
Appeal Decisions

Inquiry held on 25, 26 and 27 April 2017

Unaccompanied site visit made on 24 April 2017

Accompanied site visit made on 27 April 2017

by R J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 10 July 2017

Appeal A

Ref: APP/J0405/W/16/3152120

**Littleton Manor Farm, Bicester Road, Waddesdon,
Buckinghamshire HP18 0JR**

- 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 Arnold White Estates Ltd against Aylesbury Vale District Council.
 - The application Ref 16/00752/AOP, is dated 29 February 2016.
 - The development proposed is demolition of agricultural buildings and the construction of a residential development comprising of 16 No dwellings and revised access arrangements.
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Appeal B

Ref: APP/J0405/W/16/3152132

**Littleton Manor Farm, Bicester Road, Waddesdon,
Buckinghamshire HP18 0JR**

- 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 Arnold White Estates Ltd against the decision of Aylesbury Vale District Council.
 - The application Ref 15/02032/APP, dated 11 June 2015, was refused by notice dated 14 December 2015.
 - The development proposed is demolition of existing agricultural buildings and dilapidated farm houses, residential development comprising 2 No replacement dwellings and conversion of three barns to provide 6 No dwellings, a total of 8 dwellings, and new access road.
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Decisions

Appeal A

1. The appeal is dismissed and planning permission for demolition of agricultural buildings and the construction of a residential development comprising of 16 No dwellings and revised access arrangements is refused.

Appeal B

2. The appeal is allowed and planning permission is granted for demolition of existing agricultural buildings and dilapidated farm houses, residential

development comprising 2 No replacement dwellings and conversion of three barns to provide 6 No dwellings, a total of 8 dwellings, and new access road at Littleton Manor Farm, Bicester Road, Waddesdon, Buckinghamshire HP18 0JR in accordance with the terms of the application, Ref 15/02032/APP, dated 11 June 2015, subject to the conditions in the Schedule to this decision.

Procedural matters

3. Appeal A was made in outline. On the application form it was indicated that layout was for consideration, however this would have prevented the implementation of that appeal as well as of Appeal B in the event that both proposals were considered acceptable. At the Inquiry the appellant formally withdrew layout from consideration. The Aylesbury Vale District Council (the Council) indicated that it had no objection to this change and the Inquiry continued on that basis with the layout plan being considered as illustrative. I have considered the appeal on this basis.
4. Following the lodging of Appeal A the Council indicated that had it been in a position to do so it would have refused the application for five reasons. These related to the effect on the character and appearance of the area; on highway safety; the location was considered not to represent sustainable development due to the reliance on the private car for access; insufficient information on drainage and flood prevention measures; and for a lack of financial contributions towards education, leisure, off-site highway works and sustainable travel measures.
5. Following correspondence between the parties the Council withdrew the putative reason relating to flood and drainage matters. However, no Flood Risk Assessment (FRA) had been submitted, and at the Inquiry I asked that one be prepared and submitted. This was subsequently done and this showed that flood risk was not a constraint on development.
6. Consultation was undertaken on the FRA and a response received from the Local Lead Flood Authority (Buckinghamshire County Council (the BCC)) indicating it had no objections subject to conditions on any planning permissions. No response was received from the Environment Agency although the Council indicated that the site is located in Flood Zone 1 and it was not aware of any critical drainage issues. Therefore I am satisfied that, subject to the imposition of appropriate conditions, the site is not at risk of flooding and would not increase flood risk elsewhere and consequently I need not take this issue further.
7. The Council confirmed that following a review it was no longer seeking a contribution towards education facilities.
8. The Council did not refuse Appeal B in relation to its locational accessibility despite a recommendation to that effect from the Highway Authority, considering that other factors outweighed this issue. Evidence was given by a representative of the Highway Authority, although appearing as a witness of the Council, who maintained this objection. I shall therefore consider the locational accessibility of the site as a main issue in relation to Appeal B as well as Appeal A.
9. The two proposals would have different access arrangements with the A41 Bicester Road, with that for Appeal A utilising a redesign of an existing lay-by

to the A41, but with that for Appeal B being for a new access some distance to the west. The appellant confirmed that it was not proposing both accesses, and that it in the event that both proposals were found to be acceptable only that access relating to Appeal A would be constructed if both schemes were implemented. If necessary, it was proposed that this be controlled through a planning condition.

10. Before the Inquiry opened the appellant submitted a revised access plan¹ in respect of Appeal A. This involved works either within the public highway or on land adjacent to the public highway in the appellant's ownership. There were no objections to this plan being used although the Council indicated that it did not overcome its objections on highway safety grounds or in relation to the accessibility of the appeal site. I have therefore used that plan in making my decision.
11. Although the appellant disputed that the provisions would comply with the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) the appeal was accompanied by a Planning Obligation by way of Unilateral Undertaking dated 27 April 2017 under Section 106 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) to the Council and the BCC. This made provision for contributions towards open space and leisure, real-time passenger information systems and a travel plan. This will be discussed later in this decision.
12. The Council is preparing the Vale of Aylesbury Local Plan (the VALP), and the Waddesdon Parish Council is preparing the Waddesdon Neighbourhood Plan for submission to the Council. However, it was agreed at the Inquiry that due to the early stage in preparation of both plans neither was of any material weight in this appeal decision.
13. I undertook an unaccompanied site visit before the Inquiry opened circumnavigating the appeal site on the public rights of way network, and undertook a second, accompanied site visit after the Inquiry closed including visiting the appeals site itself.
14. Following the closure of the Inquiry the Supreme Court issued its decision in the cases of *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council*² (*Suffolk Coastal*). The parties were given the opportunity to make further comments in the light of this decision and I have taken these comments into account.

Background

15. In 2013 the Council granted planning permission in respect of the site of Appeal B for the conversion of three barns to two dwellings and the construction of two new dwellings as replacement for the pair of existing dwellings on site. In line with the normal time limits for implementing a planning permission this would have expired by the time of the Inquiry. However, in 2016 an application to vary condition 17 of that permission was granted. As this was an application under Section 73 of the 1990 Act this had the effect of granting a new planning permission³ meaning there was a new

¹ Drawing No 4956.022 Rev B

² [2017] UKSC 37

³ See paragraph Reference ID: 17a-015-20140306 of the Planning Practice Guidance

3 year period in which to implement that development. Where necessary I will refer to this as “the 2016 permission”.

Main Issues

16. In light of the above the main issues are:

(i) For Appeal A only:

- the effect on the character and appearance of the area; and
- whether the proposal makes appropriate provision towards open space and leisure.

(ii) For both appeals:

- the effect on highway safety;
- whether the location of the site is such that the need to travel would be minimised and the use of sustainable transport modes maximised; and
- whether there are any other material considerations, including the housing land supply situation and the benefits of the proposal, which would indicate that the proposals should be determined otherwise than in accordance with the terms of the development plan.

Reasons

Character and appearance

17. Although this is a main issue only for Appeal A, I will consider the effect of both proposals as this provides context for the consideration of the remaining main issues.
18. The appeals sites are located to the west of the village of Waddesdon on the north side of the A41. The sites are similar comprising a redundant dairy complex made up of a range of traditional and twentieth century agricultural buildings with these latter buildings being mostly constructed from portal frames with sheeting walls and roofing. There is a pair of existing semi-detached dwellings on the site, and there is a straight access to the lay-by off the A41. Immediately to the southeast of the farm complex is an existing bungalow lying outside the appeals sites.
19. The site of Appeal B is the whole of the farm complex, but that for Appeal A is smaller, excluding the site where the buildings would be located in Appeal B and an area to the north of those buildings.
20. The landscape of and around the immediate vicinity of the appeal sites is predominantly flat, although there is some slight variation. For example the appeal site lies on a slight ridge with the land form reducing slightly to the east and west. The landform rises to the village of Waddesdon to the east, with the church and its churchyard on higher ground allowing for a view over the appeal site and the wider countryside, and to the south in the area around the listed Waddesdon Manor. The fields are divided by hedgerows and there are various rights of way both to the east/north and southwest of the appeals sites which facilitate views of the appeals sites.

21. The appellant disputes whether the appeals sites are in the open countryside. While it accepts that the appeals sites do not represent Previously Developed Land as defined in the Glossary to the National Planning Policy Framework (the Framework) as the land was last used for agriculture, it maintains that the site is not a greenfield site as it has buildings upon it.
22. It is not in dispute, however, that the appeal site is some distance and separate from the village of Waddesdon which lies to the southeast. There are intervening fields and, apart from the existing dwellings which appear associated with the farm buildings, the buildings have an agricultural character. They fit within a rural, mainly undeveloped, landscape. In my view the appeal site lies in an area of open countryside separated physically and visually from the village of Waddesdon.

Appeal A

23. In Appeal A the farm buildings would be removed and replaced by dwellings. Although the layout is illustrative, it shows the form of buildings being set around a number of short cul-de-sacs, with each property set within its own distinct curtilage. With the domestic paraphernalia and other associated activities, such as parking, which would be inevitable around the dwellings, this would result in an isolated enclave of residential development separate from the village. While I noted that there was some existing development separate from Waddesdon, this was in the form of sporadic development in the countryside rather than the more consolidated enclave I have here identified.
24. Policy GP.35 of the Aylesbury Vale District Local Plan (January 2004) (the AVDLP) requires that development should respect and complement the physical characteristics of a site and its surroundings, the historic scale and context of the setting and the natural qualities and features of the area. There was no dispute at the Inquiry that this policy was material to the consideration of the appeal and generally in accordance with the policies in the Framework and, as it is not a relevant policy for the supply of housing, should be given substantial weight.
25. The Framework indicates in paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances. Clearly the new dwellings would not be isolated one from another being part of an enclave of nineteen⁴ dwellings (or twenty-five if Appeal B were also to be allowed and implemented), but there would be no facilities or services within the enclave. While the list of special circumstances gives only examples none of those would apply to the proposal. I therefore conclude that the appeal site is located in an isolated location.
26. The main parties at the Inquiry agreed that the proposed dwellings would be smaller both in floor area and volume to the large agricultural buildings on the appeal site and this would improve openness in the area, and this is a truism. However, the existing buildings exhibit their agricultural character and are in keeping with the existing rural character of the area. While the loss of the buildings would be a benefit I can only give this limited weight as, currently, they are not out of keeping with the area.

⁴ The sixteen proposed plus the existing pair of semi-detached properties on the Appeal B site together with the dwelling immediately outside the appeal site, all of which are to remain.

27. That the buildings are redundant from agriculture was not in dispute and I would accept that there is no other incentive for the landowner to remove them. However, at present, they are appropriate within the landscape and there are other powers available to deal with disrepair should this occur.
28. Whatever layout or form of architecture used in any application for approval of reserved matters any residential development would be seen from a number of public vantage points, including from the rights of way network in the area and from the area around the church. It would be a more urban form of development when compared to the existing situation and would significantly and demonstrably be out of keeping with the prevailing form and character of the area of development which is made up of villages or of sporadic development in the countryside.
29. Although the overall site benefits from the 2016 permission (or Appeal B if permitted) this is limited to a small area of the site and would be concentrated on the re-use of existing buildings which would retain, to some extent, the character of their former use or as replacement dwellings. The proposal in Appeal A would be of a different scale and thus of different order of magnitude to the permitted scheme.
30. The appellant notes that the route of HS2 will be located some distance to the north of the appeal site through the same valley and argues that this will alter the character of the area. However, while there would be noise and disturbance when trains traverse the track this would not adversely affect the overall rural character of the area and in time would assimilate into the area, in the same way that the existing railway network constructed in the nineteenth century has assimilated into their areas in other locations.
31. As such the proposal would be significantly and demonstrably out of keeping with the character and appearance of the area. It would therefore be contrary to Policy GP.35 of the AVDLP as set out above. It would also be contrary to paragraphs 17 and 55 of the Framework in that it would not recognise the intrinsic character and beauty of the countryside and as I have set out above.

Appeal B

32. When compared to the 2016 permission the main difference in Appeal B is that the existing agricultural buildings would be converted into six dwellings rather than the two previously permitted, with the two separate, replacement, dwellings being the same.
33. Policy RA.11 of the ADVLP permits outside the built-up area of settlements, for non-residential purposes, the conservation and re-use of buildings that are of permanent and substantial construction and in keeping with their rural surroundings. The policy states that residential re-use is unlikely but may be granted exceptionally either as part of a business conversion scheme or where genuine attempts to secure business re-use have been unsuccessful. Where permissible the scale of such conversion schemes should not conflict with the strategy of concentrating development in the main settlements and conversion work should not involve major reconstruction or significant extensions and should respect the character of the building and its setting.
34. The third bullet point to paragraph 55 of the Framework permits, as a special circumstance, the residential re-use of redundant or disused buildings that

lead to an enhancement to the immediate setting; there is nothing in the Framework to indicate that business re-use is a 'first refusal'. In light of this, part of Policy RA.11 is inconsistent with the Framework, and thus in line with paragraph 215 of the Framework, should be given lesser weight.

35. The proposed conversion in Appeal B would be in keeping with the form of the existing buildings and, through the demolition of the buildings shown as part of that proposal, would result in an enhancement to their immediate setting. There would be no difference in respect of the effect of the two replacement dwellings. I am therefore satisfied that, while the proposal would be contrary to that part of Policy RA.11 of the ADVLP relating to the nature of the use, the proposal would comply with the remaining parts of that policy, in that the proposal would not involve major reconstruction or significant extensions and would respect the character of the building and its setting. It would also comply with paragraph 55 of the Framework as set out above.

Highway safety

36. As noted above the proposals have different access arrangements proposed, with that for Appeal A to be used in the event that both appeals were to be allowed and implemented. The proposed access for Appeal B (on its own) being a more simple arrangement. The Council's objections to both arrangements were, in principle, the same, although in relation to Appeal A additional concerns were made about the layout, particularly of the proposed pedestrian refuge.
37. There was some conflagration in the discussions at the Inquiry as to whether the proposals would lead to safe access arrangements for pedestrians (including those using wheelchairs and buggies) including crossing the road to the proposed westbound bus stop and accessing the village. In the majority I will consider these users in the next section dealing with whether the site lies in an accessible location, and will pull the whole together in the final Planning Balance section.
38. I was not referred to any development plan policies, but was directed to the Buckinghamshire's Local Transport Plan 4 (LTP4) which was adopted following public consultation by the BCC in 2016. Included within this document is Policy 17 which indicates that BCC will work to ensure that new developments provide safe and suitable access. This is in line with paragraph 32 of the Framework which has, in part, the same objective. I therefore give this part of LTP4 significant weight in this decision.
39. Although it was confirmed there was no objection, in principle, to the provision of new (or improved) accesses to the A41 the Council was concerned about the increase in right hand turning moves across the direction of travel noting the accident record on this road between Waddesdon and the county boundary to the west.
40. There was some dispute over the relevant period as to when accident records should be examined with the Council seeking a longer period as it considered that the appeal site had been effectively unused⁵ over recent years when dairy farming ceased. It therefore argued that accident records should be looked at when the site was operational as a dairy farm. However, it seems

⁵ With exception of the movements associated with the three existing dwellings on site and the arable farming of the land as the land has been let out

to me that it is clear that additional right hand turning movements would increase the likelihood of accidents. Rather, what needs to be considered is whether safe and secure access to the site can be achieved so that the risk of accidents would be at an acceptable level, it not being possible to achieve zero risk.

41. It was not in dispute that in both cases appropriate visibility and access geometry would be achieved. It was also the case that the amount of traffic using the site would be such that delays caused to traffic continuing along the A41 would be minimal. The principal concern was that traffic slowing to access the site would result in 'rear end shunts' from traffic wishing to travel along the A41 and not stopping in time.
42. The A41 is a busy road with a significant proportion of Heavy Goods Vehicles (HGVs) upon it. There are a number of junctions both to roads and other facilities either side of the road. However, it is not a road where drivers travelling along the A41 would not expect to slow, or stop, to allow vehicles to turn, nor is it one where they would expect to pass on the inside of those turning. Those turning onto the A41 would expect to have to wait for a gap in the traffic to emerge.
43. Although the two access arrangements are different in both cases there would be adequate visibility for traffic travelling westbound to see that traffic was turning into the appeal site. Appeal A involves the re-configuration of the entrance to the lay-by and in that context would improve the situation for any vehicles travelling westwards to access the lay-by. It was not part of the Council's case that the proximity of the new access in Appeal B to the lay-by would give rise to any additional highway safety concerns.
44. In Appeal A the proposal included a right hand turn arrow marked on the carriageway as well as a straight through arrow. The width of the carriageway would be sufficient for a car to pass on the inside of a car turning right into the site, but not an HGV. While the driver of a car continuing along the A41 would need to slow, a driver of an HGV similarly travelling would have to stop. The view of a driver of an HGV of a car waiting to turn right might be obscured by an intervening car. However, this would be a normal occurrence for the driver of an HGV and one which they would expect to deal with.
45. To get to or from the proposed westbound bus stop the Appeal A proposal would involve installing a crossing point, in the form of a pedestrian refuge crossing, on the A41 a short way to the west of the proposed access linked by footways. I am satisfied that this would provide a safe crossing point of the A41 for all pedestrians.
46. I am therefore satisfied that in both appeals there would not be an unacceptable risk to highway safety for motorised users of the highway. The proposal would therefore comply with Policy 17 of LTP4 and paragraph 32 of Framework in this respect.

Locational Accessibility

47. The Framework, in paragraph 34, notes that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable transport modes can be

maximised. It is noted, however, that account should be taken of policies elsewhere in the Framework, particularly in rural areas such as here.

48. The appeals sites are located some distance from the village of Waddesdon and its facilities. Waddesdon is classified as a 'large village' and has a good range of facilities. Distances from the location of the dwellings to various facilities were agreed by the main parties varying between 1,240 m to the village hall, and 1,800 m to the doctors' surgery. It would be approximately 700 m from the site to the closest, western edge of Waddesdon. Access by pedestrians would be, at least partially as I will explore below, alongside the A41.
49. The existing footway route alongside the A41 varies in quality, with the wider and better maintained footway being towards the village where the speed limit is 30 mph. Beyond the village the national speed limit applies (60 mph), but vehicles on the side of the A41 on the same side as the footway should be slowing on the approach to the village with the uphill topography assisting in reducing speeds.
50. The footway away from the village varies in width but is less than 2 m in width, seen as the minimum unobstructed width for pedestrians in Manual for Streets 1. This document also advises that additional width should be considered between the footway and a heavily used carriageway. In some places the existing footway is separated from the existing carriageway by a grass strip, but in other locations it is immediately adjacent to the carriageway. The Council argued that due to the amount of traffic on the A41, and in particular the quantum of HGVs, there would be a degree of 'kerb shyness' and took the view that additional width should be provided beyond the 2 m set out above.
51. I was referred to a number of different documents providing information relating to pedestrians and how far they are likely to be prepared to travel by foot to get to facilities. None are mandatory or provide absolutes, but they do provide guideline distances. It is also common sense that the further a facility is from home the less likely it would be that an occupier would walk and rather would choose to use a car. In a similar way, if the pedestrian user of the route does not feel safe or secure, they are less likely to walk on that route than one which is more commodious. That a particular distance is beyond the 'maximum' does not mean that it would never be reached by a pedestrian; it is just that it would be less likely.
52. The Chartered Institute of Highways and Transport publication 'Guidelines for Providing for Journeys on Foot' gives various 'suggested walking distances' to facilities. This gives a 'maximum' distance as 1,200 m for facilities other than town centres or schools/commuting, and none of the facilities (apart from the school) meets this criterion. Schools/commuting have a guideline 'acceptable' distance of 1,000 m and a 'maximum' distance of 2,000 m. Manual for Streets gives a 2,000 m maximum distance to services and the Department for Transport⁶ gives a 2 mile maximum. Whichever set of guidelines is used, to reach the facilities in the village it would involve a substantial walk and this distance does reduce the likelihood that an occupant of any of the proposed new dwellings would walk to the village, particularly in poor weather.

⁶ In DRMB, Vol 5 – Provision for Non-Motorised Users (February 2005)

Appeal A

53. In this proposal various alterations and additions are proposed to enhance, as the appellant sees it, the existing footway provision. From the village the footway would be widened to 2 m (although with a 'pinch point' at the position of a lamppost). It would then be located behind an existing hedgerow, along the edge of the existing field to the end of the existing access to the appeal site from within the lay-by. The field is at a lower level than the footway and at the time of the site visit the top of the hedgerow was around 4 or 5 m above the field. There would be a 'connecting' footway approximately half way along the new footway within the field giving access to the proposed east bound bus stop.
54. To the west of the reconfigured lay-by a 2 m footway would be provided to the pedestrian refuge crossing point previously described, which would then continue on the southern side of the A41 to the new bus lay-by/stop for buses heading west.
55. Although the appellant argued that, due to the scale of the development, the quantum of those looking to use the pedestrian routes to Waddesdon would be limited, it seems to me that if the route is not commodious then it is less likely that it would be used, and this should weigh against the proposal.
56. For that section of the route close to the A41 the amount of traffic, including HGVs, would be such that it would act as a disincentive to the use by pedestrians. For those accompanying small children to and from school there would be the added disincentive that they would also be concerned about the child's safety, however well behaved that child may be.
57. For the section of the route within the field while there would be separation from the traffic on the A41 the route would be isolated. The route is not proposed to be lit and would be in close proximity to the high hedgerow creating an oppressive environment. Although different people would perceive the suitability of the route differently, my overall view was that due to the isolation from the public domain an occupier of the proposed dwellings would not consider it to be a safe and suitable route between the appeal site and the village, particularly at night.
58. The new route would not be designed for use by cyclists who would be expected to use the A41. Use of the new route by cyclists would lead to conflict with pedestrians and further reduce the likelihood that it would be used by pedestrians. Whether the A41 would be used by cyclists would depend on individual choice and the experience of the cyclist. Given the amount of traffic on the A41, and in particular the proportion of HGVs, my conclusion is that it would be only the most experienced and committed of cyclists who would choose to use the A41.
59. Taken together, my conclusion on this issue for Appeal A is that due to a combination of the distance to the facilities in Waddesdon and the safety and suitability of the proposed route to pedestrians and cyclists those living in at the site would be very unlikely to use non-car modes to get to the village. This means that the use of sustainable transport modes would not be maximised, contrary to the advice in paragraph 34 of the Framework, and this weighs significantly against this proposal.

Appeal B

60. In this appeal no enhancements to the footways are proposed and this would mean that the existing footway adjacent to the A41 would need to be utilised by pedestrians wishing to visit Waddesdon from the lay-by. The existing route is less than 2 m wide along the vast majority of its length and can only be traversed in single file. As with Appeal A the location of the footway adjacent to the A41 also weighs against proposal.
61. As with Appeal A, due to a combination of the distance to the facilities in Waddesdon and the safety and suitability of the proposed route to pedestrians and cyclists means that those living in at the site would be very unlikely to use non-car modes to get to the village. Therefore the use of sustainable transport modes would not be maximised, contrary to the advice in paragraph 34 of the Framework, and this weighs significantly against this proposal.

Infrastructure

62. This issue relates only to Appeal A since the Council did not seek any contributions in relation to Appeal B due to the size of the proposed development. In all cases while making provision for contributions under the terms of the Planning Obligation the delivery of the contribution is contingent on me finding that the contribution complies with the CIL Regulations.
63. Regulation 122 of the CIL Regulations states a planning obligation may only constitute a reason for granting planning permission if the obligation passes three requirements. This is reiterated in paragraph 204 of the Framework. These requirements are that the Obligation is necessary to make the development acceptable in planning terms, that it is directly related to the development and fairly and reasonably related in scale and kind to the development.
64. Regulation 123 of the CIL Regulations also states a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure where five or more separate planning obligations provide for the funding or provision of that project or provide for the funding or provision of that type of infrastructure.

Leisure and Open Space

65. The Council sought contributions towards open space and leisure facilities for improvements to the sports pitch provision and associated facilities at Frederick Street, Waddesdon and the Planning Obligation makes provision for a payment towards this.
66. Policies GP.86, GP.87 and GP.88 of the AVDLP seek to ensure sufficient outdoor play space at a standard of 2.43 ha per 1,000 population and equipped play space. Where this cannot practically be made on site or is better provided elsewhere in the locality financial contributions are sought. The Council has set out details of such facilities in a Sport and Leisure Supplementary Planning Guidance and details of the contributions sought in an accompanying Ready Reckoner Supplementary Planning Document.
67. The increased population would result in an increase in the use of the open space facilities in Waddesdon. However, it has not been shown that the

contribution is necessary in the sense that I have not been provided with a costed programme for the delivery, or specific details, of what the contribution would be used for. As such I consider that the contribution would not pass the requirements set out in Regulation 122 as it has not been shown that the contribution would be necessary or fairly and reasonably related in scale and kind to the development.

Transport

68. The BCC sought that the provision of a Travel Plan and Real Time Passenger Information Systems (RTPIS) at the two bus stops being part of the proposed alterations to the A41.
69. BCC normally only seeks Travel Plans where the development would exceed 80 dwellings as set out in its document 'Sustainable Travel Plans – Guidelines for Developers'. Evidence was given to the Inquiry that the Highway Authority sought a Travel Plan as part of the measures to encourage modal shift from the private car and encourage cycling/walking. There are certain fixed costs associated with the setting up of a Travel Plan which are then divided over the total number of dwellings. At 80 dwellings (or more) this would be proportional to the benefit derived. However, at sixteen dwellings this would be excessive and would not fairly and reasonably relate in scale to the development and consequently this would not comply with Regulation 122.
70. As to the RTPIS the uncontested evidence at the Inquiry was that they assisted in encouraging the use of public transport. While there is a change to bus services as from May 2017 buses would still serve the stops in both directions. I am therefore satisfied that the provision of such RTPIS would encourage modal shift. Had I concluded that the site was located in an accessible location I would have found the provision of RTPIS to be necessary to make the development acceptable, the contribution would have been directly related to the development and fairly and reasonably related in scale and kind to the development. It would, therefore, have complied with Regulation 122 and being the first contribution towards this piece of infrastructure would have complied with Regulation 123.

Housing Land Supply and other Benefits

71. This section will concentrate on the housing land supply situation, with the other benefits of the development considered in the Planning Balance section below.

Introduction on Housing Land Supply

72. For the purposes of these appeals only, the parties had agreed much of the detail, but disagreed on two points; whether unmet need from outside the District should be considered as part of the requirement for the District, and whether the 'over-supply' (as it was described by the Council) of completions since 2013 should be discounted from the total need, and if so, over what time period. In the Statement of Common Ground the Council accepted, in line with paragraph 47 of the Framework, that it had a record of persistent under delivery of housing and the additional buffer should be 20%, but, in the evidence presented to the Inquiry, the Council's witness stated he considered

that there was “a very strong argument to justify the inclusion of a 5% buffer rather than a 20% buffer”, so this factor also needs be considered.

73. The Framework in paragraph 47 indicates that to boost significantly the supply of housing Local Plans should meet the full objectively assessed needs for market and affordable housing in the housing market area. The AVDLP does not do this and thus, in line with paragraph 215 of the Framework, it is not consistent with the policies of the Framework. Therefore the policies of the ADVLP relating to the supply of housing land should be given limited weight.
74. The Council accepts, in line with paragraph 49 of the Framework that relevant policies for the supply of housing are not up-to-date. Thus, in line with paragraph 14, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. At the Inquiry it was accepted by all parties that, although the ‘tilted balance’ of paragraph 14 would apply, it would apply with more weight if the Council was unable to show a 5 year Housing Land Supply (5YHLS). The recent Supreme Court decision in the *Suffolk Coastal* case makes it clear that it matters not whether the failure is because of the inadequacies of the policies concerned with housing provision or because of the over-restrictive nature of other non-housing policies, a shortfall is enough to trigger the second part of paragraph 14.
75. As part of the evidence base for the forthcoming VALP the Council, along with Wycombe District Council (WDC), South Bucks District Council (SBDC) and Chiltern District Council (CDC), has commissioned the ‘Buckinghamshire Housing and Economic Development Needs Assessment Update 2016, Report of Findings (05 December 2016)’ (the HEDNA) looking at the period 2013 to 2033. This indicates that for Aylesbury Vale only, the Objectively Assessed Need (OAN) for the District is 965 dwellings per annum over this period. This figure of itself was not disputed by the appellant.
76. There was also no dispute that the relevant period for the consideration of the 5YHLS was 1 April 2017 to 31 March 2022, nor on the projected supply over this period, including a discount rate for non-implementation at an agreed figure.

Unmet need

77. While accepting the OAN figure of 965 dwellings per annum, the appellant took the view that this should be increased to take account of the position accepted by the Council that the adjoining authorities within the Housing Market Area (HMA) would not be able to deliver their own OANs, due to constraints, principally an Area of Outstanding Natural Beauty and the Green Belt. It therefore proposed that the annual requirement for Aylesbury Vale should be increased to take account of this.
78. The appellant pointed to the Memorandum of Understanding between the Council and WDC dated 8 December 2016 under the Duty to Co-operate, whereby the Council agreed on the basis of currently available evidence a figure of 1,700 dwellings for the plan period represented a justified figure for unmet housing need arising from the WDC area, and that the Council has agreed to accommodate this in addition to the Council’s own OAN. However,

it should be noted that this Memorandum explicitly states "It is also agreed that should further evidence arise relating to unmet need subsequent to this agreement further cooperative work will be undertaken to determine whether an alternative figure for unmet housing need can be agreed between the two councils". It is therefore clear that this figure is not finalised and could go up or down. The information to the Inquiry was that there would also be unmet need from the SBDC and CDC areas which would, in all likelihood, need to be accommodated in the Council area and this had been identified in a paper to the Council as 5,800 dwellings from this joint area for the plan period. Again this figure is not finalised and is subject to change.

79. A number of recent appeal decisions were in front of the Inquiry. In a decision⁷ from January 2017 relating to Land at Valley Farm, Soulbury (the Soulbury decision) the Inspector concluded "that at that time the housing requirement derived from a full and objectively assessed need properly apportioned across the 'housing market area' as a whole is not yet available" (paragraph 51). Contrasted to this was an appeal decision⁸ from February 2017 relating to 105 Aylesbury Road, Aston Clinton (the Aston Clinton decision) where the Inspector recorded that the Council's position that it had a 5YHLS but did not accept this contention on the basis that it did "not take into account unmet need and requirements of adjoining authorities" (paragraph 7).
80. The Court of Appeal in *Hunston Properties Ltd v St Albans City and District Council*⁹ accepted it was not for an inspector in a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained (or 'policy on') housing requirement figure. The same Court in *Oadby and Wigston Borough Council v SoSCLG & Bloor Homes Ltd*¹⁰ pointed out that the consideration of the test in paragraph 49 of the Framework related not to the HMA but to the local authority area (paragraph 38), and the decision maker "should not ... adopt a level of need for market and housing affordable housing that is, in truth, the product of a conscious redistribution of need from one local planning authority's area to another where this is effectively – in the inelegant jargon – an untested 'policy on' decision, liable to be revisited and changed in the local plan process" (paragraph 39).
81. The HEDNA assessed the OAN for the whole of the Buckinghamshire HMA and provides an unconstrained, or 'policy off', figure for each district. The sum of the totals for each district provides the full OAN for the HMA. These figures were accepted by the appellant for the purposes of these appeals. To add to the OAN figure for Aylesbury Vale by including some of the unmet need from outside the district as part of the 5YHLS calculation would be making a 'conscious redistribution' which is not appropriate in the consideration of a Section 78 appeal. Although there may be some distribution from other districts to Aylesbury Vale, and although what this figure might be is emerging, at this stage in the local plan process any redistribution would represent the application of policy and thus represent a 'policy on' figure. As the Courts have made clear this is not appropriate for consideration in a

⁷ Appeal Ref: APP/J0405/W/16/3146817

⁸ Appeal Ref: APP/J0405/W/16/3163245

⁹ [2013] EWCA Civ 1610

¹⁰ [2016] EWCA Civ 1040

Section 78 appeal and I am therefore satisfied that for this appeal the OAN figure for Aylesbury Vale should be 965 dwellings per annum.

82. While this is a different view to that of my colleague in the Aston Clinton decision I note that this appeal was determined following the written representations procedure and may not have had all the evidence I had in front of me. My approach would also appear to fit more closely to the two decisions of the Court of Appeal cited above.
83. The appellant in response to the referral on the *Suffolk Coastal* case also referred to the publication by the Council of a post-Inquiry update to the OAN. This shows the figures changing, and reinforces my conclusion that the question of any redistribution from adjoining Districts should be considered through the Local Plan process not a Section 78 appeal.

'Over-supply'

84. In the period 2013 to 2016 it was agreed that in Aylesbury Vale 4,906 dwellings were delivered which is a greater figure than the 3,860 dwellings derived from the OAN figure (that is 965 dwellings/annum multiplied by 4 years). The dispute was over whether that should be discounted from the total requirement, and if so, over what time period.
85. The appellant argued that this figure should not be discounted from the future housing requirement, on the basis that there is no support for that approach in the Framework, the Planning Practice Guidance (the PPG) or any Ministerial Statement. It noted the difference between the historic record of completions and the forward-facing nature of the 5YHLS. It is not necessarily surprising that this subject is not found in the Framework or other guidance since the issue in most appeals tends to be regarding under-delivery and how that should be re-allocated in the remaining plan period.
86. While paragraph 47 of the Framework deals predominantly with plan making it makes clear that Local Plans should meet the full, objectively assessed needs of an area. As the PPG makes clear¹¹ the "need for housing ... refers to the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the plan period – and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet that demand". Thus supply and demand should balance over the plan period. To over-provide in the overall plan period may have other, unidentified, effects that could be detrimental. To discount it completely would have, in the long term, the potential to undermine the planned system, and there would be no incentive to boost the supply of housing in the shorter term. I am therefore satisfied that it would be appropriate for the 'over-supply' to be factored into the 5YHLS calculation.
87. The next question is over what period the completions should be taken into account. The Council argued that this should be over the next five years as this will balance the housing market more quickly (for want of a better expression 'a Sedgefield in reverse' approach) and would lead to a consistent approach, as where there is a shortfall in provision the PPG indicates that normally this should be delivered in the next five years.

¹¹ Reference ID: 2a-003-20140306

88. However, as has been re-iterated many times most recently in the Housing White Paper, the Government's aim is to boost the supply of housing, and that insufficient housing has been built in recent years. It seems to me that it would be more appropriate for the 'over-supply' to be considered over the whole plan period rather than in the shorter term so that the demand and supply balance over the whole plan period. I therefore consider that the housing which is already complete should be discounted over the remainder of the plan period ('a Liverpool in reverse' approach).

The Buffer

89. The Council published its latest 'Five year housing land supply interim position statement' (the Position Statement) in October 2016 to take account of the draft HEDNA published a short time before¹². This accepted that the Council was a '20%' authority and this was confirmed in the Statement of Common Ground relating to this appeal.
90. Note was, however, taken of an Inspector's report to the Secretary of State¹³ from April 2016 on a called-in application relating to a site south of Weston Road, Great Horwood where it was stated that the poor performance in the past was more due to a slow take-up than a failure to give permissions, and that recent performance had improved, and, if repeated, would justify a lower buffer (paragraph 129). I would concur with this proposition. The issue is whether the lower, 5%, buffer is yet justified.
91. The Position Statement shows¹⁴ that in the 10 years from 2006 to 2016 completions had exceeded requirement in 5 of the 10 years, and in the last 5 years of that period only on one occasion had completions been below requirement. However, in looking at the cumulative backlog, as it is described, it is only since 2014/15 that there has been an overall surplus. Completions again exceeded the requirement in 2016/17 but this would only be three years out of the last ten. It is clear that in judging whether a Council has a record of persistent under delivery this should be considered over the longer term in order to take account of economic cycles. Taken overall, while the situation is improving, the Council still has a record of persistent under delivery and the 20% buffer remains appropriate.

