
Appeal Decision

Hearing Held on 11 July 2017

Site visit made on 11 July 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 10th August 2017

Appeal Ref: APP/J0405/W/16/3165897

Land Adj Willow Farm, Horton Road, Slapton LU7 9DD

- 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 Alan Dugard against the decision of Aylesbury Vale District Council.
 - The application Ref 16/03057/APP, dated 16 August 2016, was refused by notice dated 18 November 2016.
 - The development proposed is 120 berth marina with associated boater facilities, including dry docks, slipway, parking, toilets, showers and laundry. Provision of small convenience/chandlery, café and admin building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Two aerial photographs, of part of the appeal site and a marina known as Grove Lock were submitted by interested persons at the Hearing along with a plan of the previous scheme¹ from the appellant. The parties agreed that such evidence was helpful to my consideration of the appeal and all parties were provided with an opportunity to comment. Consequently I find there would be no prejudice to any party from my consideration of these documents in determining the appeal and I have therefore taken them into account.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Background

4. The proposal before me follows the refusal of a similar application and the subsequent dismissal of a related appeal in April 2016². Whilst each case must be determined on its own merits I have had regard to this previous decision in the determination of this appeal.

¹ Plan M14-005-SK01-D

² APP/J0405/W/15/3137059

Character and appearance

5. The appeal site is a fairly flat open field on the northern side of the Grand Union Canal and within close proximity to Slapton Lock. To the south side of the canal is the towpath and approximately 300m to the north is the Two Ridges Link (a public footpath linking The Ridgeway at Ivinghoe Beacon and the Greensand Ridge Walk at Leighton Buzzard).
6. The site is not within any specific landscape designation but lies within the Vale Character Type and more specifically within the Ouzel Valley Catchment Landscape Character Area as set out in the Aylesbury Vale Landscape Character Assessment 2008 ('LCA'). The shallow rural valley is crossed by the meandering canal and by the west coast mainline railway, which is identified as a significant detractor. The LCA identifies distinguishing features, including large open arable fields with a belt of pastoral land following the canal corridor. Tree cover is generally sparse although there are trees within hedgerows and along the canal. The LCA indicates that this is a landscape of moderate quality, which has a moderate sensitivity to change.
7. I was able to view at my site visit that the canal side was somewhat open at this point and despite the presence of built form in the locality, including the lock and former lock keepers cottage the appeal site provides a sense of openness and spaciousness that positively contributes to the wider rural and agrarian landscape within which it sits and is clearly reflective of.
8. The landscape and visual effects would mainly be experienced at the local level and it was agreed that there would be no significant impact on the setting of the more distant Chilterns Area of Outstanding Natural Beauty. There was some dispute between the parties regarding the number of boats that could be accommodated within the proposed marina, with the appellant sticking to the 120 applied for whilst interested parties contended that the length of the jetties and boats would mean that a more likely and realistic number would be in the region of 160-170.
9. I also heard that the appellant had made a number of changes to the scheme following the dismissed appeal including reducing the size of the area of water, the number of boats that could be moored, changes to the building's form, scale and height, the number of parking spaces and amendments to the soft landscaping scheme.
10. However, I do not find the difference in the number of boats between the parties to be determinative because despite these changes the proposal would still introduce a substantial body and expanse of water adjacent to the narrow and uniform width and linear form of the canal. There would still be a significant number of projecting wooden pontoons, boats and other associated equipment and paraphernalia. Furthermore, despite a reduction in the height of the building by approximately 1.5m and a change to its form, it would still be of a substantial size and scale and a substantial area for the parking of vehicles is proposed to the rear of the building and close to the proposed entrance.
11. In terms of landscape character, the numbers of vehicles using the facility would not be insignificant given the number of moorings and the likely trips generated to and from the proposal for leisure and shopping purposes. This would be exacerbated by the apparent lack of services and facilities within Slapton and the limited size of the proposed convenience/chandlery. Despite

being a main thoroughfare into Slapton I found Horton Road to have a sense of rurality and tranquillity and the number of movements associated with such a proposal would undoubtedly affect this.

12. Although I heard that other marinas exist along the canal, the proposal would result in the loss of a characteristic large agricultural and pastoral field pattern running parallel with the canal and associated loss of rural undeveloped character. Whilst I accept that this would be somewhat localised I share the findings of the previous Inspector that despite the retention of boundary hedgerows and new planting, the overall significance of landscape change would be medium adverse.
13. In visual terms, the 'first environment limited Landscape and Visual Impact Assessment' 2016 ('LVIA') once again includes an assessment of the visual impacts from various viewpoints along the footpaths surrounding the site and in longer views. The Council expressed reservations about this aspect of the LVIA in the sense that it was not based on a worst case scenario and did not address viewpoints from the junction of a footpath further along Horton Road and from Hill Farm Cottage. Furthermore, the appellant was unable to explain, given the previous Inspector's findings, why the LVIA did not address the effect on those travelling by boat along the stretch of the canal past the appeal site.
14. There would also be considerable change when viewed from nearby residential properties but as per the previous Inspector, I do not consider that outlook from these properties would be adversely affected and living conditions would not be materially harmed. Views of the building from footpath SLA/5/1 would still be evident but again, the building would be seen in the context of other built form, in particular the former lock keepers cottage and Hill Farm Cottages.
15. Whilst views of the proposal from the bridge would be evident the majority of these would be from motorists, who have a lower sensitivity to change. Nevertheless, users of the canal, its towpath and pedestrians passing the site along Horton Road would experience a significant change and it was not in dispute that the significance of the impact for those highly sensitive receptors would be high adverse.
16. Having walked along the towpath, those passing the site including those on a narrow boat and other canal craft would be doing so at a low speed and would have to stop to use the locks. They would have a clear view of the proposal and although a marina on a canal is not an uncommon feature per se, the cumulative effect of the amount of development, in particular the building, pontoons, car parking and lighting would represent a significant encroachment of built form that would result in a visually inappropriate intrusion in this part of the countryside. It would diminish the contribution that the appeal site currently makes to sense of openness and spaciousness from those using and experiencing the canal and its environs.
17. Additional landscaping including shrubs, hedgerows, wildflower and wetland meadows along with heavy standard trees, approximately 3-4m in height is proposed. The latter would be planted irregularly along the boundary of the appeal site with the canal and the LVIA suggests that by year 15 there would be no high adverse impacts. However, landscaping would not mitigate views from the canal and towpath and I do not share the appellant's view that dense tree cover stretched along the entire canal. Open sections were evident adding to the visual perception of intrinsic rurality of the surrounding landscape and

