

Appeal Decision

Site visit made on 31 January 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 07 March 2017

Appeal Ref: APP/J0405/W/16/3160941

Plots 9 and 10, Plough Orchards, Weston Turville HP22 5BG

- 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 London and Slough Properties Ltd against the decision of Aylesbury Vale District Council.
 - The application Ref 16/2018/AOP, dated 1 June 2016, was refused by notice dated 29 September 2016.
 - The development proposed is the erection of 2 No. dwellings with detached garages, private drive and landscaping to include the retention and enhancement of boundary hedge (outline application to include layout and means of access).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with access and layout matters to be considered at this stage. Although elevation plans have been submitted these are for indicative purposes only.

Main Issues

3. The main issue are (a) the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Weston Turville Conservation Area and (b) the provision of sports, leisure and community facilities.

Reasons

Character and appearance

4. The appeal site comprises the remaining element of the former rear garden of The Plough Public House which was converted into residential use. To the south east of the site is a row of three terraced dwellings with frontage car parking and turning built within part of the former Public House. To the south west, there is an access road serving row of detached dwellings and the terraced dwellings. The appeal site and these surrounding properties are within the Weston Turville Conservation Area. To the north west of the appeal site outside of the Conservation Area, there is a detached dwelling on New Road. Beyond the north east boundary of the site, there is a paddock/field and the countryside beyond which is also outside of the Conservation Area.
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5. The Conservation Area covers much of the older part of Weston Turville. It does include a variety of traditional designed dwellings, many dating back some considerable time. Many dwellings are set within large, open and grassed plots that adjoin the countryside. This, together with the lack of defined pattern to the siting of dwellings and irregular shaped highway verges, give informal and verdant qualities to the Conservation Area. Despite some recent and more conventional housing development within and outside the Conservation Area, these qualities of the historic nature of development, the spacious and verdant plots, views into the countryside and informality remain. They are qualities of importance and significance, and of special interest to the Conservation Area.
6. The Weston Turville Conservation Area Document (WTCAD) 2007 identifies the site to be within the Main Street and Brook End Identity Area. It identifies little architectural uniformity in the area, and a great variety of plot widths, orientations and property size and shape. However, it identifies properties along Main Street and Brook End to be dating from 15th to 20th centuries. Buildings tend to fill the width of the plots but they do consist of long gardens that are not developed. Furthermore the road is identified as wide, with deep verges and follows a meandering route, possibly along the line of an old stream. Although the WTCAD is non-statutory planning document, it reiterates some of the identified qualities and special interest of the Conservation Area based on what I saw on my site visit.
7. The WTCAD does not identify any particular merit of the appeal site and that no identified key views and vistas would be harmed. However, it further indicates that just because a building, feature or space has not been specifically identified, it should not be assumed that they are without significance. The appeal site has strong boundary features and is sited adjacent to adjoining paddocks/fields to the north east. It is also a large open and mainly undeveloped site and for these reasons, acts as a transition to the countryside beyond. For this reason, it contributes positively in terms of the Conservation Area's qualities and significance and to its special interest.
8. The WTCAD states that the Conservation Area designation should not inhibit the natural growth of the settlement but it also indicates that the designation should inform planning decisions and that modern construction should not harm or obscure what is special about the area. The creation of two dwellings with associated garages in a tandem manner would result in a rather regimented, conventional and modern pattern of development. It would also remove a largely undeveloped open and verdant piece of land. The reinforcement and additional planting would fail to change this pattern of development.
9. The neighbouring dwellings in Plough Orchards have been developed in a conventional and modern manner but the location of the appeal site is different in that it adjoins a visible part of the countryside. Therefore, it has greater significance in terms of its transitional value. There would be views of the site from a public footpath within the countryside beyond. Existing vegetation would be reinforced to provide screening of views from the footpath. However, the site would also be visible from Plough Orchards and in the absence of any detailed landscaping scheme, it has not been demonstrated that screening of the development from the countryside will be quickly established. For all these

reasons, the development would adversely affect the valued qualities, significance and special interest of the Conservation Area.

10. Turning to the wider area, there has been considerable infilling of development between the different parts of the Conservation Area. The pattern of this development is more varied than within the older historical areas of the Conservation Area. Nevertheless, part of the character and appearance of the wider area is derived from many dwellings being located adjacent to paddock/fields and the countryside. The loss of this transitional site between the more densely built up area and the countryside would result in harm, albeit moderate, to this character and appearance.
11. For all these reasons, the proposal would harm the character and appearance of the area, including failing to preserve the character and appearance of the Conservation Area. Accordingly, the proposal would conflict with policies GP.35 and GP.53 of the Aylesbury Vale District Local Plan (LP) 2004, which collectively and amongst other matters, requires new development to respect and complement the physical characteristics of the site and surroundings, including building tradition, historic form, layout and street patterns and for development to preserve or enhance the specific characteristics.
12. Part of LP policy RA.14 is out-of-date in terms of its limit on future development on sites less than 0.2ha. However, a requirement of this policy that development should satisfactorily complete the settlement pattern without intruding into the countryside is relevant. Such a requirement is broadly consistent with the policies of the Framework that recognise the intrinsic character and beauty of the countryside. The dwellings would intrude into the countryside conflicting with this requirement and therefore significant weight is given to this policy conflict for all these reasons.

Sports, leisure and community facilities

13. AVDLP policy GP.86 requires new housing proposals to include sufficient outdoor play space to meet the requirements of the development. AVDLP policy GP.97 requires family housing developments to make provision for equipped areas for children's use as well as sport fields. AVDLP policy GP.88 seeks the provision of outdoor play spaces and facilities associated with residential development but if this is not practicable, monetary payments in lieu will be accepted on projects elsewhere. AVDLP Policy GP.94 refers to the need for community facilities arising from residential development and that planning obligations would be sought to secure appropriate community facilities that are reasonably related to the scale and kind of housing proposed.
13. There has been a legal judgement in relation to the Written Ministerial Statement (WMS) of 28 November 2014 and alterations to Planning Practice Guidance for financial contributions on smaller-scale development. However, even if it was accepted that the WMS should not be applied here given the previous development on Plough Orchards, the Council has not confirmed that compliance of the required contribution with Regulation 123(3) of the Community Infrastructure Levy Regulations (CIL) 2010 as amended. In this regard, it is unclear from correspondence whether the five obligation limit has been exceeded or not for the skate park in the village. On this basis, I am unable to confirm that the contribution would meet the tests of Regulation 122 of the CIL Regulations.

Other matters

14. In terms of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm to a heritage asset. Paragraph 134 of the Framework states where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as a Conservation Area), this harm should be weighed against the public benefits of the proposal.
15. The Council has acknowledged that their 5 year housing land supply figure does not represent a tested fully objectively assessed need under the Framework. The proposal would contribute to this supply in a reasonably sustainable location with existing shopping, school, leisure and recreational facilities and some accessibility to public transport. However, even if I were to accept the shortfall in the 5 year supply of the scale suggested by the Appellant, the contribution of two dwellings to this would be limited along with the associated economic and social benefits. As to additional landscaping, much of the boundary vegetation already exists so limiting its benefit.
16. In the balance, the benefits have to be weighed against the adverse impact on the character and appearance of the Conservation area for which considerable importance and weight has to be attached. Therefore, while the harm to the significance of the Conservation Area is less than substantial, the public benefits would not be sufficient to outweigh that harm for the reasons indicated.
17. The main parties differ as to how the presumption in favour of sustainable development should be applied in respect of the Framework's paragraph 14 balance (under the fourth bullet point). As already noted, there would be harms to the significance of the Conservation Area and the wider character and appearance of the area. Nevertheless, it seems to me necessary to examine the proposal as a whole in respect of the three strands of sustainable development under the Framework. In this regard, the economic and social benefits identified above under paragraph 134 would be limited given that the proposal would be for two dwellings. Much of the boundary landscaping also already exists limiting this environmental benefit. In the balance, considerable importance and weight has to be attached to the harm to the heritage asset. There would also be some moderate harm to the wide character and appearance of the area. Taken together, these adverse impacts substantially outweigh the benefits arising from the scheme and, moreover, are sufficient to significantly and demonstrably outweigh the benefits that have been identified. Accordingly, the proposal would not be sustainable.
18. There has been a recent appeal decision for a single dwelling on this site and the purpose of this proposal was to address this Inspector's comments. However, this previous proposal was on a smaller parcel of land roughly equivalent in size and location to plot 9 under this appeal proposal. A gap was to remain between it and where 11 New Road lies, which is roughly equivalent in size and location to plot 10 under the current proposal. Therefore, there are differences between the two schemes making comparison difficult despite the changes to dwelling form and landscaping.
19. My attention has also been drawn to other sites in the village where development has been permitted. However the land on New Road is not within the Conservation Area. On the land to the rear of Walnut Cottage on Brooke

End, the development is within the Conservation Area but the proposal involved the removal of several unattractive and dilapidated buildings. Therefore, there are differences between the proposal before me and these permitted schemes. In any case, I have come to my conclusions by assessing the appeal proposal before me on its planning merits taking into account its particular site circumstances.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR