
Appeal Decision

Site visit made on 16 May 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 5th June 2017

Appeal Ref: APP/J0405/W/17/3168864

Land at Chapel Lane, Drayton Parslow MK17 0JG

- 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 The North Family against the decision of Aylesbury Vale District Council.
 - The application Ref 16/03614/AOP, dated 6 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is an application for outline planning permission for residential development comprising up to five dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for residential development comprising up to five dwellings on land at Chapel Lane, Drayton Parslow MK17 0JG, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The application is expressed in outline with all matters other than access reserved for future approval. Sketch layout and elevations have been presented for illustrative purposes only and I have treated these accordingly.
3. I was invited to view the property from a neighbouring house. However, this was declined on the basis that I was able to appreciate the relationship of the appeal site with adjoining properties from the roadside.

Main Issues

4. The main issues in this appeal are :
 - the effects of the proposed development on the character and appearance of the area, including the setting of the Drayton Parslow Conservation Area
 - whether or not the proposal would represent sustainable development in the context of the National Planning Policy Framework and
 - the effects of the proposed development on the living conditions of future occupiers.
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Reasons

Background

5. At the heart of national policy, as stated in paragraph 14 of the National Planning Policy Framework (the Framework) is a presumption in favour of sustainable development. Notwithstanding that presumption, paragraph 2 of the Framework reiterates the statutory position that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
6. Given the time-expired nature of Policies RA13 and RA14 of the Aylesbury Vale District Local Plan (January 2004) (AVDLP) relating to the supply of housing, these are now viewed as being out-of-date, which is a view shared between the parties. 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 Plan. The latest interim position, which is not disputed by the appellant, indicates that the Council can now demonstrate a 5.8 years supply of deliverable housing sites. On the face of it, this evidence is based upon up to date research, is credible and therefore be given some weight. However, by the Council's own admission, these figures have not been formally tested and in accordance with the Framework, this limits the weight that can be given to it.
7. Nonetheless, in the context of this appeal this is not a determinative matter as I have already concluded that the Council's housing supply policies identified above are out of date and therefore inconsistent with the Framework, in particular to its objective to boost significantly the supply of housing. Limited weight can therefore be given to them as acknowledged by the Council and in this case there are no supportable reasons to withhold planning permission on housing land supply grounds. Furthermore, this appeal turns principally on the effects of the development on the character and appearance and on the living conditions of future occupiers as set out in the main issues above.

Character and appearance

8. The appeal site comprises part of a discreet parcel of land on the periphery of Drayton Parslow bound by mature hedgerows and trees on two sides. Occupying some 0.18 hectares in area, the grassed field forms part of a larger rectangular agricultural parcel elevated above Chapel Lane directly opposite a small housing estate. Beyond this rectangular field to the south lies open countryside. Immediately to the north-west lies one of two historic parts of the Drayton Parslow Conservation Area at Church End. The buildings here form a linear group of 18th and 19th century buildings located on the roadside edges, which gently curve around the buildings and contain few footways. Immediately to the north lies the Baptist Chapel containing a date stone of 1830.
9. Paragraph 215 requires that any development plan policy at issue should be considered in terms of its consistency with the Framework. Policy GP 35 of the AVDLP indicates that new development should respect and complement various features, including the characteristics of the site and surroundings, the historic

scale and context of the setting, the natural qualities and features of the area, and the effect on important public views and features.

10. The appeal site adjoins existing development at a position along Chapel Lane before the road bends at a position where the larger rectangular field becomes more rural in character. At the location illustrated in the schematic layout drawing, this part of the field forms a logical part of the village edge and would complement the established pattern of built development on both sides of the Chapel Lane. At this location, the site is hemmed in by mature hedges and trees, which provide a natural back-drop to the site in much the same way as existing neighbouring development. Although elevated above the lane, the site would be no more conspicuous than the adjoining development in the immediate setting. Moreover, as Chapel Lane starts to drop as it passes the site and given the presence of substantial trees and hedgerows, views of the site from within the Conservation Area would be minimal. Although the larger same field beyond the appeal site the south-east contributes to the setting of the Chapel and Conservation Area, due to the curvature of the road at this point, the principal views of a sloping agricultural field would be largely retained.
11. The Council has drawn my attention to two recent appeals within the District¹ where the Inspectors in each case considered that locations at the edges of those settlements would be harmful to rural character. Although the details of those cases are not available to me, it appears that both cases involved larger housing schemes on sites that were considered to have much clearer relationships with the open countryside. Given what I saw during my site visit, I do not accept that the case at Drayton Parslow is directly comparable but in any event I am required to have regard to the particular merits of this appeal.
12. Consequently, the proposal would not significantly harm the character and appearance of the area and would not be in conflict with saved Policy GP35 of the AVDLP, which states that development should respect and complement the characteristics of the site and its surroundings. There would be no harm to the character and appearance of the Conservation Area.

