

Appeal Decision

Site visit made on 9 May 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/J0405/W/19/3220215

Petford Lea, Main Road, Buckland HP22 5HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Land to Homes Ltd against Aylesbury Vale District Council.
 - The application Ref 18/03026/APP is dated 28 August 2018.
 - The development proposed is the erection of 8 dwellings with access, parking and amenity space following demolition of existing buildings.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. Although the appeal is against the failure of the Council to give notice of its decision on the planning application within the prescribed period, the Council has submitted an appeal statement which sets out that, had it been in a position to determine the application, planning permission would have been refused on the grounds of loss of employment land; the effect of the proposed development on the character and appearance of the Buckland Conservation Area and the setting of nearby listed buildings; and inadequate parking provision.
3. Therefore, the main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the Buckland Conservation Area and the setting of nearby Listed Buildings;
 - The effect of the proposed development on the supply of employment land in the area; and
 - Whether the proposed development makes suitable provision for the parking of cars.

Reasons

4. The appeal site is located in a backland position accessed from a private drive off Model Row. The site comprises an elongated plot with a courtyard group of buildings that are used as a timber workshop for the manufacture of timber gates with a single storey residential dwelling house adjacent. The existing units on the site are a range of outbuildings and sheds made from corrugated metal and timber. The appeal site falls within the Buckland Conservation Area.

There is a paddock to the rear of the site that acts as a buffer between the settlements of Buckland and Aston Clinton.

5. The site is adjacent to the Grade II Yew Tree Cottage and opposite the Grade II Listed All Saints Church. The Rectory, a mid-19th century locally historic building is adjacent to the side boundary. The neighbouring Church Hall and School House are also Grade II listed buildings as are the Lych Gate and boundary wall along their frontage.
6. The proposal seeks the construction of 8 dwellings with access, parking, landscaping and amenity space following the demolition of all existing commercial buildings and the residential dwelling. The proposal includes two blocks of units facing onto a landscaped courtyard with an 'L' shaped block to the north west and a smaller linear block to the south east. The proposed properties would be 1.5 storeys in height arranged around a central garden area with car ports and surface level car parking close to the entrance. A public footpath runs through the site.

Character and Appearance of the Conservation Area and Heritage Assets

7. Under S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 decision making is required to have special regard to the desirability of preserving a listed building, or its setting, and that special attention is paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
8. The appellant does not appear to have submitted a detailed Heritage Statement in support of the original application that identifies any relevant heritage assets and their significance, which would have been useful in assessing the heritage impacts. Nonetheless, the local planning authority's Historic Buildings officer has commented and objects to the application.
9. The Planning Practice Guidance (PPG) advises that in general terms, substantial harm is a high test and that works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. I do not consider the proposal to be minor or modest and therefore I will assess whether the proposal would cause harm.
10. Buckland is a small settlement and is an example of an irregular row settlement. The Buckland Conservation Area Character Appraisal states that an irregular row settlement is linear in form and characterised by buildings irregularly positioned along one or both sides of a road. The character appraisal notes that plot sizes in Buckland Conservation Area tend to be irregular in shape and size. The settlement faces significant development pressure due to its proximity to Aston Clinton and this could affect its character.
11. The Conservation Area aims to protect key features of the Conservation Area such as:
 - Maintaining the essential linear character of the village by resisting backland development.
 - Maintaining the identity of the village and its separation from Aston Clinton.
12. The proposal would result in a dense development that is not in keeping with the linear pattern of development of the settlement and the irregularity of the buildings positions along the road. The paddock area benefits the Conservation

Area creating a feeling of openness. The existing buildings on site are low level and of a palette that blends in with the surroundings. The proposed 'L' shape block is unduly deep in form and out of keeping with traditional building types in the area. The proposed dwellings also contain a plethora of dormers and roof lights, which is untypical of simple vernacular building forms. The proposed terrace of properties with minimal private amenity space is completely at odds with the surrounding built form, which mostly consists of large detached dwellings in substantial grounds. Although a backland location the site is highly visible from the public right of way and surrounding private property and as such it would result in harm to the character and appearance of the Conservation Area.

13. The existing buildings and workshop somewhat clutter the setting and there is an opportunity for improvement by their renewal and replacement. However, the historic core of the village and pattern of development would be significantly changed by this scheme. This would have a permanent negative impact and mitigation is not possible. I therefore consider that the impact of this development proposal on the setting of the nearby listed buildings and The Rectory (a building of local importance and a non-designated heritage asset) would result in less than substantial harm.
14. I find that the potential dominance of car parking to the street scene and its impact on the character and appearance of the Conservation Area with 6 car parking spaces being located to the front facing Main Street with further car ports behind would result in harm to the character and appearance of the area. I therefore conclude that the proposal would result in less than substantial harm to the Conservation Area and the setting of the listed buildings that cannot be outweighed by the public benefits of the proposal, which include the delivery of 8 new dwellings and the redevelopment of a brown field site.
15. For the reasons set out above I therefore conclude that the proposal would cause harm to the character and appearance of the Buckland Conservation Area and the setting of nearby Listed Buildings, although that harm would be less than substantial. It would be contrary to Policies BP1, BP3, BP5, BP14 of the BNP, Policies GP.35 and GP.53 of the Aylesbury Vale District Local Plan Saved Policies 2007 (AVDLP) and the Framework, which amongst other things aim to preserve or enhance the character of Conservation Areas and Heritage Assets.

Provision of Employment Land

16. The site is a brownfield site in a rural location. Policy GP17 of the AVDLP seeks to resist the loss of existing employment sites, unless the employment site has been vacant for at least 12 months and it can be demonstrated that the existing use has an adverse impact on the amenity of neighbours and the proposed replacement would be an improvement or that there are appropriate alternative employment opportunities either on other sites in the locality or as part of the proposed development.
17. I accept the appellant's case that this policy is somewhat out of date when considered against the National Planning Policy Framework (the Framework); however, the Buckland Neighbourhood Plan (BNP) Policy BP9 seeks to support the redevelopment of employment sites that will significantly reduce the harm to residential or visual amenity.

18. The site is accessed via a long driveway and is not highly visible from the street scene. The work undertaken on the site is small scale and during my site visit I saw one employee operating a large saw machine that made some noise.
19. For the above reasons I conclude that the development would not result in a loss of employment land and it would accord with the Policy GP17 of the AVDLP, BP9 of the BNP and the Framework.

Car Parking

20. The proposal allocates 18 parking spaces for 8 houses: 1 x four bed, 5 x three bed, 2 x two bed. Policy BP11 of the BNP states that new homes with two bedrooms must provide at least two on-site car parking spaces. Properties with three or more bedrooms must provide a minimum of three on-site parking spaces. Therefore, the minimum car parking space requirement for this proposal is 22 on-site car parking spaces.
21. It was evident from my site visit that the site is located in a narrow country lane where additional on street car parking would be harmful to highway safety.
22. I note the appellant refers to the lower parking standards required by the Supplementary Planning Guidance 1: 'Parking Guidelines' (SPG); however, the BNP has been more recently adopted than these guidelines and therefore I give this more weight than the SPG. In addition to the inadequate amount of car parking proposed, I also have concerns over the turning and manoeuvring space available within the site itself.
23. I therefore find that the proposal is contrary to Policy BP11 of the BNP, which seeks to ensure adequate car parking provision within development proposals to prevent harm to highway safety.

Other Matters

24. I have had regard to the comments received from third parties and have addressed their concerns within the main issues section of this decision. I am also mindful of the other benefits, which would arise from the proposal, including the development of 8 new dwellings, the redevelopment of a brown field site, a reduction in commercial traffic, the retention of the paddock and provision of cheaper homes for young, local people and the development would retain separation between Buckland and Aston Clinton. Whilst I have identified that the proposal would cause less than substantial harm to designated heritage assets, the benefits raised by the appellant and other parties in support of the proposal would not outweigh that harm.

Conclusions

25. For the above reasons and having considered all the matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be dismissed.

Gemma Jenkinson

INSPECTOR