



Appeal Decision

Site visit made on 18 November 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/J0405/W/19/3236110

Land at Back Lane, Tingewick MK18 4RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Tredwell Brothers against the decision of Aylesbury Vale District Council.
 - The application Ref 18/03506/PIP, dated 24 August 2018, was refused by notice dated 7 June 2019.
 - The development proposed is described as seeking permission in principle for erection of residential dwellings and access roads including garages and hardstanding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site lies on the outskirts of Tingewick and appears to have been most recently used for livestock grazing. A footpath runs along the inside of the southern boundary and continues on through to the adjoining field to the west.
4. Together, the appeal site and the adjoining field form a prominent mid-ground element in views of the village on approach from the west. The view is framed with trees on the skyline, low in the valley and on the hedgeline in between the two fields. Rooftops of some houses form a minor part of the view but it is otherwise a distinctly rural, picturesque approach to the village.
5. From the opposite direction, the approach to Tingewick has been altered through the introduction of a recently completed largescale housing development within which the landscaping has yet to establish. The centre of the village retains its traditional vernacular and charm, with the narrow 'Main Street' framed by dwellings and buildings adjoining the footway. On leaving the village via Sandpit Hill Road, the open space with Townsend Pond forms a key feature of the view. The appeal site forms the green backdrop in views of the village pond from within its vicinity.
6. The appeal site also forms an important part of the view when seen in the context of the pond in views from Water Stratford Road. In these views, the viewers are on an elevated level on the opposite slope and the appeal site is a green wedge forming the backdrop to the pond and residential development around its edges and nestled on the brow of the hill above it.

7. Similarly, in views from the footpath within the appeal site itself and on approach from the adjoining field, the green and undeveloped nature of the site provides users with a sense of embarking on or concluding a journey in the countryside. This is despite the fact that the rear elevations of houses on Sandpit Hill Road are clearly visible from the footpath and that views are also available of Townsend Pond area and of the extent of the village on the opposite slope.
8. Given that the application is made seeking only permission in principle, very limited indicative details have been produced to show how the site might be developed. However, the appeal proposal would introduce an arrangement of up to nine houses on the appeal site, set away from the western boundary lined with Oak trees, and as suggested in the plans, interspersed with some additional tree planting (albeit that this would form part of a technical details consent).
9. Whilst the site is surrounded on three sides by existing housing, established trees and landscaping also serve to provide a degree of definition to the edge of the built form. Consequently, although the proposal would result in a low density form of housing, it would still result in the unsympathetic urbanisation of a site which forms a prominent element in key views of the village from within it and on approach thereto. The location of the site, its extent of visibility in key views, including from a public footpath and its sloping topography mean that it is particularly sensitive to change and would result in a harmful impact on the character and appearance of the area, and setting of the village.
10. Whilst the appellant's Landscape and Visual Impact Assessment indicates that the visual impacts will be experienced only at a short to medium range and can be further mitigated with well-located planting, the site is of significant value in these views. Whilst viewers at the range of specified viewpoints are largely within the village and that additional dwellings in these views would not be surprising, the site plays an important role in maintaining a rural setting to the village with the green landform forming its soft edge.
11. In view of the main issue, the proposal would substantially harm the character and appearance of the area and would therefore conflict with, in particular, saved Policies GP.35 and GP.84 of the Aylesbury District Council Local Plan¹ (Local Plan), which, amongst other things, seek to ensure that new development respects and complements the physical characteristics of the site and surroundings, the natural qualities and features of the area and the enjoyment of public rights of way.

Other Matters

12. I note that the proposal would affect the public right of way insofar as there would be a need to at least provide a crossing point. The Council's Strategic Access Officer indicates that any such alterations could be combined with accessibility enhancements for less mobile users in order to comply with Local Plan Policy GP.84. Any modest improvement to the accessibility of a short length of the footpath within the appeal site that could be secured at technical details stage would be of limited overall benefit.

¹ Aylesbury Vale District Local Plan Part 1 – 2004

Planning balance and conclusion

13. The parties agree that the Council can demonstrate an adequate five year housing land supply, although the appellant highlights that this should not present a bar or limit to further housing development.
14. The appellant raises that the housing policies of the Local Plan are out-of-date. The Local Plan was adopted in 2004 and was due to run until 2011, meaning that it is a 'time expired' plan. As such, the proposal should be considered in the context of the 'tilted balance' set out in paragraph 11 d) of the National Planning Policy Framework (the Framework).
15. Some of the policies of the Local Plan were saved in 2007, including Policy GP.35 as listed above. Policy GP.35 is a general development management policy which does not seek to specifically limit the delivery of housing. It generally accords with the aims of the Framework to contribute to and enhance the natural and local environment and to recognise the intrinsic character and beauty of the countryside. Accordingly, Policy GP.35 is the most relevant, up-to-date policy and the conflict therewith can be attributed full weight.
16. The emerging Vale of Aylesbury District Local Plan is at an advanced stage of preparation and the parties agree that a degree of weight can be afforded to it. The appellant has drawn my attention to emerging Policy D3 which, amongst other things, seeks to allow permission for the infilling of small gaps in developed frontages and development that consolidates existing settlement patterns without harming important settlement characteristics. However, I have found that the proposal would be harmful to the area for related reasons.
17. The appellant also raises that the Council has failed to deliver adequate plots to help meet the demand for self and custom build housing in the district as required by the Self-Build and Custom Housebuilding Act 2015 (as amended). The Council indicates that it has recently approved a scheme including 20 serviced plots against a registered need of 54. I am also mindful that it is not possible to secure such plots using a S106 planning obligation at the permission in principle stage, as was used in the two outline examples provided by the appellant. As set out in the Planning Practice Guidance, the permission in principle stage is for consideration of location, land use and amount.
18. Nonetheless, the proposal would deliver benefits in the form of housing to supplement the local housing stock in a sustainable location. From a social and economic stand point, the proposal would be beneficial and would provide for up to nine new dwellings with associated short term employment opportunities and the likelihood of additional expenditure in the area going forwards.
19. However, given the scale of the development, such a contribution would be relatively modest. As there would be substantial harm to the character and appearance of the area in conflict with Local Plan Policy GP.35, the harm would significantly and demonstrably outweigh the identified benefits of the scheme.
20. For the above reasons, the appeal is therefore dismissed.

Hollie Nicholls

INSPECTOR