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## Appeal Decision

Site visit made on 30 January 2019

**by A. J. Boughton MA (IPSD) Dip. Arch. Dip. (Conservation) RIBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 August 2019**

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**Appeal Ref: APP/J0405/W/18/3214357**

**Fir Tree Cottage, Singleborough Lane, Singleborough, Great Horwood  
MK17 0RF**

- 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 Andrew Dewhurst against the decision of Aylesbury Vale District Council.
  - The application Ref: 18/02410/APP, dated 7 July 2018, was refused by notice dated 22 August 2018.
  - The development proposed is the erection of single dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary

2. The appellant has provided a Unilateral Undertaking to cease the use of a building in the ownership of the appellant within the curtilage of Fir Tree Cottage as a separate dwelling. I note the third-party representations and the comments of the Council on the submitted document and have taken these into account in the decision.

### Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the area; and
  - whether the appeal site is a suitable location for the development proposed, having particular regard to Policy 1 of the Great Horwood Parish Neighbourhood Plan (GHPNP), and if not, whether this is outweighed by any material considerations.

### Reasons

#### *Character and appearance*

4. The proposed dwelling would be located to the rear of Fir Tree Cottage in the small linear settlement of Singleborough, which falls within the Neighbourhood Plan Area of the GHPNP and has no settlement boundary.

5. Almost all of the existing dwellings in Singleborough sit within large plots with individual frontages to a single road through the settlement. The curtilage of the proposed dwelling would be within a paddock associated with Fir Tree Cottage that slopes down from the existing property.
6. To the south of the site a large barn is under conversion to a dwelling and to the north a replacement dwelling of contemporary design, 'Orchard Bungalow' has been constructed. The footprint of the proposed dwelling sits over a notional line that could be drawn between these two buildings so the proposal would be partly contained by existing buildings. However, the result of the development would be a plainly residential building form (unlike the converted barn) in a prominent position at the edge of, or partly outside, the discernible built area of Singleborough. The effect of the development would be to erode the open character of the land beyond the immediate curtilage of Fir Tree Cottage and this would harmfully affect the settlement pattern and grain.
7. The design demonstrates that the overall height of the proposed building would not be inconsistent with the surrounding buildings due in part to the slope of the land. However, the mass of the proposed dwelling would be broadly similar to Fir Tree Cottage and very much larger than the building identified in the unilateral undertaking (the use of which as a separate dwelling is proposed to be surrendered). In addition, the proposal includes a large garage to be built where there is currently a small block of stables so the proposal will, overall, result in a substantial increase in built form over what currently is found.
8. There have been many representations from residents in favour of the proposal, including neighbours, making the point that the dwelling will not be seen from the road. However, the proposal would be glimpsed from the road and evident in other viewpoints, such as the track which passes north of the site near Orchard Bungalow, consequently the uncharacteristic tandem layout placing two similarly-sized dwellings in a deep plot will be apparent and affect the settlement character.
9. Whilst the edge of fields which are both open and in obvious agricultural use are plainly 'in the countryside', settlement form and character is not determined only by buildings or the absence thereof. The openness of land diminishes and the character changes with proximity to dwellings by virtue of incidental structures and domestic activity. The current equestrian use of the appeal site is an open land use notwithstanding its relationship with Fir Tree Cottage. The effect of placing a second dwelling within the paddock area would also be to extend the domestic use of land (garden land) much further west and therefore change the character and appearance of the land at the edge of the settlement.
10. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of Singleborough by the insertion of residential built form in an uncharacteristic tandem arrangement together with the associated increase in domestic use of otherwise open land which contributes to the form and character of Singleborough. This is contrary to Policy GP35 of the Aylesbury Vale District Local Plan (AVDLP) which seeks to ensure new development protects the characteristics and qualities of the site and setting.

*Whether the site is a suitable location for the development proposed.*

11. The GHPNP was 'made' on 15th March 2015 and forms part of the development plan. Policy 1 sets out the spatial strategy for the neighbourhood plan area. It seeks to direct new housing development to Great Horwood. It does this by designating a settlement boundary for Great Horwood and identifies sites for development within that boundary. Singleborough is devoid of facilities and some distance away from them. Consequently the GHPNP does not provide a settlement boundary around the hamlet which is not a location to which new housing is directed. As a new dwelling the proposal would not accord with this strategy.
12. Policy 1 of the GHPNP states that new development should not result in a loss of open land that contributes to the form and character (of Singleborough). As I have concluded that the result of the development proposed would be the loss of such land the proposal conflicts with GHPNP Policy 1 both as new development which is not of the permitted types beyond the settlement boundary of Great Horwood and as development which results in the loss of open land (which contributes etc.) at Singleborough.

### **Other matters**

#### *Housing land supply*

13. The appellant has raised broad concerns about housing land supply by reference to the effect of the interim findings of the emerging Local Plan examination. Paragraph 11(d) of the Framework would permit the application of the 'tilted balance' weighing in favour of the proposal if the policies most important for the determination of the application before me were found to be out-of-date. The comments of the appellant were addressed by the Council in their Statement of Case and responded to by the appellant.
14. In a recent appeal decision<sup>1</sup> (hearing held on 16th January 2019) dealing with the matter of housing land supply the Inspector concluded that the Council was able to demonstrate a 5-year housing land supply (5YHLS) with a requirement derived from Local Housing Need (LHN) and supply adjusted after scrutiny. That approach, based on the standard method, is consistent with Planning Practice Guidance whereas the appeals referred to by the appellant<sup>2</sup> pre-date current guidance and are therefore of limited relevance.
15. The appellant has not provided detailed representations as to the matters in footnote 7 of the Framework and engagement of the 'tilted balance'. However, even if I were to conclude there is a shortfall in the five-year housing land supply such that paragraph 11(d) were engaged, for the reasons I have already set out the adverse impacts of granting permission would, nevertheless, significantly and demonstrably outweigh the benefits of an additional dwelling in this relatively unsustainable location.

#### *Replacement dwelling*

16. The appellant has provided a unilateral undertaking (UU) with the purpose of removing the use of a converted garage at Fir Tree Cottage as an independent dwelling (C3) indicating that the proposal should thereby be considered as a

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<sup>1</sup> Land North of Leighton Road APP/J0405/W/18/3203307

<sup>2</sup> Ref: APP/J0405/W/16/3158833 dated 9 October 2017 and APP/J0405/W/16/3156690 dated 9 November 2016

replacement dwelling. However, I am unable to attach any weight to this undertaking for a number of reasons.

17. Firstly, the UU provides that the use of the dwelling as an independent unit would cease but that the accommodation would remain as ancillary to the main dwelling (Fir Tree Cottage). Therefore, the proposal would not be a one-for-one replacement but a new dwelling. The difference between the use of the accommodation as ancillary to Fir Tree Cottage and as an independent dwelling is potentially very small, nor is the existing accommodation removed to offset the physical effect of its purported replacement which is, in any event, very much larger.
18. Secondly, the lawfulness of the use as an independent dwelling is not accepted by the Council and although I note the observations of the appellant, this is not a matter which can be determined by this appeal.

### **Conclusion**

19. In accordance with my reasoning, I find that the proposal would not accord with the development plan taken as a whole. There being no material considerations to outweigh this finding, the appeal cannot succeed.

*Andrew Boughton*

INSPECTOR