
Appeal Decision

Hearing Held on 28 March 2018

Site visit made on 28 March 2018

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2018

Appeal Ref: APP/Y0435/W/17/3186814

Land at Moat Farm, Chicheley Road, North Crawley MK16 9LS

- 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 Toft Hill Ltd against the decision of Milton Keynes Council.
 - The application Ref 17/01141/OUT, dated 25 April 2017, was refused by notice dated 14 September 2017.
 - The development proposed is described as outline application for residential development of 76 x dwellinghouses, with approval of access, with all other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the more detailed description of development as it appears on the Council's decision notice and appeal form since it specifies the number of dwellings. This is not shown on the planning application form. It is therefore a more precise description. There were no objections from the main parties at the hearing concerning my use of this description.
3. Prior to the commencement of the hearing I was advised by a representative of North Crawley Parish Council of the status of their emerging Neighbourhood Plan (NP). This correspondence was dated 20th March 2018 and set out that a draft submission version of the NP was being readied for a six week consultation period prior to being submitted. At the hearing I was advised that nothing further had happened on this. The plan still appears therefore to be some way off adoption and may potentially have unresolved matters to come out of a consultation period. A period which is yet to begin. I accordingly afford the NP minimal weight.

Main Issues

4. There are three main issues in the determination of this appeal. These are:
 - a) Whether or not the appeal site is an appropriate location for new housing having regard to local and national planning policy;
 - b) The effect of the proposed development on the character and appearance of the area; and

- c) Whether or not the Council is able to demonstrate the supply of housing sites as required by the Framework with particular regard to the Liverpool and Sedgfield methods of calculating a shortfall.

Reasons

Appropriate Location

5. Whilst the proposed development seeks outline planning permission with the matter of access considered, it proposes 76 dwellings. North Crawley is identified by the Core Strategy as an 'other village'¹. This infers a limited range of facilities and services. Indeed, as part of the settlement hierarchy set out by Policy CS1, other villages are ranked only above villages in the open countryside and within which only small scale redevelopment and infill development will be permitted.
6. The appeal scheme relates to the development of what is the corner of an agricultural field beyond the limits of the settlement and I would not consider 76 dwellings small scale. Thus the proposed development would not sit appropriately with CS1.
7. The appellant set out in their written and oral evidence that North Crawley has a convenience store, a primary school, two public houses, a community centre and leisure facilities in the shape of a cricket and football pitch. Whilst these elements are clearly of useful benefit to the incumbent community and would be easily accessible by any new residents, I have strong doubts that the scale of the services available is necessarily geared towards supporting the addition of 76 new households.
8. The appellant has submitted a Unilateral Undertaking (UU). Some of the contributions set out therein do include sports and leisure provision as well as funds towards education. However, there is no clear indication as to what projects such contributions may be directed. Whilst I am also therefore unsure as to whether these contributions will or will not be pooled, I cannot in any event be satisfied that they would be directed at improving or providing new facilities in North Crawley.
9. Moving on, it would not be unreasonable to assume that development of the quantum proposed would likely have a proportion of families with higher school age children as well as dependants and adults with either existing employment elsewhere or future job aspirations. New residents would also need access to a greater diversity of retail choice as well as health care.
10. With these factors in mind, it seems to me that a large number of new residents would have to travel to access the services they would require to meet their day to day needs. I was advised at the hearing and in the written evidence that there is a bus service that stops close to the appeal site which links North Crawley and other settlements with Milton Keynes. However, this appears to be infrequent and in any event this alone would not dissuade me from concluding that the majority of new residents would likely rely on the use of the private car for the majority of their journeys. This is the least sustainable travel option. Journeys would likely be high in number and frequency given the scale of the proposed development.

¹ Policy CS1 Milton Keynes Core Strategy 2013

11. The proposed development would therefore serve to promote unsustainable patterns thereof. Planning harm in this respect would therefore bring the appeal scheme into conflict with Policies CS1 and CS9 of the Core Strategy which, amongst other things and along with the Framework² seek to reduce the need to travel through directing new development to those areas where there is a ready and accessible range of services to support it.

Character and Appearance

12. The appeal site is the corner of an existing field. It does not appear as part of the settlement and is separated from its built extremity by a single carriageway road. It is part of an undulating local land form that rises noticeably towards its south eastern corner. It is undeveloped and appears to be part of a wider field abutting a complex of agricultural buildings to the north, with some low density development occurring to the south. There is a hedge line and fencing separating the field from the road. It contributes positively to the rural setting of the village edge at this point. The built edge of the settlement is very clear, and terminates distinctly with a street scene frontage to the main road which acts as a definition between what is urban and what is rural.
13. Development of the site would be, by virtue of its spatial distinction from the edge of the settlement at this point, visually separate and appear something of a standalone and awkward bolt on to North Crawley. This would be in visual appearance as well as plan form terms. The buildings making up the existing edge are highly visible in the wider landscape, especially on approaches from the northwest and southwest due to the raised ground level they sit on. This would increase the prominence of new buildings, seeing them 'draped' on the settlement edge.
14. By virtue of the above factors, the appeal scheme would be clearly discernible as a self-contained new estate of high density housing, unrelated to the existing evolved urban grain of the village. At an edge which, as I have also stated, has a prevailing rural character.
15. The findings of the appellant's Landscape and Visual Impact Assessment (LVIA) are noted and indeed I do not dispute that they are based on detailed background assessments of landscape character and quality. For all intents and purpose I do agree that the field, as an open field on the edge of the settlement, is simply that and not of hugely significant value in landscape character terms. However, it does not automatically follow that development on it would be acceptable. As I have set out above, there are a number of factors that would, together, represent harm to the character and appearance of the area. Indeed, and contrary to the appellant's findings in this respect (and largely due to the wider prominence of the site in landscape terms) a harmful effect that would be more than local.
16. There is some reliance in the conclusions of the appellant's LVIA to the introduction of planting to the boundaries of the site as a means of mitigation. I have no doubt that this would reflect that which currently exists to the boundaries that abut the surrounding roads but to my mind would be moving towards more trying to screen the development than necessarily provide any form of enhancement to the local landscape architecture. The measures to mitigate the harm that the introduction of built form would cause seem to be

² The National Planning Policy Framework 2012

retrofitted as an afterthought rather than being integral to the scheme's siting or design. I accept that, to some degree, this is driven by the outline nature of the proposed development but the effective surrounding of the appeal site with new planting would have the effect of reinforcing the degree of visual distinction that it would have from the existing settlement and thus add to the harm I have identified.

17. As a result of this harm to the character and appearance of the area, the appeal scheme would conflict with Policy S10 of the Local Plan and one of the core principles of the Framework. These policy approaches seek to ensure, amongst other things, that new development should be contained within settlements and limited in the open countryside in the interests of its intrinsic beauty.

Housing Land Supply

18. There is disagreement between the main parties as to whether the Council are able to demonstrate the supply of housing sites as required by the Framework. The Council state that they can, using the Liverpool method of calculating the shortfall. That is to say making it up throughout the remaining years of the plan. The appellant states that they cannot, using the Sedgefield method of calculating the shortfall which is seeking to make it up in a five year period. Through the application of the Liverpool method, the Council's supply comes in at marginally over five years. This figure includes the required buffer. Using the Sedgefield method, the supply reduces to approximately 4.5 years.
19. The Council's supply is predicated on the delivery of a number of very large strategic sites. They argued that the delivery of these sites stalled longer than expected on the back of the most recent recession. The adoption of the Core Strategy fell in 2013 and in essence the plan therefore inherited a shortfall in housing to begin with. The Inspector examining and finding sound the Core Strategy at the time seemed to favour a Liverpool style approach albeit they did not state so explicitly.
20. Where there is a strong reliance on large scale strategic sites and significant urban extensions I can see how it could drive the need for the application of the Liverpool method. I also accept, as a designed new town, Milton Keynes is not directly comparable to a more traditional authority that might be constrained by matters of landscape, Green Belt or heritage protection. These circumstances are indeed specific to Milton Keynes but do not strike me as unique. The Council brought a number of examples of the use of the Liverpool approach to shortfall calculation to my attention, one specifically being in the examining Inspector's findings with regard to the Canterbury Local Plan.
21. It was established at the hearing that the evidence forming the Council's case contained broadly the same arguments pertaining to the calculation of their supply of housing sites than was put to my colleague in respect of a scheme for up to 141 dwellings at Long Street Road, Hanslope³. Also in the administrative area of Milton Keynes. The Hanslope decision was reached following detailed cross examination of evidence over the course of a five day public inquiry. The decision was issued on 5th March 2018 and as such is very recent.
22. My colleague, in reaching a view on the Council's housing supply in the Hanslope decision, found that the Sedgefield method was most appropriate for

³ Planning Inspectorate Ref: APP/Y0435/W/17/3177851

calculating the Council's shortfall and thus, it was apparent that they were unable to demonstrate the required supply of sites totalling five years with the required buffer. My colleague was not convinced that the Liverpool method was appropriate, having regard to projected build out rates for large sites, the proportion of the overall supply they make up and when the CS housing trajectory would see the highest levels of delivery occur. In addition, it was not explicit that the adoption of the Milton Keynes Core Strategy endorsed a Liverpool approach. It is largely for this reason that I disagree with the Council's view that taking the Sedgefield approach would doom the Core Strategy to failure.

23. Taking into account the above, I did not hear a sufficiently justified argument to depart from my colleagues finding on how the Council's housing shortfall should be made up. That finding was, as I have pointed out, reached as a result of detailed cross examination of evidence over multiple days. The findings are very recent and the Council's evidence base that lead to them has not substantially changed. Taking the Sedgefield approach therefore⁴, the Council would be unable to demonstrate the supply of housing sites required by the Framework. The Sedgefield approach is consistent with paragraph 035 of Planning Practice Guidance⁵ and the Framework's commitment to boost significantly the supply of housing. With this in mind, the so called tilted balance advanced by paragraph 49 of the Framework and detailed by paragraph 14 is engaged.

The Balance

24. Whilst engagement of the so called tilted balance is preceded by relevant policies for the supply of housing being considered not up to date and the weight a decision maker may attribute to them reduces, this does not automatically mean that any harm a given development may cause equally reduces.
25. There is little doubt that the erection of 76 new dwellings would make a noticeable difference to an under supply situation and the appellant's UU also seeks to provide affordable housing commensurate with the Council's relevant policy position. I do consider these benefits on a social level. There would also be some additional economic benefit from the construction phase, albeit one that is time limited. In a longer term economic sense, and in the context of my earlier findings, I feel that expenditure in more substantial terms may rest in areas other than North Crawley.
26. The appellant considers other contributions set out in the UU as further benefits of the proposed development. Whilst they would be beneficial, there remains some ambiguity as to whom they would be advantageous. In any event, my view is that in the main, contributions set out in a UU such as the one before me are there to respond to policy provisions that exist to mitigate an impact. In this case, that of the erection of 76 dwellings. Thus, when determining where they feature in a balance, I would have to conclude they would be neutral.

⁴ Also endorsed in dismissed appeal for up to 250 dwellings at Linford Lakes, off Wolverton Road, Milton Keynes, Planning Inspectorate Ref: APP/Y0435/W/17/3175391, issued on 27th March 2018 following eight day public inquiry

⁵local planning authorities should aim to deal with any under supply within the first 5 years of the plan where possible.

27. I have to set the social and limited economic benefits against the environmental harm that I consider would arise out of two of the main issues in this appeal. Specifically those pertaining to what is effectively the principle of the proposed development insofar as where it would be and how it would detrimentally affect, in more than local terms, the character and appearance of the area. I recognise the need for new housing. The shortfall in provision is a national problem. But it has to be delivered in the right places and for the reasons I have set out above this would not be one of those places. The Council may not be able to demonstrate the supply of housing sites required by the Framework but this does not follow to mean development at all costs.
28. Accordingly, and in this particular case, I do not consider that the provision for housing and affordable housing along with some limited short term economic benefits would be sufficient to outweigh the harm that the appeal scheme would cause for the reasons I have set out. In the words of paragraph 14 of the Framework, the adverse impacts of granting a planning permission in this case would significantly and demonstrably outweigh the benefits. The appeal scheme would not therefore, for this reason, be sustainable development for which the presumption in favour applies.

Conclusion

29. For the reasons I have set out above, and whilst having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

APPEARANCES:

FOR THE APPELLANT

Mr Joe O'Sullivan	AAH Planning Consultants
Mr Alex Cowling	AAH Planning Consultants
Mr Alastair MacQuire CHLI	Aspect Landscape Planning

FOR THE LOCAL PLANNING AUTHORITY

Mr Paul Keen	Milton Keynes Council
Mr Jon Goodall	Troy Hayes Planning Limited
Mr Paul Geary	Local Ward Member

INTERESTED PARTIES

Mrs Joanna Small	Chair – North Crawley Parish Council
Mrs Sheila Bushnell	Clerk – North Crawley Parish Council

DOCUMENTS SUBMITTED AT THE HEARING:

- Up to date access plan from submitted transport assessment, 1:1000 at A3, dated July 2017, drawing number 1702301b
- Single sided A4 text clarifying the Parish Council's position regarding the appeal scheme, read out at the hearing