

Appeal Decision

Site visit made on 7 June 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 30th June 2017

Appeal Ref: APP/J0405/W/16/3166241

Land adjoining The Spinney, Burgess Lane, Ford, Aylesbury HP17 8XH

- 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 Ms A Good against the decision of Aylesbury Vale District Council.
 - The application Ref 16/01576/AOP, dated 23 February 2016, was refused by notice dated 28 June 2016.
 - The development proposed is the erection of a two-storey dwelling with detached double garage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with only access and layout to be determined at this stage. Although scale is a reserved matter the appellant states that the proposed dwelling would have two storeys and the application form states it would have four bedrooms. I have taken this as indicative of the appellant's intentions and have assessed the proposal on this basis. The plans that have been submitted have been taken into account only insofar as it they are relevant to my consideration of the principle of the development on the appeal site.
3. The Supreme Court judgement in relation to two cases (Suffolk Coastal DC v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East BC [2017] UKSC 37) was issued on 10 May 2017. The parties were invited to comment on the bearing this judgement has on the appeal and the comments received have been taken into account in this decision.

Main Issues

4. The main issues in this appeal are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposed development on highway safety.

Reasons

Character and appearance

5. Core planning principles of the Framework include that in decision taking the intrinsic character and beauty of the countryside should be recognised and that the natural environment should be conserved and enhanced.
6. Ford is a modest village set within an attractive gently undulating agricultural landscape of large hedged fields that continue as far as the eye can see. The landscape is not nationally or locally designated. However, it is attractive and forms an important part of the character of the area and setting of the village.
7. Development in Ford is focussed close to the staggered cross roads where Chapel Road and Water Lane meet the main road through the settlement. Linear development continues southwards only on the western side of the main road for a short distance before it peters out and open countryside resumes.
8. The appeal site is a small field of pasture located at the end of Burgess Lane, over 100m away from the eastern side of the main road and well to the south east of the staggered junction. Here, open fields predominate and development is sporadic. To the west of the appeal site, towards the main road, there are two houses that occupy some of the land along one side of Burgess Lane. To the east is a dwelling, The Spinney, set well within spacious grounds. In my judgement, although closely associated to Ford the appeal site therefore lies outside what can reasonably be considered to be the built up limits of the village.
9. The field of pasture that forms the appeal site has public footpaths crossing its northern side. As a result, in public views it forms an important gap that links the fields within the wider open countryside to the south, to the field closer to the village to the North West. The open undeveloped nature of the appeal site therefore has the effect of preserving the rural setting of the village until far closer to its core. It therefore makes a significant contribution to the landscape character of its surroundings. The layout of the proposed two storey four bedroom dwelling and detached double garage on the site and associated domestic paraphernalia would urbanise the field. In my assessment, it would have the effect of consolidating development and extending the built up limits of the village to include Burgess Lane and the field to the North West. As a consequence, it would have a significant adverse effect on the open character of the landscape and the transition between the village and the open countryside.
10. The appeal site is adjacent to The Spinney, which is a Grade II listed bldg. The statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. It forms no part of the Council's case that the setting of this listed building would be harmed by the proposed development. I agree with that position. As a result, the statutory test in relation to a listed building would be complied with.
11. Notwithstanding the absence of harm in relation to the setting of The Spinney, for the reasons given above, I conclude that the proposed development would demonstrably harm the character and appearance of the landscape and the transition between the village and the open countryside. As a result, it would be contrary to policy GP.35 of the Aylesbury Vale District Local Plan and core planning principles of the Framework. Policy GP.35 requires the protection of the character and appearance of an area through good design that respects local features.

Highway safety

12. The appeal site is located on Burgess Lane which is a no through road that serves approximately three dwellings. The lane joins the main road through the village at a T junction to the west. The proposed development with a double garage and parking for up to four vehicles would materially intensify use of Burgess Lane and the T junction.
13. It is clear to me from the site visit that the main road through the village is well-used with vehicles passing by several times a minute. The Lane is subject to a 30mph speed limit. As a result, in accordance with national guidance contained within Manual for Streets (MfS), the Council seeks visibility splays at the junction of Burgess Lane with the main road of 2.4m x 43m in both directions.
14. At the access, in relation to oncoming traffic from the left, it is agreed that visibility is limited to 25m due to the horizontal alignment of the carriageway which is outside the control of the appellant. This is significantly substandard. As a result, there is a significantly increased risk of vehicles exiting the access coming into conflict with vehicles approaching from this direction.
15. Measured to the centre line of the highway the appellant states that a 43m visibility splay could be achieved. However, MfS advises that such a splay should only be used where vehicles approaching from the left are unable to cross the centre line. This is not the case here. In fact, the Highway Authority notes that on road parking opposite the site access means that cars approaching from the left are forced to cross the centre line and approach on the wrong side of the road. Such on road parking was present during the site visit, supporting the position of the Highway Authority.
16. There have been no reported accidents at the junction in the last five years. However, the absence of incidents over such a period does not mean that the access is safe. This is because as a substandard access the probability of an incident remains significantly increased.
17. Taking all these matters into account, I therefore conclude that the proposed development, in intensifying the use of an access with inadequate visibility, would cause significant harm to highway safety. This would be contrary to paragraph 32 of the Framework and policy 17 of Buckinghamshire's Local Transport Plan 4 which seek safe and suitable access for all development.

Planning balance and overall conclusion

18. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: social, environmental and economic.
19. With regard to the environment, the proposal would demonstrably harm the character and appearance of the landscape and the transition between the village and the open countryside, contrary to the development plan and core planning principles of the Framework.
20. Socially, Ford is identified in the Council's draft Settlement Hierarchy Assessment as a smaller village where, owing to its relatively poor access to services and facilities, only up to four new dwellings are proposed by the draft Vale of Aylesbury Local Plan. So far two houses have received permission. The proposed development would therefore contribute towards helping address

housing need, although given the early stage of preparation of the draft Local Plan only limited weight can be attached to it. The significant harm to highway safety that would be caused would result in notable social harm.

21. Economically, the scheme would generate some construction employment, although by its nature this benefit would be short lived. The development would allow an additional household to live in the area increasing local spending power by a modest amount.
22. The proposed development would result in some social and economic benefits which I have described above. However, environmentally and socially the collective harm that would be caused to the character and appearance of the area and highway safety would be considerable.
23. In circumstances such as where less than a 5 year housing land supply exists, or relevant policies are otherwise out of date, paragraph 14 of the Framework indicates that permission should be granted, unless the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the proposal.
24. There is clear disagreement between the parties as to whether or not a five year supply can be demonstrated. The evidence that has been provided to me on this matter is inconclusive. Nonetheless, even if there is not such a supply or relevant policies, such as policies RA13 and RA14 of the adopted Local Plan which govern the location of housing, are out of date¹, the adverse impacts of the proposed development on the character and appearance of the area and highway safety would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. The proposal would therefore not constitute a sustainable development.
25. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

¹ The position of the parties in this appeal is that policies RA13 and RA14 of the adopted Local Plan are out of date.