidence to the contrary I consider that such instances would be rare and do not provide justification for a 2m wide refuge. Based on the foregoing, I consider the design of the pedestrian crossing would be appropriate and proportional to mitigate the impact of the development.
25. I therefore conclude that the development would not have an adverse effect on highway safety. It would thereby accord with the aims of Buckinghamshire's Local Transport Plan 3 and the Framework.

Ecology

26. Despite the submission of a lengthy Phase 1 Habitat Survey and Ecology Assessment, the Council argue that further information is required with respect to the impact of the development on bats, great crested newts, reptiles and badgers. However the Ecology Assessment is unequivocal that the development would result in a net gain for biodiversity. Moreover, there is no specific evidence relating to the presence of great crested newts, snakes or badger setts on the site.
27. I acknowledge that there is the potential for bat roosts in some of the derelict buildings and that further survey work is recommended. From my own observations of the site and its surroundings, it is clear to me that there are, at the very least, moderate opportunities for bat roosting associated with the buildings and the trees. All species of bat are protected by law.
28. Taking account of the above, I consider there is a reasonable likelihood of bats being present and therefore a precautionary approach should be adopted. Without a bat survey, it is not possible to ascertain the effect of the development on a protected species. I conclude therefore that the scheme would conflict with the aims of paragraph 109 and 118 of the Framework which advise that the local planning authorities should aim to conserve and enhance biodiversity and the natural environment.

Infrastructure contributions

29. On the basis of Policies GP86-88 and GP94 of the LP financial contributions are required to support the provision of off-site play space for children. On the basis of the information provided, I am satisfied that the requirement for this contributions would be in accordance with the statutory tests.

⁴ LTN 2/95 "The Design of Pedestrian Crossings"

30. The education contribution is justified as the County Council has identified a deficit at the local primary and secondary school which would serve the development. This planning obligation is necessary to provide the additional school facilities that would be required by residents of the development proposed. The sum is fairly and reasonably related in scale and kind to the development, and directly related to it. Accordingly, it meets the test of a planning obligation.
31. I appreciate that the Council did not seek a planning obligation from the appellant given its position on the main issues. Nonetheless, no obligation is before me and in these circumstances I conclude that the proposal would conflict with the development plan.

Other Matters

32. In support of the appeal, the appellant has drawn my attention to the Council's recent decision to grant planning permission on two other sites in the district. However, there are few details before me of these cases and I note that the Council have repudiated any comparisons between the sites on a number of grounds. That being the case, I have afforded them little weight and have assessed the scheme before me on its own merits in the light of the particular circumstances which apply in this case.

Overall Conclusions and Planning Balance

33. The scheme would undoubtedly would make an important contribution towards the Council's housing stock in terms of both affordable and market provision. Such benefits would be consistent with the *social* dimension of sustainable development and given the Council's acknowledged housing land supply position and the aims of the Framework to significantly boost the supply of housing, this weighs in favour of the scheme.
34. The development would also support the *economic* role through the purchase of materials and services in connection with the construction of the dwellings, an increase in local household expenditure as well as revenues to the Council from the New Homes Bonus. However, the development would not provide the necessary infrastructure contributions to mitigate the impact of the development.
35. In *environmental* terms, the scheme would incur loss of an open parcel of land in the countryside. It would impose a considerable extent of discordant built development upon the landscape contrary to the Framework's aspirations for planning to recognise the intrinsic character and beauty of the countryside, and to promote local distinctiveness and high quality design. The dwellings would also be sited in an area remote from shops, services and community facilities leading to unsustainable travel patterns. There would also be some potential harm in terms of ecology. Collectively I attach significant weight to this harm.
36. Safe and suitable access could be achieved, however, this is a neutral effect does not weigh in favour of the appeal proposal.
37. Taking all these considerations in the round, the development would deliver considerable benefits consistent with the Framework. Of particular weight would be 18 new homes in a district which is unable to demonstrate a five-year housing land supply. Nevertheless, either on their own or in combination,

these considerations do not outweigh the significant *environmental* harm I have identified in terms of the effect on the character and appearance of the area, unsustainable travel patterns and ecology. I therefore find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits such that the scheme would not constitute sustainable development for which there is a presumption in favour.

38. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector