
Appeal Decision

Site visit made on 25 October 2016

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 9 November 2016

Appeal Ref: APP/J0405/W/16/3156690

Land between Old Quarry Barn and No 29 Bushmead Road, Whitchurch, Buckinghamshire HP22 4LG

- 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 Mark Oates against the decision of Aylesbury Vale District Council.
 - The application Ref 16/01343/AOP, dated 11 April 2016, was refused by notice dated 12 July 2016.
 - The development proposed is 'outline application with all matters reserved for a residential development of eight houses and formation of new access'.
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Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved for residential development of eight houses and formation of new access at Land between Old Quarry Barn and No 29 Bushmead Road, Whitchurch, Buckinghamshire HP22 4LG in accordance with the terms of the application, Ref 16/01343/AOP, dated 11 April 2016 and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal seeks outline permission with all matters reserved for later approval including the means of access. Two indicative layout plans (Drawing Nos 001 and 002) with alternative access points accompanied the application. These show the general layout of the site with two pairs of semi-detached dwellings on the road frontage and four detached dwellings to the rear and planting on the site boundaries. Whilst not formally part of the scheme, I have treated these plans as a guide to how the site might be developed, were the appeal to succeed.
3. The front section of the site has an extant planning permission for four dwellings¹ (hereafter referred to as the '2014 approval'). Whilst this is a material consideration in the assessment of the appeal scheme, I have arrived at my decision based on the evidence and the circumstances of the case before me.

Main Issues

4. The main issues in this case are:

¹ Ref 14/00969/APP

- the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Quanton-Wing Hills Area of Attractive Landscape (AAL); and
- Whether or not the proposal would accord with the National Planning Policy Framework (the Framework) and the policies in the development plan relating to the location of new development in the District, having particular regard to the principles of sustainable development.

Reasons

5. Whitchurch lies approximately 9km to the north of Aylesbury and is a large village which has developed alongside the A413. The appeal site is within a residential area to the south-east of the village and forms part of a field to the north of Bushmead Road. It is located between the converted barns at Old Quarry Barn and the semi-detached dwellings at Nos 29 to 39 Bushmead Road which mark the edge of the built-up area of the village on the north side of the road.
6. Opposite the site, development to the south of Bushmead Road extends further to the east. The position of the detached dwellings set back from the road and regular building line create a pleasant and spacious character and appearance. The established planting and trees along the road frontage, grass verges and spacious pattern of development create a rural character and a sense of the built-up area thinning out towards the open countryside to the east of the village.
7. The site is located within the Quanton-Wing Hills AAL. Policies RA.8 and GP.35 of the Aylesbury Vale District Local Plan (2004) (AVDLP) seek to ensure that the design of new development respects and complements the physical characteristics of a site and its surroundings and that development respects landscape character. These policies accord with one of the core principles of the Framework to recognise the intrinsic character and beauty of the countryside.
8. The Aylesbury Vale Landscape Character Assessment (May 2008) (AVLCA) identifies the site as being within the Pitchcott-Whitchurch Ridge Landscape Character Area (LCA). The key characteristics of this LCA include a broad ridge eroded by a network of small streams, gently rolling landform in predominantly pastoral use and small fields enclosed by mature hedges.
9. The appellant's Landscape and Visual Impact Assessment (LVIA) has been prepared in connection with larger proposals for thirteen and fourteen dwellings on the site respectively which were the subject of different planning applications². I have had regard to its general conclusions, but some aspects of the appeal scheme would be different, for example the position of proposed landscape areas.
10. The LVIA concludes that the magnitude of change on landscape character arising from the larger schemes would be negligible/low and that the development could be integrated without significantly affecting the key characteristics of the wider landscape. With regard to visual effects, the LVIA concludes that the development could be integrated without significant harm to the character and appearance of the area. The Council indicates that the site

² Refs 15/03971 and 15/03969/AOP

'opens out' to the rear and is exposed on its north and north-east boundaries. For this reason, the site has not been included in the Housing and Employment Land Availability Assessment (HEELA).