consequently, I share the reservations of the Council that the desire to create a denser section of tree and shrub cover along the banks is not an entirely sympathetic or appropriate approach to mitigation in this particular case.

18. I was also able to see at my site visit that the woodland whips, planted by the appellant in an adjoining field in 2013 had not grown to any significant height and although there are views from permissive paths, direct views would be limited. Nonetheless, this adds to my concerns that the trees would take a significant amount of time to mature, may not establish as well as expected and would merely provide a somewhat inappropriate screening of an unacceptable development that in this context would be detrimental to the visual interests of its surroundings.
19. Drawing my conclusions together, the overall impact of the proposal on the character of the landscape and visual amenity of the locality would be significant adverse. The proposal would cause significant harm to the character and appearance of the area and would conflict with Policies GP81 and GP35 of the Aylesbury Vale District Local Plan 2004 ('LP') which require that the design of new development should, amongst other things, respect and complement the physical characteristics of the site and the surroundings, the historic scale and context of the setting, the natural qualities and features of an area and that for canal related facilities adverse impacts on landscape and the countryside are avoided.
20. Although the blanket protection of the countryside is not supported by the National Planning Policy Framework ('the Framework') I find these policies are, when taken as a whole, consistent with the Framework insofar as the need to recognise the intrinsic character and beauty of the countryside, that development should respond to local character and reinforce local distinctiveness. Accordingly, the proposal would also conflict with the Framework.

Other Matters

21. I accept that pre-application discussions may have been held with the Council following the dismissed appeal. Nevertheless, the administration and determination of the application is not a matter for me to address as part of this appeal and each case must be considered on its own merits.
22. I was referred to what the appellant contended was a similar development at Ivinghoe and the next lock along the canal, known as Grove Lock. However, although there appeared to be a substantial planning history for the Ivinghoe site the current application referred to by the appellant appears to have not yet been determined by the Council. Furthermore, in both cases I have not been provided with the full details and consequently, I cannot be certain that the circumstances, considerations and judgements are directly comparable to the appeal proposal before me. Moreover, such cases inevitably require a degree of subjective aesthetic judgement and these sites do not alter my view in relation to the main issue.

Planning balance and overall conclusion

23. The Council's reason for refusal refers to paragraph 14 of the Framework. However, it was not contended by the appellant that the policies of the LP cited to me are out of date or that the development plan is absent or silent and on

the evidence before me I have no reason to disagree. I have also found conflict with the development plan and consequently, the presumption in favour of sustainable development as set out in paragraph 14 does not apply.

24. In the unweighted balancing exercise required there would be some economic and social benefits that weigh in favour of the proposal. There is little substantive evidence before me to demonstrate that the need for the proposal should be included as a benefit and I note that the appellant considers it to be of no issue³. Nevertheless, it would increase choice for the boating community and this would also have associated benefits in terms of increased provision of leisure facilities and canal related tourism. There would also be some limited support for local services and facilities within the wider rural community along with additional employment opportunities and some additional choice for local residents who would have access to the convenience shop.
25. Set against this I have found that the proposal would cause harm in both landscape character and visual terms. Although this would be somewhat localised the benefits of the proposal do not outweigh the significant harm that I have identified to the character and appearance of the area.
26. For the reasons set out above the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and having considered all other matters raised, including a number of representations made in support of the proposal, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

³ Page 3 of Boddingtons Planning Design and Access Statement (supplemental) August 2016.

APPEARANCES

FOR THE APPELLANT:

Mr N Boddington BSE Env MRTPI	Boddingtons Planning Ltd
Mr Alan Dugard	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Simon Dunn-Lewin BSc DipTP MRTPI	Aylesbury Vale District Council
Mrs Hannah Mcgrory BA Hons	Aylesbury Vale District Council

INTERESTED PERSONS

Mr David Wright	Local resident
Mr Ronnie Fenn	Local resident
Mr Chris Green BA Hons DipTP	On behalf of Mr R Fenn
Mr & Mrs Terry and Patience Skillings	Local residents
Chris Evans	Slapton Parish
Mrs Ann Parrot	Local resident

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

1. A4 aerial photograph of appeal site taken May 2012.
2. A4 aerial photograph of Grove Lock Marina, Leighton Buzzard.
3. Plan M14-005-SK01-D.