
Appeal Decision

Site visit made on 18 May 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 16 June 2017

Appeal Ref: APP/J0405/3171253

**The Old Sand Pit Barn, Oving Road, Whitchurch, Aylesbury,
Buckinghamshire HP22 4ER**

- 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 Stephen Green against the decision of Aylesbury Vale District Council.
 - The application Ref 16/03245/APP, dated 4 September 2016, was refused by notice dated 8 December 2016.
 - The development proposed is to construct a barn style house with double oak frame garage attached, the house is single storey with bedrooms in the roofspace above.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area which is within an Area of Attractive Landscape (AAL).

Reasons

Policy background

3. The Council do not dispute that they do not have a robust five year supply of housing. In such circumstances the fourth bullet point of paragraph 14 of the National Planning Policy Framework (the 'Framework') instructs that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
 4. One of the core planning principles of the Framework is that development should take account of the character of the area. Also paragraph 109 of the Framework encourages the protection of valued landscapes. Policy GP.35 of the Aylesbury Vale District Local Plan (the 'Local Plan') requires development to respect and complement the site's surroundings, Policy RA.2 of the Local Plan guards against reducing open land which contributes to the rural character, and Policy RA.8 of the Local Plan requires development in AALs to respect their landscape character. These policies are therefore consistent with the Framework.
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Character and appearance

5. The appeal site comprises a parcel of undeveloped land, positioned between dwellings along Oving Road. Opposite the site, and a short distance to the west there are fields, giving the area a predominantly rural character. Behind the site, planning permission has been granted for a partly subterranean house¹, though this is unimplemented. Planning permission has also been granted for the provision of a storage barn² further to the rear of the site.
6. There have been a number of planning appeals previously on this site. The Inspector into the most recent of these appeals³ concluded that the appeal site formed an important visual gap that separated the edge of the built up area of Whitchurch to the east from the isolated group of dwellings to the west, and that therefore it played an important role in preserving the openness of the countryside. His view was consistent with previous Inspector's opinions and I have no reason to consider that the value of the gap provided by the site has reduced in the intervening period.
7. The development considered in the previous appeal was a detached dwelling measuring 6.4 metres in height. The Inspector considered that despite the presence of a landscaped bank along the front and west boundaries of the site, the dwelling would be visible in the street scene and from the footpath to the west and therefore would erode the important gap provided by the appeal site. The dwelling now proposed would be comparable in its height and size to that proposed previously. Also, although I accept the landscaping on the raised banks at the site has probably grown in the 2½ years since the previous appeal decision and that views of the dwelling from outside the site would be limited, I concur with the Inspector who stated that it would not be prudent or good practise to rely on landscaping to permanently screen a building. As such I have no reason to reach a view which differs from the previous Inspector. Moreover I consider the banks themselves detract from the open character of the area.
8. The granting of planning permission for the partly subterranean house is a material consideration that was not before the previous Inspector. However, from the plans before me, I do not consider that building, as approved, would be visible from Oving Road and therefore the current proposal would still appear to be bounded to the north by undeveloped land. Notwithstanding this, as that planning permission has yet to be implemented I cannot give considerable weight to it. Similarly the storage barn, which has yet to be built, would be built on lower land than that at the appeal site and so would also be imperceptible from the road. Also, these planning permissions do not necessarily redefine the village boundary.
9. I have carefully considered the case on Bushmead Road. However in that case the site was surrounded by existing built development. That is not the case here with the land behind the site currently undeveloped.
10. With respect to the design, height and scale of the dwelling, I do not consider it would depart significantly from the general appearance of moderately sized, detached houses along Oving Road. Furthermore, although further forward on

¹ 15/02903/APP

² 10/00583/APP

³ APP/J0405/A/14/2226697

its plot that the neighbouring dwelling to the east, there is no distinctive building line along Oving Road and therefore in terms of its position on its site, the house would not appear inharmonious. Nonetheless, this does not mitigate for the effect it would have on the openness of the countryside.

11. I recognise the Framework seeks to significantly boost the supply of housing. However the provision of one dwelling would have minimal effect on the supply of housing and would be of little benefit from a social and economic point of view. These factors do not outweigh the harm that the proposal would cause.
12. In summary, the development would harm the character and appearance of the area and would therefore be contrary to Policies GP.35, RA.2 and RA.8 of the Local Plan.

Conclusion

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

Andrew Owen

INSPECTOR