

Appeal Decision

Site visit made on 21 February 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/J0405/W/16/3164400

Land to the west of Rowsham Road, Bierton, Buckinghamshire HP22 5DZ

- 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 M Hannon Ltd against Aylesbury Vale District Council.
 - The application Ref 16/01053/AOP, is dated 7 March 2016.
 - The development proposed is erection of thirty dwellings (including affordable housing) with access, landscaping, open space and ecological mitigation.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural matters

2. The application was submitted in outline form with matters of access to be considered at this stage and all other matters reserved for later consideration. I have determined the appeal on this basis. Accordingly I have given little weight to the plans showing indicative layouts of 20 and 30 houses as layout is a reserved matter.
3. The description of the proposal changed during the determination of the application such that it subsequently referred to the development being for between 20 and 30 dwellings. I have taken this into account in my decision.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the area including the setting of the Bierton Conservation Area (BCA).

Reasons

Character and appearance

5. Bierton is a large village focussed along the A418, which is the main road between Aylesbury and Leighton Buzzard. Despite its size the village has few shops or facilities. Nonetheless the village is very close to Aylesbury and so has reasonable access to the wide range of goods and services available therein. Indeed the Council's Settlement Hierarchy Assessment identifies Bierton as a medium sized village and therefore a moderately sustainable location for new development.
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6. The appeal site comprises an area of open space on Rownsham Road. There is a contiguous ribbon of housing along Rownsham Road between the A418 and the site, including a very small cul-de-sac at Grove Croft. Beyond the site there is a further dwelling, Rowberton, but this is set in a large open plot and incorporates a number of outbuildings of commercial or modern agricultural appearance and so has a rural character, distinct from the houses south of the site. As such, the open and undeveloped nature of the site, the rural character of the land to the north, and the fields to the east and west means the site visually defines the edge of the developed area of the village.
7. The proposed development, whether for 20 or 30 units, would necessarily provide housing deep into the site and far from the Rownsham Road frontage. The proposal would therefore contrast with the established pattern of housing along Rownsham Road and so would appear incongruous. Its incongruity would be especially stark due to the site's position at the edge of the settlement where housing dwindles and the rural, open landscape commences.
8. In addition the site is crossed by a public footpath which provides a link between Rownsham Road and the central parts of Bierton. When travelling along the public footpath towards the site from the south west, having left the A418 and the dwellings close to it behind, the setting of the footpath becomes exceedingly rural, and this is not significantly diminished by the limited number of properties on Rownsham Road it passes close to. The urbanising effect of the proposed development however, even if for 20 dwellings, would interrupt this rural context harshly.
9. Turning to the effect on the BCA specifically, the site is not within the BCA but part of its southern boundary adjoins the rear garden of Primrose Cottage, which is within the BCA. The short terrace of houses opposite the site is also within the BCA and the footpath to the southwest crosses a number of long narrow fields which are within the BCA. The aforementioned open and rural nature of the site contributes to the setting of the BCA, particularly where it contrasts with the neighbouring built development on Rownsham Road within the BCA.
10. The southern boundary of the site is relatively open and north facing views from within the rear garden of Primrose Cottage, which are currently of open land, would be dominated by the development. Furthermore, the development would most likely appear prominent when seen from positions south west of the site along the footpath. I accept that there are some bushes and trees on the south west corner of the site which do provide some screening, nonetheless the proposal would most likely be clearly visible from this direction. Any additional planting provided here, and along the southern boundary, to mitigate the view from within the BCA would need to be substantial which would appear contrived and would itself detract from the openness of the area. As such, from within the BCA, the development would appear prominently and would detract markedly from the open and rural setting.
11. The Council's Housing and Economic Land Availability Assessment does identify the appeal site as being suitable for housing. However this document identifies the capacity as being five units on its frontage, and warns that more than this would be likely to impact harmfully on the BCA. This is consistent with my view of the proposal.

12. In summary, the proposal would harm the character and appearance of the area and would fail to preserve the setting of the BCA. Consequently it would be contrary to saved Policy GP.35 of the Aylesbury Vale District Local Plan (the 'Local Plan') which states that development should respect and complement the characteristics of the site and its surroundings, and would conflict with Policy GP.53 of the Local Plan which advises development will not be permitted if it would cause harm to the setting of conservation areas.

Other matters

13. A unilateral undertaking has been submitted which contains obligations which would ensure that affordable housing is provided on site, that financial contributions to education and sport and leisure are paid before the commencement of development, and that details of a sustainable urban drainage system are submitted to and approved by the Council.
14. The obligation for affordable housing identifies that 30% of the units would be affordable with 75% of those being for affordable rent and 25% being shared ownership. This accords with the advice from the Council's Housing Development Officer, and is consistent with the requirements of Policy GP.2 of the Local Plan. I am satisfied that the obligation would secure the provision of this affordable housing and that the obligation is necessary to make the development acceptable in planning terms. As such I am able to take this obligation into account.
15. The other obligations contained within the unilateral undertaking would only support the proposed development and I cannot give them the positive weight of a benefit.
16. There would be some economic benefit to the local economy provided by the construction of the dwellings, and the increase in the population of the village would also provide a boost to the wider economy.
17. Whilst I accept the development could provide a wide range of well-designed houses of varying sizes, and that the development as a whole could be well laid out, these issues would be considered at the reserved matters stage and therefore are not matters I need give consideration to.
18. I also recognise that no objection was raised by the Council in respect of its ecological impact, in respect of highway safety, and with regard to flood risk. However, these factors would be expected of any development and I give them only neutral weight.

Planning balance and conclusion

19. The Council consider they have a five year supply of housing, but accept their housing policies are not up to date. In such circumstances the fourth bullet point of paragraph 14 of the Framework is applicable. This says that the presumption in favour of sustainable development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
20. The provision of at least six affordable units would be a considerable benefit and can be added to the economic benefits. However, I consider the harm that the proposal would cause to the character and appearance of the area, including the setting of the BCA, would significantly and demonstrably outweigh

these public benefits. Therefore the presumption in favour of sustainable development does not apply.

21. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR