

Appeal Decision

Site visit made on 16 October 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 20 October 2017

Appeal Ref: APP/J0405/W/17/3179531

16 Buckland Road, Buckland HP22 5LP

- 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 Hayden Robson against the decision of Aylesbury Vale District Council.
 - The application Ref 17/01715/APP, dated 8 May 2017, was refused by notice dated 27 June 2017.
 - The development proposed is the erection of 3 bedroom bungalow served by the approved new vehicular access off Lower Icknield Way.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Hayden Robson against Aylesbury Vale District Council. This application is the subject of a separate Decision.

Main Issue

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

Reasons

4. The appeal site is located to the rear of the detached dwelling at No 16. Together with others, that property forms a short row fronting Buckland Road. They are detached from the main built up area of Buckland. There is also a significant gap between the eastern end of the appeal site and the next dwelling along Lower Icknield Way. The land immediately to the north of Lower Icknield Way is essentially open. The row of properties, therefore, sits within an predominantly rural setting.
 5. The appeal site is separated from the garden area of No 16. It has the character of a paddock rather than a domestic garden and is free of built development. Its openness, therefore, contributes to the rural character of the area. The proposed dwelling and drive way would considerably reduce that openness. Moreover, although the new building would not be isolated from the existing row of dwellings, and would be seen in the context of those properties when travelling along Lower Icknield Way, its location to the rear of the row would deepen and consolidate its built form. It would, therefore, increase the prominence of the group as whole in the landscape.
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6. I recognise that the Inspector in the previous appeal¹ did not object to the design of the proposed bungalow and considered that its single storey height would reduce its impact. These factors help to limit the impact of the proposal to a degree. However, they do not overcome the urbanising effect and fundamental loss of openness that would result from the introduction of a new building and associated domestic paraphernalia in this rural setting. Therefore, notwithstanding that the previous Inspector referred to 'limited' harm to the character and appearance of the area, that harm would still be demonstrable and irreversible.
7. The proposal would, therefore, conflict with the National Planning Policy Framework (the Framework) insofar as paragraph 17 seeks to recognise the intrinsic character and beauty of the countryside and paragraph 58 requires decisions to ensure that development responds to local character.

Other Matters

8. At the time that the Council determined the application which is the subject of this appeal, and when the previous appeal was determined, the Council accepted that it could not demonstrate a five year supply of housing land. It has subsequently issued an updated Position Statement (August 2017) on this topic. The Position Statement takes into account planning permissions and completions since the previous Position Statement (October 2016) and reviews delivery rates and the housing requirement. The appellant, nevertheless, argues that the Council cannot demonstrate a five year supply because the emerging Vale of Aylesbury Plan has yet to be adopted. However, the supply of sites included in the latest Position Statement does not rely on allocations in that Plan.
9. Whilst the District's housing land supply position has yet to be formally examined, the August 2017 Position Statement is the most up to date information available in this appeal. It finds that the District has a 9.0 year supply for the period 1 April 2017 to 31 March 2022. On the basis of the information available therefore, the 'tilted balance' in favour of sustainable development set out in paragraphs 14 and 49 of the Framework is not engaged.
10. Paragraph 47 nevertheless seeks to boost the supply of housing. However, the appeal proposal for a single dwelling would make a very modest contribution in this regard. The current proposal overcomes the concern regarding the effect on the living conditions of neighbouring occupiers of the previous scheme. However, the absence of that harm in this appeal does not amount to a positive benefit in favour of the proposal. I have not been made aware of any other social benefits of the proposal. It would make a limited, short-term contribution to the economic role of sustainability through construction activity. Expenditure by future residents could also be expected to make a limited contribution to local facilities and services.
11. That said, there is no substantive evidence to show that the appeal site is well located with regard to access to local services or services. I have already concluded that the proposal would have a harmful effect on the character and appearance of the area. The proposal would, therefore, have a substantially negative effect on the environmental role of sustainability. Overall, taking the

¹ APP/J0405/W/16/3162326

social, economic and environmental roles of sustainability together as advised by Framework paragraphs 7 and 8, I find that the proposal would not amount to sustainable development. As such, it does not benefit from the presumption in favour of sustainable development in Framework paragraph 14.

12. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

13. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR