



Appeal Decision

Site visit made on 26 November 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/J0405/W/19/3235529

Bury Farm Equestrian Centre, Bury Farm, Mill Road, Slapton LU7 9BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Interguide Group Limited against the decision of Aylesbury Vale District Council.
 - The application Ref 18/00283/AOP, dated 23 January 2018, was refused by notice dated 19 February 2019.
 - The development proposed is described as '*Outline Planning Application for residential development comprising 17 new dwellings, with all matters reserved, together with proposals for a new village hall and associated car parking*'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was made in outline with all matters reserved. I assessed the appeal on that basis, referring to drawing Refs BP/P079/1017/A02 and BP/P079/1017/A03 Rev A for illustrative purposes only.
3. The proposal seeks housing and a village hall on two separate areas of land respectively. It is clear from the evidence that there is no dispute between the main parties regarding the village hall. I therefore confined my assessment of the main issues to the housing element of the scheme.
4. The Council has referred to the emerging Vale of Aylesbury Local Plan (VALP), which is at an advanced stage of preparation. However, aside from Policy BE3, the VALP policies that the Council considers relevant are subject to outstanding objections and consultation and have the potential to change. Policy BE3 was not provided to me and I understand that it relates to the living conditions of neighbouring residents, which is not a matter of dispute here. On this basis, I had regard to the VALP, but it was not determinative in my reasoning.
5. A signed and dated Unilateral Undertaking (UU) accompanies the appeal, to which I refer later in my decision.

Main Issues

6. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,
 - whether the proposal would provide a suitable location for housing having regard to the accessibility of the site to services and facilities.

Reasons

Character and appearance

7. The appeal site comprises two parcels of land within the Bury Farm Equestrian Centre (the BFEC), which is a group of livery buildings, including a large riding arena, and associated paddocks. It is one of a number of businesses and uses which form the Equestrian Village (EV) at Bury Farm, including a café/bar. Vehicular access is via a drive from the unclassified Mill Road. The village of Slapton is very close by, beyond open land to the south. The detached dwelling Herdman's Cottage abuts the site at its south boundary, immediately beyond which is Buffalo House (also referred to in the evidence as Bury Farm House).
8. Slapton is being extended along Mill Road towards the BFEC with a row of 8 houses under construction at my visit¹ (the new houses). Beyond these are further sites reserved for housing by the Slapton Parish Neighbourhood Development Plan (SNP) (made 2018). The settlement boundary defined by the SNP terminates at these allocated sites, and the BFEC is therefore within designated countryside. As such, criterion ii) of Policy SLP1 of the SNP applies, which requires proposals to positively contribute to the landscape and be in harmony with the form and character of the area and its settlements. Its objective is to preserve the village setting.
9. Policy SLP1 is consistent with Policy GP.35 of the Aylesbury Vale District Local Plan Part 1 (adopted 2004) (AVLP) in this regard. This is, in turn, consistent with the National Planning Policy Framework (the Framework), Paragraph 170 of which states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Paragraph 213 of the Framework makes clear that policies should not be considered out-of-date simply because they were adopted prior to its publication. Policies SLP1 and GP.35 are therefore the most important for determining this appeal in relation to this issue and are not out-of-date.
10. The BFEC's countryside location is reflected in its environs, with it largely surrounded by open paddocks and fields². Although Buffalo House sits between the BFEC and the village, it has a generous garden which conforms to this open character. Given such, even accounting for the new houses and the potential delivery of the allocated housing sites, the BFEC does and will maintain a predominately open and rural setting, visually separate from Slapton.
11. The appellant views the paddocks within the BFEC as Previously Developed Land (PDL)³. The definition of PDL within the Framework identifies it as a building and its curtilage⁴ and I am not persuaded that the entire extent of land within the BFEC can be attributed to individual buildings. However, even if one was to accept the paddocks to be PDL in their entirety, this would not alter their natural and open appearance and the physical separation they provide.
12. The appellant considers the BFEC to be discordant within the area, and its scale does exceed that found within Slapton and at nearby farmsteads. However, its distance from public highways reduces the imposition of its size. Its overtly utilitarian form is of an agricultural typology, and its equestrian activity and

¹ Pursuant to planning permissions Refs 16/03204/AOP and 18/02313/ADP

² Reflecting the attributes identified within the Aylesbury Vale Landscape Character Assessment (2008)

³ As set out within Appendix 13 of the Statement of Case.

⁴ Consistent with the findings of the inspector in Appeal Ref: APP/V3120/W/17/3174939

- paraphernalia, framed by its network of fenced paddocks, evoke a somewhat bucolic atmosphere around the place. The BFEC therefore reads as a group of rural buildings within a compatible rural landscape.
13. The scheme seeks to demolish two conjoined stable barns and an associated lunge pen and erect 17 dwellings, 5 of which would be affordable housing. On a separate paddock adjacent to Mill Lane a village hall is proposed, with associated access, parking and landscaped grounds.
 14. The illustrative site plan suggests a suburban arrangement focused on a green of public open space, as seen elsewhere within Slapton, which has both a nucleated and a linear character, with both forms of development present. On this basis, the design has sought reference from the redevelopment of Slaptonbury Farm into Bury Farm Close. However, given its physical detachment from Slapton, the proposed housing would relate poorly to the village regardless of its layout, breaking from the established character of the area, where houses have tended to evolve from the nucleus of the settlement.
 15. The Landscape Visual Impact Assessment (LVIA) considers that replacing the barns with housing would be beneficial, and it is likely that the dwellings would be smaller in scale and of a similar or lesser footprint. However, as the dominant arena building would remain, there would be a negligible reduction to the scale of the EV as a whole. There would also be an awkward contrast between the housing and the EV as a result of their unusual relationship and intimate proximity.
 16. The housing would be visible in prolonged views from the Public Right of Way network, particularly Public Footpath SLA/15/1 (viewpoints 9, 10, 11 and 12 of the LVIA). As this footpath is flat, relatively accessible, and provides a pleasant and at times picturesque, circular walk connected to the village, I find it to provide important public views of the countryside. Given such, although I agree with the LVIA that visibility of the housing would be largely localised, this does not diminish the weight I attach to the permanent harm that would arise, given the sensitivity of the location and the significance of the effect.
 17. On this basis, although I acknowledge the conclusions of the LVIA, I find it to have understated the effect of the proposal in both visual and landscape terms. Indeed, although the scheme is made in outline, the evidence deduces that housing within this location would appear as an anomalous intrusion into a principally rural environment. As it is the very location of the housing that would be uncharacteristic, the harm could not be mitigated by landscaping or by design, even if pseudo-agricultural detailing were employed.
 18. I therefore find on this issue that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with Policy SLP1 of the SNP and Policy GP.35 of the AVLP insofar as the seek development to harmonise and contribute to landscape character and protect important public views.

Accessibility to services

19. Slapton is a small village with a limited number of facilities including a village hall, a church, a recreation ground and The Carpenters Arms pub (currently closed), in addition to those within the EV. The Council considers Slapton to be a settlement which can accommodate a limited degree of residential growth.

This is reflected by its status within the published settlement hierarchy⁵ which, although not part of the development plan, is a material consideration. It is also consistent with the decision to grant planning permission for the new houses on Mill Road, the support for housing within the village given by the SNP, and its allocation of housing sites.

20. There are infrequent bus services to the array of facilities at Aylesbury and Leighton Buzzard. The distances to Leighton Buzzard and the railway station at Cheddington are not unacceptable given the rurality of this area. Although the Council is concerned about that the quantum of the development, I am mindful that a similar number of houses were previously considered acceptable here in relation to this issue⁶. Indeed, I find it more likely that additional residents would boost the vitality of existing facilities and public transport.
21. Although the appellant intends to provide a footpath along the roadside verge connecting to Slapton, there remained at the time of my visit the unlikely possibility that the new housing on Mill Road would not provide the footpath to which a link is sought. The existing PROW crosses arable land and is not a reliable route to meet the requirements of day-to-day living.
22. That being said, the site is very close to Slapton indeed, and the connecting carriageway is subject to the village's 30-mph speed limit. Mill Road is level, straight and affords good forward visibility. Given such, I am satisfied that motorists would be aware of the potential for pedestrians and would have ample opportunity to share the highway safely. There would be no prohibitive psychological barrier preventing pedestrians from getting to the village.
23. Consequently, aside from the issues around the proposed footpath, the site would enjoy safe and inclusive access to the village, and adequate connections to the wider area. The proposal would therefore provide a suitable location for housing having regard to the accessibility of the site to services and facilities⁷. I have considered the guidance set out within the Buckinghamshire County Council Local Transport Plan 4 2016-2036 in reaching this view.

Other Matters

24. The housing element of the scheme would occupy the footprint of the existing barns and their curtilage, which is therefore PDL. However, the support for the reuse of such land within the Framework is predicated on it being efficient and safeguarding the environment, which would not be the case here. This matter has therefore carried very limited weight in favour of the scheme in this regard.
25. The submitted UU seeks to secure planning obligations in relation to open space, the dedication of the village hall site, education, highway works and 5 on-site affordable homes. I note that not all landowners are party to the UU. However, as I am dismissing the appeal for other reasons, I have not considered it further.
26. The appellant has raised concerns regarding the procedural conduct of the Council at the appeal. However, the appellant had the opportunity to comment on all aspects of the Council's evidence, and this matter is not germane to my assessment of this section 87 appeal, which is restricted to the planning merits.

⁵ Settlement Hierarchy Assessment for the Vale of Aylesbury Local Plan September 2017

⁶ Appeal Ref: APP/J0405/W/16/3147780

⁷ Having regard to Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin)

Planning Balance

27. The Council considers that it can demonstrate a 5.68-year supply of deliverable housing sites (DHS). This has not been challenged by the appellant, and an appeal decision is supplied which also accepts the Council's position⁸. Whilst I note the approach of the Inspector in that case, pursuant to Paragraph 11 of the Framework I have found that the most important policies for determining this appeal relate to the character and appearance of the area. These policies are consistent with the Framework and attract full weight. On this basis, the presumption in favour of sustainable development, as set out in Paragraph 11 d) of the Framework (the tilted balance), is not engaged.
28. The government is seeking to significantly boost the supply of housing. The scheme would provide 17 dwellings in a potentially diverse mix of house types. However, the benefits of this are somewhat tempered by the Council's current supply of DHS. Additionally, although the appeal decision on the other side of the village⁹ referred to a local housing need, this was in 2016, and no substantive evidence of any current local need has been provided. The housing would, however, include 5 affordable homes, of which there is need in Aylesbury Vale. The housing element would reuse PDL in an area with adequate access to services and facilities, the vitality of which would be enhanced. The scheme would produce unquantified economic benefits through job creation.
29. The replacement village hall would provide a more befitting community asset, as sought by the SNP. As the EV is already a short walk away, any footpath connection would be a very modest benefit. There may be a limited reduction in vehicular movements as a result of the scheme. Public open space would be provided, and landscaping may offer a very small enhancement to biodiversity.
30. Given the scale of the proposal, I find these benefits to weigh moderately in its favour. The absence of harm to the living conditions of neighbouring residents or designated heritage assets are neutral factors in my assessment.
31. However, the proposal would harm the character and appearance of the area. Considering the degree of permanent harm that would arise, this is a matter to which I attribute significant weight, and which would outweigh the benefits of the proposal. Even if the tilted balance were applied, the environmental harm would be an adverse impact that would significantly and demonstrably outweigh the benefits of the scheme.

Conclusion

32. The proposal would conflict with the development plan when read as a whole and there are no other considerations, including the Framework, that outweigh this conflict.
33. For the reasons outlined above and taking all matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

⁸ Appeal Ref: APP/J0405/W/18/3213620

⁹ Appeal Ref: APP/J0405/W/16/3147780