11. At my site visit, I viewed the site from the longer distance viewpoints 7, 8 and 10 in the LVIA. From these vantage points, the wider landscape is open and undulating, offering long distance views over pastoral fields lined with hedgerows. This contrasts with the smaller and more enclosed parcels of land which are located immediately behind the built up area of the village. The appeal site forms part of one such parcel and a degree of containment is created by the hedge on the northern boundary of the site. The rear boundary of the proposed development would be approximately 100 metres to the south of this hedge and is not currently defined by any features. However, with appropriate landscaping along the north boundary, siting and design which would be a matter for a detailed submission, I consider that the proposed development could be assimilated into the wider landscape without significant harm to the landscape character of the Pitchcott-Whitchurch Ridge LCA or the AAL.
12. The development would be visible at shorter distances from Bushmead Road and from the PROW to the west of Quarry Barn (viewpoint 5 in the LVIA). From the road, the new dwellings would be seen in the context of existing development, between the group of converted barns at Quarry Barn, the row of semi-detached dwellings to the east and the dwellings to the south of the road. From the PROW, glimpses of the dwellings to the rear of the site would be possible but landscaping along the northern boundary of the site would help to mitigate any adverse effect on the enjoyment of PROW users.
13. The linear form of the proposed semi-detached dwellings along the road frontage shown in both indicative layouts would respect the existing grain of development and this part of the site already has planning permission for development. Whilst there would be development in depth to the rear, it would reflect the form of the more recent cul-de sac development at Bushmead Close and the grouping of the buildings at Quarry Barn. It would be limited in scale and would not undermine the linear form that contributes to the distinctive character of the village.
14. There would be some harm to the character and appearance of the area arising from the developed appearance of the site. Depending on the location of the site access, the removal of a section of hedge on the road frontage and the introduction of an access road would also create a more suburban character. However, the retention and reinforcement of the remaining length of hedge could be made a condition of the planning permission. Based on the indicative layouts and house details, I am satisfied that a scheme could be developed to respect the existing rural form and character of the village and limit any harm to the character and appearance of the area.
15. For the reasons outlined above, I conclude in relation to the first main issue in this case that the proposal would not cause significant harm to the landscape character of the Pitchcott-Whitchurch Ridge LCA or the AAL. Appropriate design and landscaping details which could be secured as part of the reserved matters application would limit any harm to the character and appearance of the area. As such, the proposal would not conflict with Policies RA.8 and GP.35 of the AVDLP nor with the Framework which advises that new development

should protect and enhance valued landscapes and reflect the identify of local surroundings.

Location and sustainable development

16. The Council has updated the land supply position in the District to set out its interim approach to meeting housing requirements pending the adoption of the new Local Plan³. This shows that a five year supply of deliverable housing sites cannot be demonstrated, a matter which is common ground between the parties.
17. The Framework indicates that in these circumstances, relevant housing supply policies should be considered out of date. I have not been supplied with a copy of any policies which relate to housing supply. The Council's interim approach acknowledges that in the absence of a five year supply of sites, housing proposals are to be considered in the context of the presumption in favour of sustainable development. This is set out in Paragraph 14 of the Framework and indicates that decision takers should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
18. The Framework establishes three dimensions to sustainable development – economic, social and environmental and paragraph 8 indicates that these should be sought jointly and simultaneously through the planning system.
19. The Council accepts that the development would be in a sustainable location and based on what I saw at my site visit, I have no reason to disagree. Whitchurch has a good range of services and facilities which would be within easy walking distance of the proposed development along pavements. There are regular bus services to Aylesbury, Buckingham and Milton Keynes within walking distance of the site.
20. New residents would help to sustain social networks and activities in the village including the primary school, contributing to the social dimension of sustainability and helping to support a thriving rural community.
21. The proposal would contribute to the supply of housing in an area where there is an acknowledged shortfall and it will be some time before the new Local Plan boosts the supply of housing land in the District. The jobs created during construction and New Homes Bonus would contribute to the economic aspect and local services would be likely to benefit from spending by new residents.
22. Turning to the environmental dimension, whilst there would be some limited harm to the character and appearance of the area due to the developed appearance of the site, there would be no wider adverse impact on the landscape character of the AAL or the Pitchcott-Whitchurch Ridge LCA. Subject to appropriate mitigation measures set out in the Ecological Impact Assessment, the site could be development without significant adverse impacts on protected sites and species.
23. On balance, the appeal proposal would be a sustainable form of development and would provide a suitable site for housing which would contribute towards the housing shortfall. This weighs heavily in favour of allowing the appeal.

³ Aylesbury Vale District Council – Five year housing land supply interim position statement August 2016

Other matters

24. Concerns have been expressed about the effect of additional traffic on the local highway network. A Transport Statement was submitted with the application which concluded that safe and suitable access from Bushmead Road can be provided and that predicted trip generation would have negligible impact on the local road network. The Highway Authority has raised no objection to the proposals subject to conditions, though it has expressed a preference for the indicative layout shown in Drawing No 001. This is on the basis that the layout shown on Drawing No 002 may cause difficulties for larger vehicles exiting the site in an easterly direction. However, this layout has already been approved as part of the 2014 approval. Having regard to the views of the Highway Authority, I am satisfied that a safe and secure access could be provided to serve the development and that the position of the access can be determined as part of the site layout at the reserved matters stage.
25. Concerns have been expressed that too much development is taking place in the village as other housing schemes have been allowed elsewhere. However, part of the site already has planning permission for four dwellings and I have found that there would be limited harm to the character and appearance of the area from developing to the rear of that site. Representations indicate that the school and doctor's surgery have limited capacity to accommodate further development but I have no further evidence to substantiate these points.

Conditions

26. I have considered the conditions put forward by the Council against the tests set out in the Framework and Planning Practice Guidance (the Practice Guidance) and I have made consequential amendments to improve precision and enforceability.
27. As the detailed layout of the scheme is not known at this stage and could be designed to avoid overlooking of adjoining occupiers, a condition requiring obscure glazing of plot 8 as suggested by the Parish Council is not necessary.
28. This is an outline permission, however there are a number of detailed conditions that cover aspects which must be attached to the permission to ensure that they are incorporated as part of any reserved matters scheme.
29. In addition to the standard time limits for submission and approval of reserved matters and the commencement of development, a condition requiring the submission of a number of items as part of the reserved matters application is necessary for the proper implementation of the development. These include the layout of the development, scale and external appearance of the dwellings, access and landscaping. In the interests of the satisfactory appearance of the development, it is necessary for details of the proposed materials to be agreed.
30. In order to ensure that the development respects the character and appearance of the area, conditions are necessary to require a scheme of landscaping and its implementation. I have added a requirement for the retention and reinforcement of the hedge on the road frontage (except where required to be removed to form a new access) and west boundary and provision of additional planting along the west, north and east boundaries to form part of the landscaping details to be submitted.

31. Other areas where conditions at this stage are necessary for the satisfactory appearance of the development include proposed floor levels.
32. Conditions requiring details of the layout of the access to the site and for the parking, garaging and manoeuvring of vehicles are necessary in the interests of vehicular and pedestrian safety and to comply with the local planning authority's car parking standards.
33. In order to avoid harm to protected sites and species, a condition requiring that the development is carried out in accordance with the submitted Ecological Impact Assessment is necessary.
34. It is important that details of surface water drainage are submitted as part of any detailed application, in order to minimise the risk of flooding to the development and adjoining properties.
35. The Practice Guidance advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with, referred to as 'pre-commencement' conditions. In this respect it is necessary for conditions 4, 5, 7, 8 and 11 to be pre-commencement as they are so fundamental to the development that it would otherwise be necessary to dismiss the appeal.

Conclusion

36. For the reasons outlined above, I have found that there would be no significant harm to the landscape character of the Pitchcott-Whitchurch Ridge LCA or the AAL and the harm to the character and appearance of the area would be limited. The proposal would not conflict with the policies in the development plan, when read as a whole. The harms identified do not significantly and demonstrably outweigh the benefits of the development when assessed against the Framework as a whole. The scheme would represent a sustainable form of development, for which there is a presumption in favour. In these circumstances, the appeal should be allowed.

Sarah Housden

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the layout, scale and external appearance of the dwellings, the access and landscaping of the site, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall commence until details and if required by the local planning authority, samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. For hard landscaping works the details shall include means of enclosure, hard surfacing materials and minor structures. The scheme shall provide for the retention and reinforcement of the existing hedgerows on the road frontage (except where a section is required to be removed to provide an access road) and west boundary and a scheme of additional planting on the west, north and east boundaries. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed dwellings in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 8) No development shall take place until details of the means of access have been submitted and approved in writing by the local planning authority. The details shall accord with Buckinghamshire County Council's guide note 'Commercial Vehicular Access Within Highway Limits' (2013). For the avoidance of doubt, applicants will be required to enter into a s184 Agreement in order to comply with the requirements of this condition.
- 9) The details to be submitted for the approval of the local planning authority shall include a scheme for parking, garaging and manoeuvring

in accordance with the local planning authority's car parking standards. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

- 10) The development hereby permitted shall be implemented in accordance with the recommendations and mitigation of the submitted Ecological Impact Assessment produced by Swift Ecology (November 2015).
- 11) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes
 - Sizing of features – attenuation volume.
 - Ground investigations (including infiltration rate tests in accordance with BRE365 and groundwater level monitoring)
 - Detailed drainage layout with pipe numbers complete with full construction details, together with storage volumes of all SuDS features.
 - Consideration of SuDS features as outlined in the CIRIA C753 SuDS Manual (2015), with justification for their exclusion to be included in the final Surface Water Drainage scheme.
 - Calculations to demonstrate the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
 - A whole life maintenance plan and management plan for the proposed drainage infrastructure. The plan should set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) following construction with details of who is to be responsible for the maintenance.