



Appeal Decision

Site visit made on 12 August 2019

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2019

Appeal Ref: APP/J0405/W/19/3230240

Unit 1-2 (land adjacent), Lancaster Business Park Cublington Road, Wing, Leighton Buzzard LU7 0LA

- 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 David Plaster against the decision of Aylesbury Vale District Council.
 - The application Ref 18/02697/APP, dated 23 July 2018, was refused by notice dated 11 January 2019.
 - The development proposed is the construction of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant indicates in their evidence that the single replacement dwelling proposed in this appeal is intended to wholly supersede an extant consent (16/04351/APP) for a single replacement dwelling located closer to Units 1-2, Lancaster Business Park.

Main Issue

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

Reasons

4. The appeal proposal comprises a single, one storey dwelling on land adjacent to Lancaster Business Park. It is intended to replace an existing dwelling located directly alongside the business units. The dwelling proposed is similar in size and design to an extant consented replacement dwelling which is located closer to the business units. The extant consent has shared access with the business units whereas the appeal proposal would have separate access. The existence of the extant consent confirms that the principle of a replacement dwelling here has already been accepted.
5. Since the Aylesbury Vale District Local Plan (LP) was adopted in 2004, the Council have primarily relied on the policies set out in the National Planning Policy Framework (NPPF) and, in particular, whether the proposed development comprises a sustainable development given its countryside location. The Council also refer to para 79 of the NPPF. This deals with isolated homes in the countryside yet, in my view, this does not apply in these particular

circumstances, given the principle of a replacement dwelling in this location has already been accepted. The Wing Neighbourhood Plan has been made but does not include specific policies covering proposals for single dwellings outside the built-up area as is the case in this appeal.

6. In terms of open countryside, there would be a differing impact compared to the extant scheme. This is because the development would be located further way from the business units. The impact would be reduced because the replacement dwelling would be set back from the front line of the business units, avoid the line of trees running alongside the units, and lie adjacent to a track along the boundary to the business park, whereas the extant scheme would be located forward of the front line of the units. The new dwelling would also be broadly in line with the buildings at Wingfield Farm which sit nearby on the opposite side of the track. I understand, however, that these buildings, which include two dwellings, are not in active agricultural use. The new dwelling would face and be closer to the track but there is no reason why this would necessarily be more harmful. Therefore, it appears to me that the location of the appeal proposal is more appropriate for a residential property than the consented scheme and also would not have a significant adverse effect on open countryside.
7. Accordingly, the proposed dwelling would not have an adverse impact over and above the already consented scheme. Impacts on character and appearance, would be limited, with the potential for these to be mitigated through boundary treatments and landscaping/planting both of which could be dealt with by condition. In coming to this view, I consider that the proposal would not conflict with Policy GP35 of the LP which seeks to encourage high quality, sensitive design. Nevertheless, it is important to stress this assumes that the existing dwelling would be removed and that only one replacement dwelling would be built within the curtilage of the business park.

Conclusions

8. I accept the proposal would have both a limited impact on character and appearance and it would offer significant improvements to the living conditions of future occupants over the extant consented scheme. However, it is not possible to revoke an existing planning permission by way of condition. As the appellants have suggested this could be achieved by way of a binding legal obligation but such a measure does not form part of the evidence before me.
9. Accordingly, and after taking all matters into account, my decision is that the appeal should be dismissed.

David Carter

INSPECTOR