
Appeal Decision

Site visit made on 20 March 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 29th March 2017

Appeal Ref: APP/J0405/W/16/3166066

Land off Cheddington Road, Pitstone, Bucks LU7 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Grinstead against the decision of Aylesbury Vale District Council.
 - The application Ref 15/04303/APP, dated 21 December 2015, was refused by notice dated 25 October 2016.
 - The development proposed is erection of one dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether, having regard to local and national policy for the delivery of housing, and the effect of the proposed development on the character and appearance of the area (including the setting of a listed building), the appeal site is an appropriate location for the development proposed.

Reasons

Policy context

3. At the time that the Council issued its decision notice it was unable to demonstrate a five-year supply of deliverable housing sites. It has stated that this is no longer the case, on the basis of updated evidence. This is not disputed by the appellant and, thus, I have no reason to doubt the Council's Statement in this regard.
 4. In addition, since the decision notice was issued, Pitstone has adopted a neighbourhood plan (PNP). This now forms part of the development plan for the district, against which planning applications must be assessed.
 5. The appeal site lies outside the settlement boundary as defined by the PNP's Policies Map. Policy 1 of the PNP is clear that the purpose of the settlement boundary is to guide the physical development of the village and to protect its surrounding countryside over the plan period. Development proposals are permitted without the settlement boundary where they comply with certain criteria. The appeal scheme does not so comply, nor does the appellant suggest otherwise.
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6. Thus, the appeal proposal conflicts with recently adopted development plan policy for the location of new residential development in Pitstone.

Character and appearance

7. The appeal site is the southern part of a larger pasture on the edge of Pitstone. Although in planning policy terms it is to be regarded as open countryside, in reality it is divorced from the open farmland to the north by mature trees and hedging, and has development to the east (on Chequers Lane), the west (being a cluster of dwellings around Orchard Farm) and the south (with development on Cheddington Road). As such, in my judgement, when one is at the appeal site one has the sense of being within the village. The proposed dwelling could not reasonably be regarded as being isolated development in the countryside.
8. The appeal proposal would, clearly, result in a marked change to the character and appearance of the site. It would not, however, be severe or particularly adverse, as might a more typical, dense cul-de-sac 'infill' proposal in this location. A single dwelling is proposed. This would be set well back from the road, on a large plot, behind new tree planting. It would not, therefore, be intrusive upon views along Cheddington Road and would sit comfortably with the dispersed pattern of development, established by Orchard Farm, Applestore and Walnut Barn, which one would expect to see towards the edge of a village.
9. The proposal would result in the loss of some hedgerow to the site frontage to accommodate the access, but it is clear that this could be replanted along the visibility splay such that the change would not be harmful to the 'green' character of the road.
10. It is suggested that the mitigation planting is at odds with the appearance of this area. I disagree. There are very substantial mature trees around the site and upon the frontages of Orchard Farm, Applestore and Walnut Barn. They may not be orchards, but I am not persuaded that the proposed orchard planting would appear particularly incongruous in this context. Indeed, the PNP makes numerous references to orchards, states that '*orchards were a common feature of the village in the past*'¹ and actively seeks the planting of new trees, including orchard trees, in new development schemes².
11. Turning to the listed building, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the setting of listed buildings. Paragraph 132 of the National Planning Policy Framework (the Framework) confirms that the significance of a heritage asset can be harmed or lost through development within its setting.
12. The setting of Orchard Farm extends beyond its immediate curtilage and includes the appeal site. Nonetheless, the special interest of Orchard Farm derives from its age, history, form and appearance. In my judgment, the elements of setting that now contribute to its significance chiefly include its relationship with what would have been the ancillary buildings around it and its long, verdant approach from Cheddington Road.
13. It may be that the appeal site was once an integral part of Orchard Farm as a functioning agricultural unit. The sense of how it might have operated is,

¹ PNP paragraph 4.30

² Ibid Policy 6

however, diminished by the conversion of at least one of its outbuildings to a residential unit and the domestication of what would, presumably, have been the crew yard. In addition, there is no obvious physical connection between the appeal site and the listed building, which are separated by the line of mature trees between them.

14. I do not consider, therefore, on the basis of the evidence before me, and my observations from the public realm, that the appeal site makes any contribution to the heritage significance of the listed building.
15. It is suggested that the appeal proposal would dominate long views of Orchard Farm, but it is unclear from where. Long views of Orchard Farm were not readily apparent from my site visit, given its set back from the road and the density of intervening vegetation.
16. Concerns were also raised about the design of the proposed dwelling, with regard to its height, use of dormers and an elongated roofscape. The dwelling would be situated in an area of the village dominated by a 'mixed bag' of twentieth century development, which did not appear to have any definitive features or particular uniformity of design. Although dormers may not be a dominant feature on surrounding dwellings they are certainly not without precedent, featuring on nearby Orchard Farm, Autumn Leaves and 5 Chequers Lane. It is also worth noting that 7 Chequers Lane, a vernacular dwelling of considerable antiquity, features half dormer windows and an expansive roofscape (albeit typical of thatched dwellings). This being so, the design of the proposed house draws some influence from its surroundings and would not, in my judgment, appear at odds with it.
17. With regard to the suggestion that the dwelling would be three storeys, this does not appear to be the case from the submitted drawings, with the high level dormer providing, in essence, a light well into the landing rather than a third floor.
18. I conclude that the proposed development would not have an adverse impact upon the character and appearance of the area and would preserve the special interest and significance of Orchard Farm. As such, the scheme would not conflict with AVDLP policy GP35, which seeks, among other things, to ensure that new development respects and complements the physical characteristics of the site and surroundings; building tradition, ordering, form and materials of the locality; and the historic scale and context of the setting. Nor would it conflict with PNP policy 6, which seeks to ensure that the design of development proposals reflect and enhance the character and scale of surrounding buildings and distinctive local landscape features.

Other Matters

19. It is noted that there is some support in the village for development of the type proposed. This was an issue raised in initial consultation on the PNP, which does not appear to have been carried through to the final version. Given that the PNP is so recently adopted, and could have addressed this matter, I must conclude that support was limited and that the preference was to define settlement boundaries as they stand with the attendant implications for development that this brings.

20. It is alleged that the appeal proposal would meet the aims of the Framework, insofar as they relate to the provision of a mix of new homes, which meet the needs of different groups including older people, in a sustainable location (insofar as access to services and facilities are concerned). This is so, but there is no substantive evidence before me to suggest that this cannot be achieved in a PNP policy 1 compliant location elsewhere in Pitstone.

Conclusion

21. I have found that the appeal scheme would have no adverse impact upon the character and appearance of the area or upon the setting of Orchard Farm. It would also provide some, albeit limited, economic benefit locally during construction and may provide some positive biodiversity benefits. Nonetheless, it would conflict with recently adopted, locally driven planning policy designed to direct the location of new housing development in Pitstone. This basic conflict with the adopted PNP is a matter that must attract significant adverse weight, particularly having regard to the Government's emphasis on local, plan-led decision making. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal must be dismissed.

Richard Schofield

INSPECTOR