The Planning Inspectorate

Appeal Decision

Site visit made on 7 January 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/J0405/W/19/3240362
Land on corner of Chapel Lane and South Bank, Turweston, Brackley NN13 5JU

- 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 Ms Sylvia Overy (Manor Farm Partners) against the decision of Aylesbury Vale District Council.
- The application Ref 18/00413/APP, dated 2 February 2018, was refused by notice dated 26 July 2019.
- The development proposed is the construction of six detached houses with garages and associated works.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Reference has been made by the Council to the draft Vale of Aylesbury Local Plan. The Council has suggested that it is closer to adoption than when the application was determined. However, it is not clear when the exact date of adoption will be or if any policies will be modified. Therefore, I can only give the emerging policies limited weight in the determination of this appeal.

Main Issues

3. The main issues are:

   - The effect of the proposed development on the character and appearance of the area, and whether the development would preserve or enhance the Turweston Conservation Area and the setting of the Grade II Listed Buildings at Manor Farm House and Manor Farm Barn; and

   - Planning obligations

Reasons

Character and appearance

4. The appeal site is a parcel of land located at the junction of Chapel Lane and South Bank. The site is predominately a field, with a section to the north being garden land attached to the Old Well House. To the south east, there is an area of trees and shrubs and to the south west boundary there is an existing garage. There is a public footpath (ref: TUW/12/1) adjoining the western boundary, providing access between Chapel Lane and Main Street. The site has

some topographical variations and rises from south-west to north-east. The site is located at the edge of the village and the surrounding land to the south and east of the site is generally open fields, except for a small row of semi-detached two-storey dwellings along South Bank. Overall the area has an open, verdant and spacious character.

5. The site is located within Turweston Conservation Area (CA) and is in close proximity to 3 Grade II Listed Buildings: The Mount and Corner Cottage, Manor Farm Barn and Manor Farm House.

6. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In addition, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

7. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 196 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

8. The proposed development would be located in an area where the village transitions to a more rural character and setting. Whilst I note that the site is not a designated landscape and is bound by roads to the east and south, development on the site would remove its green and open nature. The development would urbanise the site and would bring built form into an area that is largely undeveloped. Due to its location, it would alter the setting in this area of the village, particularly when approaching and leaving the village. Given the raised topography of the site, infilling in this location would interrupt the relationship between the historic core of the village and its wider rural setting, which would affect views in and out of the historic core of the village.

9. I note that the appellant has attempted to incorporate local design features into the proposed development and suggests it would be a natural round off of the village. However, the rear parking courts and integral garages proposed would be out of keeping with the form and design of the historic buildings within the Conservation Area. Whilst I note that there would be gaps between the proposed dwellings and the overall site has a relatively low density, the properties fronting on to South Bank Street would be close together and would appear cramped.

10. The appellant has suggested that the proposal would incorporate additional tree and hedge planning to enhance the appearance and rural character.

However, this would not completely screen the development and landscape cannot be considered a permanent feature.

11. The site is located within the setting of the Manor Farmhouse and Barn. Manor Farmhouse is a grade II, 17th century farmhouse located on the east side of Main Street. The Barn is located to the east of the Manor Farmhouse and is also grade II and dates to the 17th. The Manor Farmhouse and Barn are considered to be of high significance by virtue of being designated as listed buildings. The buildings primarily derive their significance from the historic and architectural interest of their built fabric. They also derive some secondary significance from their landscape setting. The site also forms part of the setting of The Mount and Corner Cottage due to its close proximity. However, whilst some views toward the site are possible, the relationship with the site is less pronounced than the other listed buildings, and would only impact slightly negatively upon its significance.

12. The appellant has provided an Archaeology and Heritage Statement[1] in support of the proposal. It concludes that the harm is not contrary to the requirements of the Framework due to the harm being less than substantial and that the overall impact should not present a material constraint to development as this harm should be weighed against the public benefits.

13. Whilst the list entries for the listed building does not specifically refer to any key views, the proposal would erode the historic landscape setting of the Manor Farm House and Manor Farm Barn, thereby harming the setting of these Grade II Listed Buildings. As this setting is formed by the openness of the site, the harm caused by this proposal is locational. It is proposed to screen and filter views of the proposed development by hedgerow and tree planting along existing field boundary alignments on the northwest sides of the site. However, as I have already identified this would not alleviate my concerns to the identified harm.

14. Given the size and scale of the proposal it would cause less than substantial harm to all the heritage assets listed above. Nevertheless, any harm to the significance of a designated heritage asset should require clear and convincing justification and in accordance with paragraph 196 of the Framework, I must therefore, weigh the harm against the public benefits of the proposal.

15. Turweston Parish Council has suggested that the proposal has considerable public benefits because the village is nearby to the routing of HS2. As such, the Department for Transport has bought a number of properties in the area. This has reduced the availability of housing stock on the open market and it is suggested that a number of these properties are empty. The appellant has outlined a number of public benefits including: the provision of additional housing, providing a mix of units; economic benefits through the build process; increased local expenditure from future residents; improvements to the adjacent Public Rights of Way network; financial contributions to off-site leisure and recreation facilities; financial contributions to off-site leisure and recreation facilities and support for local services and institutions.

16. Although the appellant states that improvements to the footpath and financial contributions to off-site leisure and recreation facilities would both be positives,

[1] Land on the corner of Chapel Lane and South Bank, Turweston Buckinghamshire - Archaeology and Heritage Statement – Network Archaeology (2018)

there is no planning obligation before me in respect of these. Consequently, I only afford these benefits limited weight. The proposal would have a very modest contribution to the supply of housing and I acknowledge the benefits that might be associated with new housing. However, given the development is only for 6 dwellings, the associated benefits would be limited and are not substantial, and insufficient to outweigh the harm to the significance of the CA and the listed buildings, and therefore would fail to accord with national policy.

17. For the reasons set out above, the proposed development would harm the character and appearance of the area and the development would not preserve or enhance the character or appearance of the Turweston Conservation Area and the setting of the Grade II Listed Buildings at Manor Farm House and Manor Farm Barn. This would be contrary to policies GP.35 and GP.53 of the Aylesbury Vale District Local Plan (AVDLP) (2004) and Paragraph 196 of the Framework. These policies, amongst other things, seek development to respect and complement the historic scale and context of the setting.

Planning Obligations

18. The Framework sets out policy tests for planning obligations which must be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. The same tests are enshrined in the statutory tests set out in the regulation 122 of the CIL regulations.

19. The Council's third reason for refusal citied the lack of a Section 106 Agreement in relation to financial contributions to off-site leisure and recreation and footpath improvements. However, as I have already identified harm it is not necessary for me to consider this further.

Planning Balance and Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.

21. The Council has stated that it can demonstrate a 5-year supply of housing land and this is not an area of dispute between the parties. However, the appellant has suggested that the plan is out-of-date and that paragraph 11 of the Framework is therefore engaged which provides the context for the determination of the appeal.

22. Paragraph 11 of the Framework states that where the development plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted. In this case, from the evidence before me, there are policies in the Framework which indicate that development should be restricted.

23. Although the AVDLP is a number of years old, paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted, or made prior to the publication of the Framework, and that due weight should be given to them according to their degree of consistency with the Framework.

24. In the context of the development plan, I have found that the proposed development would be contrary to policies GP.35 and GP.53 of the AVDLP. For this appeal, I have found these policies to be generally consistent with the relevant aims of the Framework and I attach substantial weight to them. I have found significant harm to arise in the context of the policies stated above, therefore, the proposal would not accord with the development plan when considered as a whole.

25. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the houses. The 6 new houses would make a modest contribution to the supply of housing and 4 of the plots would be for self-build. I have also taken into account the opportunities for sustainable transport, the area being able to handle the increase in traffic, energy and water efficiency and biodiversity measures proposed which I have given moderate weight. However, the proposal would result in significant harm to the rural character and appearance of the area, and would result in harm to the CA and setting of the listed buildings. As such it would be contrary to the aims of the Framework to recognise the intrinsic character and beauty of the area and the protection of heritage assets.

26. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development.

27. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR