
Appeal Decision

Site visit made on 27 September 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/J0405/W/16/3151898

**Coldstream Farm, Waterperry Road, Worminghall, Buckinghamshire
HP18 9JN**

- 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 Peter Dean against the decision of Aylesbury Vale District Council.
 - The application Ref 15/03403/AOP, dated 19 October 2015, was refused by notice dated 7 December 2015.
 - The development proposed is outline application for the construction of 5 dwellings, utilising the existing access off Waterperry Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal concerns an application for outline planning permission including details of access. Appearance, landscaping, layout and scale are reserved for later consideration. Although the plan is not marked as 'indicative' or 'illustrative', because all matters apart from access are reserved for future consideration I have dealt with the appeal on the basis that the site layout plan is indicative.
3. I have been provided with a Statement of Common Ground ('SOCG'), signed by both parties on 21 July 2016 which confirms that in respect of reason for refusal 2, the Council's concerns have been addressed. I have not therefore considered these matters any further.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site's character is one of open and relatively undeveloped rural land located on the periphery of Worminghall, a relatively small rural settlement. The presence of mature landscaping and trees along with the openness and spaciousness of the site positively contributes to the semi-rural character and appearance of the site and area.
 6. There is development on the opposite side of Waterperry Road, consisting of predominantly single and two storey detached and semi-detached dwellings.
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These dwellings are seen in the context of the more built up area of the village and the overall pattern of development does not extend significantly in depth from the main road. This is in contrast to the side of the road where the appeal site is located, which contains more substantial detached dwellings and agricultural buildings, set a greater distance from the road and within a more landscaped and wooded setting, commensurate with its location on the edge of the settlement.

7. Although appearance, landscaping, layout and scale of the scheme would fall to be assessed in greater detail at a later stage, the overall quantum would be fixed and in trying to achieve an appropriate scheme at the reserved matters stage, there are a limited number of ways in which the appeal site could be developed for five, large detached dwellings.
8. The introduction of such development, the likely associated garaging, hard surfacing and future domestic paraphernalia and outbuildings would markedly change the character and appearance of the appeal site. Development would be uncharacteristically clustered around the centre of the site and close together with maximum ridge heights of 9m¹. In my judgement, the proposal would result in a significant encroachment of overly dominant and compact built form that would set itself apart from adjoining development and not integrate well with it. In its context it would amount to overdevelopment to the detriment of the character and appearance of the appeal site and area and I do not consider that the current landscaping or future ecological and landscape improvements suggested by the appellant would mitigate this harm.
9. For these reasons, the development would cause significant harm to the character and appearance of the area and would conflict with Policy GP.35 of the Aylesbury Vale District Local Plan ('AVDLP') which, amongst other things seeks to ensure that the design of new development respects and complements the natural qualities and features of an area and the physical characteristics of the site and surroundings. I find this approach is consistent with the National Planning Policy Framework ('the Framework') insofar as the need to promote and reinforce local distinctiveness and that good design is indivisible from good planning. The proposal would therefore also conflict with the Framework.

Other Matters

10. I have been referred to an appeal decision at the Former Sewage Works, Clifden Road, Worminghall (Ref: APP/J0405/W/15/3004135) by the appellant although I have not been provided with the full details. In any event, the Inspector's decision was based on a subjective aesthetic judgement relating to the character and appearance of that particular site and area and I have also determined this appeal in the same way. It is therefore not directly comparable to the appeal before me and does not alter my view in relation to the main issue.
11. I also acknowledge that changes have been made to the proposal following discussions with the Council, including a reduction in numbers and the contention that it would comply with the Worminghall Village Plan, which recognises the need for new housing. However, such matters do not outweigh the harm that I have identified.

¹ Paragraph 5.2 of appellant's statement

Planning balance and overall conclusions

12. In this particular case, it is not in dispute that the Council cannot demonstrate a five year supply of housing land and the appellant considers that the presumption in favour of sustainable development applies. However, the policy which forms the basis for the Council's reasons for refusal is a criteria based policy regarding qualitative and aesthetic design considerations rather than a policy that constrains the supply of housing land. In this particular case, the development plan is not absent, nor is it silent or out of date and I have found conflict with it. Accordingly, the presumption in favour of sustainable development set out in paragraph 14 is not engaged.
13. In the normal balancing exercise required the erection of five dwellings would create limited economic and social benefits by contributing to the supply of housing, during its construction period and future residents would also support the local economy and community. There would also be financial benefits from the New Homes Bonus. However, these benefits would not outweigh the significant harm to the character and appearance of the area that I have identified. The proposal would also fail to fulfil the social and environmental dimensions of sustainable development as set out in the Framework.
14. For the reasons set out above and having considered all other matters raised, the proposal would conflict with the development plan, when read as a whole and the Framework. I therefore conclude that the appeal should be dismissed

Richard Aston

INSPECTOR