Conclusion on Housing Land Supply

92. My conclusions from the above are as follows. The appropriate OAN figure is 965 dwellings/annum, account should be taken of completions from the beginning of the plan period, but this should be factored over the whole of the plan period, and that a buffer of 20% remains appropriate. In this scenario the Council's witness accepted that the Council could not demonstrate a 5YHLS, having on his figures, which were not contested, only a 4.91 year supply. This, therefore, adds weight to the tilted balance referred to above, although this would not be substantial due, firstly to the relatively small deficiency, secondly because, while all additional dwellings are beneficial, these schemes, would not make a material difference to the overall supply situation and, thirdly as the Council through the VALP is seeking to resolve the issue in the longer term.

¹² The figures in the draft and final version of the HEDNA did not change.

¹³ File Ref: APP/J0405/V/15/3137967

¹⁴ Table 2

Other matters

93. In addition to making comments about matters addressed above, the local Councillor who attended the Inquiry also expressed concerns about the provision of education in Waddesdon and that the proposals would not be making any contributions towards this area. However, I have nothing to show that the schools are at capacity and that a contribution is necessary.
94. The listed Waddesdon Manor is located to the south on higher ground. All parties were agreed, and I concur with this view, that there was sufficient separation between the appeals sites and Waddesdon Manor and its setting to ensure that the setting of Waddesdon Manor would be preserved. As such there would be compliance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires that special regard should be had to desirability of preserving a listed building or its setting.

Planning Balance

95. The Framework indicates in paragraphs 6, 7 and 8 that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development has three roles, economic, social and environmental which cannot be undertaken in isolation because they are mutually dependent. In both appeals the balance should be undertaken in the context of a development plan that is out-of-date in respect of the supply of land for housing and that the Council is unable to show a 5YHLS meaning that the tilted balance set out in paragraph 14 of the Framework, as explored above, should apply.
96. In both appeals the proposals would deliver additional housing. This is a benefit both economically and socially. Economically this would be both short term during construction and thereafter through the occupation of the dwellings. The benefits would be greater for a larger number of dwellings, and in this context it should be remembered that for Appeal B this would only be a benefit of net four additional dwellings. The benefits during construction would be short-lived, but that of occupation would be in the long-term and, overall, I give each significant weight.
97. Both proposals would have a satisfactory access to the A41. However, as this is a requirement of the development this, of itself, is only neutral in the overall balance.
98. The proposals, in Appeal B would result in a benefit to the appearance of the area through the demolition of some of the existing buildings, but this would be the same as in the 2016 permission and consequently can only be given limited weight.
99. In Appeal A only there would be the benefit of an enhancement to the local transport infrastructure and lay-bys, and the upgrading of a short section of the footway beside the A41 from where the existing footway ceases to be 2 m in width to where it would go behind the hedgerow. As these would also enhance accessibility to the existing public rights of way network I give these together moderate weight.
100. In Appeal A the proposal would be contrary to Policy GP.35 of the AVDLP which it was agreed was not a relevant policy for the supply of housing. I

agree with this analysis as it relates to the form of development in any location rather than restricting the location of housing. This policy is consistent with the Framework and should be given substantial weight. While there are economic and social benefits of the development, individually and collectively the harm to the environment and the location of the site, meaning that it would not maximise sustainable transport modes, are such that they significantly and demonstrably outweigh these benefits when assessed against the policies of the Framework and the development plan when each are considered as a whole and therefore the proposal would not represent sustainable development. Consequently this appeal should be dismissed and planning permission refused.

101. However, in Appeal B, there would be the economic and social benefits, and compliance with the policy in the Framework relating to housing formed from the re-use rural buildings and compliance with that part of Policy RA.11 of the ADVLP which is in accordance with the Framework. Against this is the harm from the location of the site. Taking all these matters in the balance, and noting that the Council's only objection was on highway safety grounds which I have concluded is not well-founded, this harm does not significantly and demonstrably outweigh the benefits of the proposal. While the proposal would not comply with some of the policies of the development plan material considerations indicate the decision should be made otherwise than in accordance with those policies and the proposal represents sustainable development. As such this appeal should be allowed and planning permission granted.

Conditions

102. I have considered the conditions put forward by the Council in respect of Appeal B against the requirements of the PPG and the Framework. The numbers of the conditions imposed are given in brackets. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant drawings as this provides certainty (2).
103. The Council requested a Construction Management Plan. However, while details relating to how the site is run are required to protect the living conditions of the occupier of the bungalow adjacent to the appeal site, other details such as access routing are not required as such an access can only be from the A41. I have therefore imposed a condition relating to the necessary elements (3).
104. In order to ensure that the site is properly drained and does not increase the risk of flooding, details of foul and surface water drainage systems need to be submitted, installed and maintained (4, 5, 6, 11).
105. A condition relating to the materials to be used the external surfaces of the buildings (8) is needed to ensure that the proposal is in keeping with the character and appearance of the area. For the same reason conditions relating to the provision, implementation and maintenance of hard and soft landscaping (9, 14) and tree protection (7) during the construction period are necessary. As the landscaping scheme should include details of any screen walls and fences, a separate condition is not necessary.
106. I have also imposed in the interests of highway safety a condition requiring the new access to the A41 to be constructed before any of the dwellings are

occupied in accordance with approved details and that appropriate visibility splays are provided and maintained (10).

107. In order to ensure that the environmental benefit of the demolition of the existing buildings shown on the application drawings is achieved along with landscaping of the resultant area, a condition is necessary requiring this to take place prior to any of the dwellings being first occupied (12).
108. In order to ensure the interests of protected species the measures set out in the Protected Species Assessment submitted with the application need to be implemented (13).
109. The PPG indicates that only exceptionally should permitted development rights be removed from developments. Policy RA.11 of the ADVLP states that conversion work should not involve significant extensions and should respect the character of the building and its setting. I therefore find that to respect the character of the existing buildings and their setting that permitted development rights allowing alteration and extension to the barn conversions and the construction of outbuildings within those curtilages should exceptionally be removed (15). Such a condition is not, however, necessary for the two replacement dwellings.
110. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

111. For the reasons given above, and taking all other matters raised into account, I conclude that Appeal A should be dismissed and Appeal B allowed.

RJ Jackson

INSPECTOR

Schedule of Conditions
Relating to Appeal Reference APP/J0405/W/16/3152132

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

811 - L9E	Location
811 - L10D	Survey
811 - L12E	Demolitions
811 - P - L4G	Proposed Site Layout
811 - L15C	Vision Splay Drawing
811 - P2B	Existing TB1-4 – Barn Conversion
811 - P3D	Proposed TB1-4 Barn conversion
811 - P4B	Plans, elevations & section TB5
811 - P5A	Existing & Proposed Plans & elevations TB6
811 - R1E	Proposed Floor Plan, Elevations & Garages Plots R1 & R2
4956.010	Proposed Access & Visibility Provisions
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until details of a foul water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and no dwelling shall be occupied until the approved foul drainage serving that dwelling has been implemented as approved.
- 5) No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. The scheme shall also include:
 - i) Assessment of Sustainable Drainage System (SuDS) components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
 - ii) Demonstrate that water quality, ecological and amenity benefits have been considered
 - iii) Existing and proposed discharge rates and volumes
 - iv) Ground investigations including:
 - Infiltration in accordance with BRE365
 - Groundwater level monitoring over the winter period

- v) Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy listed in the national Planning Policy Guidance
 - vi) Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
 - vii) SuDS components set out in the Flood Risk Assessment and Drainage Statement dated May 2017 reference 4956/FRA
 - viii) Full construction details of all SuDS and drainage components
 - ix) Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site
 - x) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites
 - Flow depth
 - Flow volume
 - Flow velocity
 - Flow direction.
- 6) No development shall take place until a "whole-life" maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full surface water drainage system (e.g. a maintenance schedule for each drainage/ Sustainable Drainage System component) following construction, with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.
- 7) No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, and no works, including site clearance or any other preparatory works, undertaken until tree and hedgerow protection measures have been erected on site in locations and in accordance with details submitted to and approved in writing by the local planning authority and subsequently agreed in writing by the local planning authority as complete. The protection shall be retained until the development is complete and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made within that area without the prior written consent of the local planning authority.
- 8) Prior to any above ground construction work commencing samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) Prior to any above ground construction work commencing full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the proposed means of enclosure. The hard landscaping, including means of enclosure, shall be fully implemented prior to the occupation of any dwelling hereby permitted.
- 10) The development hereby permitted shall not be occupied until the access shown in principle on drawing number 811 - P - L4G has been completed in

accordance with details submitted to and approved in writing by the local planning authority. The details shall include the specification of the roads, footpaths and driveways, and shall include minimum visibility splays of 151 m by 2.4 m back from the edge of the carriageway in both directions on to the A41. Following completion the visibility splays shall be kept clear of any obstruction between 0.6 m and 2.0 m above ground level.

- 11) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the local planning authority to demonstrate that the Sustainable Drainage System has been constructed as per the approved scheme.
- 12) Prior to the occupation of any dwelling the buildings and other structures shown for demolition on drawing number 811 - L12E shall be demolished and all materials derived from such demolition removed from the site. The land shall thereafter be landscaped in accordance with the details approved pursuant to condition 9 in accordance with the timetable set out in that condition or in condition 14 as appropriate.
- 13) The development shall be implemented in accordance with the summary and conclusions detailed in the Protected Species Assessment from the ecological consultant, Ecology Solutions, carried out in February 2013.
- 14) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 of that Order shall be erected other than those expressly authorised by this permission in respect of the dwellings marked TB1, TB2, TB3, TB4, TB5 and TB6 on drawing number 811 - P - L4G.

END OF SCHEDULE

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Nicholas Ostrowski	of Counsel, instructed by HB Public Law on behalf of Aylesbury Vale District Council
He called	
Del Tester IEng FIHE MCIHT	Managing Director, Origin Transport Consultants Ltd
Nick Ireland BA MTPI MRTPI	Planning Director, GL Hearn
Sue Pilcher BSc MSc MRTPI	Senior Planning Officer, Aylesbury Vale District Council

FOR THE APPELLANT:

Jack Smyth	of Counsel, instructed by Arnold White Estates Ltd
He called	
Stuart Atkinson BSc CEng MICE MCIHT MAPM	Director, Stuart Michael Associates
Geoffrey Gardner MSc MRTPI DMS MCIWM	Director, Gardner Planning Ltd

INTERESTED PERSONS:

Councillor Paul Irwin	County, District and Parish Councillor
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INQUIRY DOCUMENTS:

INQ1	Opening on behalf of the Appellant
INQ2	Opening on behalf of the Council
INQ3	Plan Showing Proposed Access Arrangements and Off Site Works – Stuart Michael Associates drawing 4956.022 Rev B at A1 size
INQ4	Photographs of unlit footway in Radley, Oxfordshire
INQ5	Extract from Design Manual for Roads and Bridges, TD 42/95 – Form of Major/Minor Priority Junctions
INQ6	Signed Statement of Common Ground
INQ7	Aylesbury Vale District Council – Five year housing land supply interim position statement, August 2016
INQ8	Extract from Planning Practice Guidance relating to Housing and economic land availability assessment
INQ9	Policy RA.11 and explanatory text of Aylesbury Vale District Local Plan (January 2004)
INQ10	Additional draft conditions submitted by Aylesbury Vale District Council
INQ11	S106 Obligation – CIL Compliance Schedule
INQ12	Letter from Appellant formally withdrawing 'layout' from consideration of Appeal A
INQ13	Plan showing route of HS2
INQ14	Executed Planning Obligation

- INQ15 Email from Buckingham County Council relating to bus routes
- INQ16 Closing submissions on behalf of the Council
- INQ17 Closing submissions on behalf of the Appellant