
Appeal Decision

Site visit made on 7 November 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 24TH November 2017

Appeal Ref: APP/J0405/W/17/3179826
21 South Hills, Brill, Aylesbury, HP18 9TQ.

- 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 Mr J-P Blisset against the decision of Aylesbury Vale District Council.
 - The application Ref. 17/00211/AOP, dated 20 January 2017, was refused by notice dated 7 April 2017.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application is in outline format with all detailed matters, other than the access to the site, reserved for subsequent consideration. An illustrative site plan shows a potential layout for a dwelling and the access to the site showing parking for two vehicles.

Main Issue

3. The main issue is the effect of the principle of the development proposed on the character and appearance of the area and whether the development would be 'infilling'.

Background

4. The appeal site lies on the edge of the village of Brill. The area around the appeal site is undulating and is served off a narrow track which leads off Windmill Street in a southerly direction from around the Brill Windmill. The appeal site forms part of a small enclave of 3 properties which is surrounded by open fields and what appears to be common land. The site forms part of the residential curtilage of the appellant's house, which is sited in the northern element of the group, and contains small outbuildings in the form of a garage, shed and greenhouse. It is proposed to demolish these buildings and erect a new detached dwelling. The submitted illustrative plan shows a building with a floor area of some 60 sq.m.

Policy Context and housing land supply

5. The development plan includes saved policies in the Aylesbury Vale District Local Plan, adopted in 2004 (referred to as the AVDLP). The Council is

- preparing a new local plan - the Vale of Aylesbury Local Plan (VALP) which is still at the draft stage and therefore its provisions do not carry much weight.
6. Guidance in the National Planning Policy Framework (the Framework) affects the weight that can be given to the role of the development plan. The government seeks to significantly boost the supply of housing and in paragraph 47 of the Framework there is a requirement for Councils to demonstrate a five year supply of sites to meet the objectively assessed housing need. Further, in the absence of that supply, paragraph 49 indicates that policies for the supply of housing land should be considered as out-of-date.
 7. In terms of the overall position on housing land supply, the Council's most recent Position Statement is dated August 2017. In this the Council say that there is a 9 year supply of housing land but the Council recognises that this does not include unmet need that the authority will be asked to accommodate in Aylesbury Vale. This housing land supply is disputed by the appellant's agent who provides evidence to support this contention that, at best, between 3.8 and 4.7 year supply exists depending on whether a 5% or 20% buffer is applied and the stated supply from deliverable sites is questioned. Nevertheless, the Council accepts that there are no up to date housing policies in the AVDLP in respect of the supply of houses, and therefore the planning balance as set out in paragraph 14 of the Framework needs to be applied. I take this to mean that, what is now commonly called the tilted balance, applies in this case.
 8. It also appears from the representations put forward and background evidence to the VALP that Brill is recognised as a larger village which has a range of services and facilities but has poor accessibility. The Council accepts that the village has scope for 'very small scale growth'. Although it is submitted that the site does not lie in a sustainable location there is little evidence put forward to substantiate this. Reference is made by the Council to the site's 'isolation' in the context of paragraph 55 of the Framework, but I do not consider that the site is isolated from the village even though the site lies away from the built up element. It therefore appears to me that there is not a policy objection at the moment to the principle of a new dwelling in the village.
 9. I conclude that the main policy with which the proposal should be assessed is saved policy GP35 of the AVDLP. As this deals mainly with environmental factors rather than housing supply it can be given moderate weight. The Council also refers to the site being in an Area of Attractive Landscape (AAL) which appears to be a local designation derived from saved Policy RA.8 of the AVDLP. Although this is not a national landscape designation, it suggests to me that the landscape defined as such is *valued* and is within the context of paragraph 108 of the Framework as a landscape that justifies protecting and enhancing. The policy should therefore also be given moderate weight.

Effect on character and appearance

10. At my site visit, I formed the view that the built up part of the village lies to the east of the tarmac track that leads to the appeal site. The enclave of three properties, (No's 21, 22 and 23 South Hills) lie in a distinctly rural and mostly undeveloped area of countryside which I would describe as having an undulating and attractive landscape. The houses are not prominent or imposing in this landscape as No's 21 and 23 are set back from the frontage and all of the properties are to a large extent screened by the hedges and trees that exist

and the present verdant form of the appeal site makes a real contribution to this character.

11. In contrast I am concerned that the appeal site would not allow for a form of development that would maintain this appearance. Considered in principle, the proposed dwelling would be largely isolated on its own in the frontage and I agree with the Council, that this would be at odds with the prevailing pattern of development. Further, the small size of the plot compared to the other existing houses would result in a detached house having a cramped appearance on the land with little space around the property. Further, the degree to which the property would occupy the site together with a garden at the front and the parking and manoeuvring space would in practice be likely to result in the loss of much of the present vegetation and would not provide much scope for similar new planting.
12. In my judgement the house proposed would appear much more prominent in the landscape than that shown in the diagrammatic street views submitted with the appeal when viewed from the east or the south of the site.
13. The appellant's agent submits that the proposal would be an acceptable form of infilling in the context of saved policy RA.2 of the AVDLP but I do not consider that the site lies within a built up frontage within the settlement. Further, the policy goes on to consider land between the built up area and the countryside but to be acceptable development has to avoid being an intrusion into the countryside setting and I do not consider that the proposal would achieve this.
14. Overall, I conclude that the proposed dwelling would be sited in an attractive area of countryside outside of the main built fabric of Brill. Even though only an illustrative scheme is submitted at this stage I find that the location and extent of the site would not enable the erection of a dwelling which would respect or complement the physical characteristics and surroundings of the site nor fit in with the general character of this enclave of a few houses surrounded by the common. Moreover, I find that the principle of a dwelling on this site, of the siting and scale illustrated would significantly harm the appearance of the area and would be materially at odds with the landscape which is recognised to be attractive. The harm means that the proposal would not accord with Policy CP35 of the AVDLP.

Planning balance

15. The conflict with the development plan and the harm that I have said will arise have to be balanced with other factors in this appeal.
16. In terms of the Framework the government seeks to significantly boost the supply of houses and while the present position on housing land supply is disputed by the main parties, the proposal will make a small contribution towards increasing this supply. I also recognise that the proposal would have a positive but limited role in adding to economic activity during the construction phase and through the subsequent occupiers who may also use local services. These would contribute to the economic and social roles of sustainable development. The Framework also highlights the need for sustainable development to be achieved through the plan-led system, but at the moment there is a local failure of policy in that the adopted development plan is recognised by the Council to be out-of-date with no replacement plan well advanced in the plan-making process.

17. However, the 'tilted balance' is engaged in this appeal and even if I were to conclude that the Council did not have a five year supply in accordance with paragraph 49, there remains other concerns within the Framework about the environmental dimension. The Framework has a core principle of recognising the intrinsic character and beauty of the countryside and to my mind the character in vicinity of the site would be likely to be significantly harmed by the physical and visual intrusion of a dwelling on the site and in the position and extent indicated.
18. Overall this harm means that the proposal does not fulfil the environmental role and the proposal does not constitute sustainable development when the three dimensions of sustainable development are taken together. Within the context of the final bullet point of paragraph 14 and the tilted balance, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when the Framework is read as a whole.
19. I conclude that the other considerations that apply in this case do not outweigh the conflict with the development plan that I have identified and that outline planning permission should not be granted.

Conclusions

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR