
Appeal Decision

Site visit made on 2 July 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2019

Appeal Ref: APP/J0405/W/19/3224976

Land adjacent to Ivy Cottage, Main Street, Grendon Underwood

- 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 CALA Management Ltd against the decision of Aylesbury Vale District Council.
 - The application Ref 17/01348/APP, dated 10 April 2017, was refused by notice dated 28 September 2018.
 - The development proposed is described as "A Full Planning Application for the erection of 21 dwellings, access arrangements and car parking, provision of landscaping and other associated works".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in this case are:
 - i) the effect of the proposal on the character and appearance of the area, and
 - ii) whether the scheme makes adequate contributions towards infrastructure provision, in particular affordable housing.

Reasons

Character and appearance

3. The site comprises part of a field and lies on the southern side of Main Street, a road which runs through Grendon Underwood. The site is set behind a belt of trees which separates the site from the village road. To the sides, the site is bordered by hedges and to the rear the site is open to the remainder of the field. On the northern side of Main Street development predominantly comprises a ribbon of residential development extending along the frontage to the road.
4. However, on the southern side of the road I noted that development was more varied in its siting and layout and that, whilst there was some frontage development, there was also development extending away from the road. This took the form of properties set behind the road frontage, as well as developments comprising several properties which extended away from the road. This was particularly so at the northern extremity of the settlement,

rather than within the vicinity of the appeal site. As a consequence, in my view, there is a distinction between the development present on the north and south sides of the road. Furthermore, there is a dissimilarity in the depth of development away from the road between that which is found at the eastern and western extremities of the settlement.

5. The proposed scheme would result in residential development extending southwards from the band of trees which fronts the road. Whilst, as I have outlined above, such an arrangement is not unusual in the wider area, the proposed development would have a depth away from the road greater than the built development in the immediate vicinity. Furthermore, the site currently shares a greater affinity with the surrounding countryside than with nearby built development. As a consequence, whilst the appellants landscape statement of case contends that the settlement pattern of development around the appeal site is generally informal and that there are other developments within Grendon Underwood with a similar depth, I consider that the scheme would appear significantly at odds with the built form in proximity to the site and would unacceptably and harmfully intrude into the countryside.
6. I acknowledge that the Council's position is that the site has been identified for housing comprising five units, however this level would be exceeded by the proposed development and the proposal would extensively intrude into the countryside over that likely to result from only five units.
7. I note that there is reference to the scheme not extending beyond tennis courts and a ménage present on the adjacent site. These elements however have little above ground influence and the proposed scheme would be a significantly more prominent development. As such, this does not allay my concern in respect of the intrusion into the countryside.
8. A public right of way (PROW) crosses the site and for users of this, the change from a field to a residential development would be distinct. Whilst, the PROW branches off in two directions and continues through additional fields, the change would be readily appreciable when travelling along the PROW. Whilst, in views from further along the PROW towards the site, the proposed development to some extent would be viewed within the context of the existing buildings and development, it would be a feature that would fail to integrate acceptably with its context due to its extent and degree of intrusion into the countryside. Thus, the proposed scheme would be intrusive for users of the PROW.
9. I acknowledge that the appellant contends that the development would have a minor adverse effect on the landscape, with a limited depth of development. However, for the reasons outlined above, it would not relate acceptably to the form of the surrounding development and would be a visually distinct and intrusive development. I therefore consider that it would have a significant adverse effect.
10. The site would not have a frontage to Main Street but a recurring characteristic of development in the area, particularly at this part of the settlement, is a presence to the street. Whilst I acknowledge the trees would be retained, the lack of a street frontage would, in my view, result in a development that is not reflective of the layout of development within the vicinity of the site, further signalling that the proposal would be at odds with existing built form within the area.

11. In terms of the layout of the development itself, the properties would be a mix of both detached and semi-detached properties with a centrally located access road. The size of the plots within the development would not be as generous as those of the nearby properties and the appellant cites a density of 23 dwellings per hectare. As a result, the proposal would appear as an overly urban form of development on a site that currently shares a greater affinity with the surrounding countryside, than with the nearby built development.
12. I also note that concern is raised in respect of the sufficiency of proposed boundary treatments, particularly along the south eastern boundary. However, I understand that existing boundary hedging is to be retained and I consider, if necessary, that additional landscaping along this boundary could be secured by planning condition. This is not sufficient however to overcome the harm I identify above. I also note concern in respect of the ability to access fields to the rear of the site in the future. In this respect I note the retention of a narrow access to these fields and as such consider that suitable access can be maintained.
13. I have been pointed towards a recent residential development on the north of the road. However, this scheme replicates the ribbon development that is present to that side of the highway. Thus, it is clearly different from the appeal scheme. There is also reference to additional developments to the western side of Grendon Underwood. However, the layout of the built form at that location is, in my view, different from that in the immediate vicinity of the appeal site. As such, I can draw no useful comparison from these examples.
14. Accordingly, the scheme would appear at odds with the prevailing form of built development in the area and it would unacceptably intrude into the countryside. Thus, it would have a significant adverse effect on the character and appearance of the area, in conflict with Policy GP.35 of the Aylesbury Vale District Local Plan (AVDLP) (2004). This policy seeks to ensure that development respects and complements the characteristics of a site and its surroundings. In this regard, it would also conflict with the natural environment protection aims of the National Planning Policy Framework (the Framework).

Infrastructure

15. The Council indicates that financial contributions are required in order to mitigate the effect of the proposal on facilities, which include education, highways and leisure facilities, as well as the provision of a sustainable drainage system. There is also reference to the requirement for the development to provide affordable home ownership.
16. The appellant has provided a completed Unilateral Undertaking (UU) which makes provision in respect of the matters above excluding affordable housing. The Council has been provided with the opportunity to comment on the UU and has raised no concern over the matters provided. There is a policy basis for seeking these contributions and as such the contributions are necessary to make the development acceptable in planning terms.
17. Policy GP.2 of the AVDLP sets out that affordable housing provision will be sought on developments of 25 or more dwellings. Notwithstanding this, the Council assert that paragraph 64 of the Framework states that where major development involving the provision of housing is proposed, it should be expected that at least 10% of the homes should be available for affordable

home ownership. It is on this basis that the Council seeks a contribution of affordable home ownership.

18. However, footnote 29 clarifies that this 10% affordable home ownership should be as part of the overall affordable housing contribution from the site. In this case, the development plan policy, which is not inconsistent with the Framework, does not require an overall affordable housing contribution. As such, there is no consequential requirement to provide affordable home ownership.
19. For the above reasons, the submitted UU makes adequate contributions towards infrastructure provision. The local plan policy does not require an affordable housing contribution for the development and the Framework does not indicate otherwise. The scheme would therefore accord with Policies GP.86, GP.87, GP.88, GP.90, GP.91 and GP.94 of the AVDLP. These policies seek to ensure that sufficient outdoor play and sports space and related facilities and equipment is provided either directly or through financial payments in lieu of on-site provision. It would also not conflict with the infrastructure and affordable housing aims of the Framework.

Planning Balance

20. Both the Council and appellant agree that development plan policies RA.13 and RA.14, which relate to the settlement framework, are out of date. The Council highlight that this is because they relate to the supply of housing district-wide and form part of an overall housing strategy for the period up to 2011. These policies are the most important for determining the development and the provisions of paragraph 11d) of the Framework are therefore engaged. This indicates that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
21. I note that it is agreed that the Council can demonstrate a 5-year housing land supply, based on an up-to-date assessment that accords with the Government's standard methodology. This is addressed in its 2019 position statement. Whilst this may rely on greenfield sites it does not, as far as I am aware, include the 21 homes proposed on the appeal site.
22. The scheme would result in a number of benefits. It would provide 21 additional homes but, given that the parties agree that there is no shortfall in housing land supply, I accord this factor only moderate weight. I further note that the scheme would have access to services within the locality and there would be economic benefits, both during construction and once complete. There would also be an improvement to biodiversity. These are benefits to which I also ascribe moderate weight. Whilst there would also be contributions towards infrastructure these would mitigate impacts arising from the development and therefore would be a neutral factor in the planning balance. Nevertheless, the scheme would cause significant harm to the character and appearance of the area and would conflict with the Framework in respect of the protection of the natural environment. I consider this to be a matter of substantial weight. In my judgement, the adverse impacts arising from the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

23. In conclusion, the proposed development would not benefit from the presumption in favour of sustainable development by virtue of paragraph 11 of the Framework. It would conflict with Policy GP.35 of the AVDLP, which is consistent with the Framework, and the development plan as a whole. Even though I give limited weight to the conflict with Policies RA.13 and RA.14, there are no material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case.
24. I have had regard to a recent appeal decision¹ that has been brought to my attention by the appellant, where the Inspector in that case found that the benefits of that scheme would outweigh the harm. However, the Inspector identified only moderate harm to landscape character in that case and that the benefits were considerable; I am conscious that the scheme in that case would deliver a larger number of dwellings including affordable housing. In the case before me, I have identified significant harm to the character and appearance of the area, and I consider that the benefits are moderate. I have also had regard to the Secretary of State decision referred to by the appellant which also involved a greater number of dwellings as well as affordable dwellings also. As such, I am not dissuaded by these other examples from finding that the scheme before me is unacceptable.

Conclusion

25. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR

¹ Appeal Decision APP/J0405/W/18/3214024