Location and Sustainable Development

13. The Framework indicates that the economic role of sustainability includes the availability of sufficient land of the right type in the right place at the right time to support growth. Building a strong and competitive economy is an important element of Government policy. Drayton Parslow is identified as a smaller village with a small number of local services including a village hall, infants' school, recreation ground and a pub. There are limited bus links to Milton Keynes and Winslow. However it is a village that has been identified by the Council as a settlement capable of accommodating some limited growth. Whilst there is a degree of conflict between the officer report and the Council's statement of case in terms of whether the village is sustainable, the potential increase in households would in my view help sustain the village and its services, with the potential to improve their viability. Construction activity would provide jobs and economic benefits to the materials supply chain.
14. Turning to the social dimension, the occupiers of the proposed dwellings would help sustain social networks and activities within the village, including the

¹ APP/J0404/W/3147080 and APP/J0404/W/3164400

infants' school thereby contributing to the social infrastructure that in turn would support a thriving rural community. At reserved matters stage, design considerations should ensure that the development is of high quality and provides a good standard of amenity for future occupiers.

15. Turning to the environmental role of sustainability, this has largely been addressed above. The proposed development would have no adverse effect on the village character and would be seen in the context of the existing settlement, with additional landscaping measures. I am satisfied that the site is within relatively close proximity to village services and bus routes to larger towns. Thus car dependency would not be the dominant mode of travel.
16. On balance, the appeal proposal would be a sustainable form of development and would provide a suitable site for housing and meet the Council's ambitions to promote further limited development in this settlement.

Living conditions

17. The Council's concerns relate to the likely effects on the living conditions of future occupiers of some of the plots shown on the indicative drawings in terms of outlook, privacy and access to light. However, I would agree with the appellants that the proposed layout as shown in the submitted drawings is indicative only and that this is a matter that can be considered at Reserved Matters stage. There is no evidence to suggest that reasonable conditions of amenity cannot be achieved with careful design. Given these matters, I therefore conclude that with the proposed development would comply with Policy G8 of the AVDLP that proposed development should not cause unreasonable harm to conditions of residential amenity.

Other matters

18. Concerns have been expressed about the effect of additional traffic on the local highway network and the presence of a brow of a hill to the north-west of the site making it potentially difficult for emerging traffic from the proposed development to see clearly. The Highway Authority has raised no objection to the proposals subject to appropriate conditions. I am satisfied that a safe access can be accommodated at this location.

Conditions

19. The Council has suggested a number of conditions that have been considered against the Planning Practice Guidance. Some have been amended in the interests of clarity and others omitted on grounds of necessity. In addition to the standard time limit conditions for outline permissions, including ones that set a reduced timeframe for the submission of Reserved Matters and commencement of condition given the Council's need to ensure early delivery of housing schemes, a condition is also attached that specifies approved drawings to provide certainty. Conditions are imposed requiring approval of all facing and hardsurfacing materials including means of enclosure and landscaping/ tree protection to ensure that the development respects the character and appearance of the area. A condition is also attached to require the Council's prior approval of slab levels to protect the character and appearance of the area. To protect living conditions, a condition is included requiring prior approval of foul and surface water disposal and their subsequent implementation. Conditions requiring the provision of vehicular access and off

street car parking are necessary in the interests of highway safety and convenience. I do not consider that a condition withdrawing permitted development rights in the way suggested by the Council would serve a useful purpose and has not been justified.

Conclusion

20. The principle of housing is not at issue in this appeal and the policies relied upon by the Council are criteria based policies regarding qualitative and aesthetic design together with considerations of heritage matters. To this extent the benefits of housing development outweigh the harms that have been identified by the Council. I have had regard to all other matters raised. None affect my conclusions that the proposed development would result in the effective use of land for market housing, would not harm the character and appearance of the Conservation Area or wider area and would not encroach into open countryside. I conclude that the proposed development conforms to the development plan and the Framework when considered as a whole and should therefore be allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) Details of the appearance, landscaping, layout, and scale, (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 18 months from the date of this permission.
- 3) The development hereby permitted shall take place not later than 18 months from the date of approval of the last of the reserved matters to be approved.
- 4) No development above slab level shall take place until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the local planning authority.
- 5) No development shall take place until details of the materials proposed to be used on the surfaces of the roads, footpaths and driveways have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.
- 6) The details submitted pursuant to Condition 1 above shall include a scheme of hard and soft landscaping to include all proposed means of enclosure which provides for the retention of existing trees and hedgerows. The landscaping scheme shall show the proposed planting, including species, size and density, and distinguish the trees to be retained showing their species, spread and maturity. The approved planting scheme shall be carried out in accordance with a timescale that has been first agreed by the local planning authority.
- 7) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.
- 8) All the trees and hedges shown on the landscaping plan submitted in accordance with Condition 6 as "to be retained" and any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered,

nor shall any excavation be made, without the prior written consent of the local planning authority.

- 9) The details to be submitted for approval in writing by the local planning authority in accordance with Condition (1) above shall include details of the proposed slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land, with reference to fixed datum point. The buildings shall be constructed with slabs at levels that have been approved in writing by the local planning authority.
- 10) Works on site shall not commence until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the agreed drainage scheme.
- 11) Development shall not take place until details of the junction between the proposed service road and Chapel Lane shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 12) The details to be submitted for the approval in writing of the local planning Authority in accordance with Condition 1 above shall include a scheme for parking, garaging and manoeuvring. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not thereafter be used for any other purpose.

END OF SCHEDULE