
Appeal Decision

Site visit made on 14 January 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2020

Appeal Ref: APP/J0405/W/19/3239623

Twyvidale Orchard, Eythrope Road, Stone, Buckinghamshire HP17 8PG

- 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 H Coleman against the decision of Aylesbury Vale District Council.
 - The application Ref 19/00880/APP, dated 7 March 2019, was refused by notice dated 23 August 2019.
 - The development proposed is described as the "erection of 1.no log cabin with a partial change of use of land from equestrian to residential (Class C3) to facilitate the replacement/relocation of 1no. residential use (Use Class C3), and a partial reversion to equestrian use from an existing residential use (Class C3)".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site is in a sustainable and accessible location
 - The effect of the development to the character and appearance of the area, including the wider rural landscape
 - Whether the proposed development would have an adverse effect on existing trees, and particularly if there are any veteran trees as priority habitats that would be affected.

Reasons

3. The proposal is for a single detached dwelling, with the existing dwelling on site to revert to its original equestrian use. There has been a previous appeal at this site, which has been taken into account, although my decision is based on the current proposals which differs from that previously considered by an Inspector.

Location of Development

4. The site is an almost triangular former orchard, which appears to have been mainly used for equestrian purposes recently. The access to the site is off Eythrope Road, which connects with the village of Stone to the south. There are many dwellings that front this road, especially on the western side, but the

site is further north than most of the houses where there is a more rural character with primarily sporadic houses. As such, in my opinion the site itself is beyond the extent of the village and within the countryside.

5. As a result of the position of the site, any occupants of the proposed dwelling would have to travel south along Eythrope Road to access the village facilities and services, including public transport links. The distance could put off some people from walking, although for others the distance would be walkable or more easily travelled by bicycle. This road is of a more rural character and lacks continuous footways to both sides of the road and also lacks street lighting, but this is not uncommon in rural villages. For much of the road there is a footpath to one side also, which presumably is used by the other residents of dwellings along this road, some of which are in closer proximity to the site than the village centre. Furthermore, based on the information before me, and from my own observations, this is not a heavily trafficked road.
6. The siting of the proposed dwelling is not ideal with regards proximity to the village, but it is not wholly inaccessible by modes of transport other than the private car. However, it is likely that on many occasions the private car would be used by occupants of the proposed house. Yet, in this regard, it is important to note that there is an existing dwelling on site.
7. Whilst this existing dwelling may not have been given planning permission after a consideration of the sustainable aspects of its location, there is nevertheless a dwelling on site. As such, this proposal is effectively a replacement of an existing dwelling and so the issue with regards impact to the aims of sustainable transport is mitigated by this, as there would be little if any change to the existing circumstance. Furthermore, there is no substantive evidence that leads me to consider it likely that traffic levels would increase discernibly as a result of this proposed development especially as there is no net increase in housing.
8. Overall, the proposal is effectively a replacement dwelling in a location where sustainable modes of transport to reach services, facilities or public transport links is possible, thereby according broadly with the aims of the National Planning Policy Framework (the Framework), to support sustainable transport and for housing development to be sited where it will be accessible to local services and facilities.

Character and Appearance

9. As stated above, I would consider the site of the proposed dwelling as being beyond the envelope of the village and in a countryside location. The site is part of a pleasant rural hilly landscape, with the River Thame valley close to the north of the site. This wider area has been defined as an 'Area of Attractive Landscape' (AAL) which is known as the Brill-Winchendon Hills. In this regard, the Framework states that planning decisions should protect and enhance valued landscapes and also recognise the intrinsic character and beauty of the countryside (Paragraph 170).
10. Currently the site contributes positively to the landscape, in that it is a mainly open field/orchard which slopes down towards the Thame Valley. There are the existing buildings on the site, but they have the appearance of typical field stores and stables, even if this does now include an existing residential use.

11. The proposed dwelling would not replace any existing building on site (the building which is the existing dwelling would remain and be used for equestrian purposes) as it would be a new build structure. Therefore, it would add significantly to the volume of building on the site. It would also have a clearly residential character and would appear as an additional dwelling in this area. Whilst there are sporadic dwellings in this area of the countryside with the site not isolated as a result, the further addition of another dwelling outside of the village envelope would undermine and erode the open rural character of this important landscape. Furthermore, other houses in this area may have been built many years ago, prior to existing planning policy.
12. I recognise that the dwelling as proposed has a rural cabin style design and it would be modest in size and height, but nonetheless it would significantly add to the volume of building on this site with this new house. The dwelling would not be overly visible from many vantage points, as demonstrated with the submitted Landscape Visual Impact Assessment (LVIA) from the appellant. However, even with the proposed planting which would, once matured, filter some views of the dwelling, I am not satisfied that this development would not be visible from outside the site, especially from the nearby Public Right of Way network or from near the access into the site, for example. The site has a sloping topography with the proposed dwelling on a higher level, near the access. It is set down this hillside from the access, but its position would not allow the proposed dwelling to remain out of view within the landscape completely.
13. Furthermore, this dwelling would include a curtilage area, which I understand the existing dwelling did not. Therefore, whilst this could be limited in area there is still more scope for increased outdoor domestic paraphernalia, which would only serve to draw attention to this new dwelling in the countryside. This would, to my mind, result in a clear adverse impact to the character and qualities of the AAL as designated.
14. There have been proposals for other dwellings in the area, including along Eythrope Road, which have been brought to my attention. Some of which have been approved. However, none are directly comparable to the proposal subject to this appeal. I have therefore considered this appeal on its own merits.
15. Considering all the evidence and also from my own site visit, the proposed dwelling would neither protect nor enhance this valued landscape, defined by the Council as an 'Area of Attractive Landscape'. Whilst the Council's Landscape Officer may have not objected, to my mind the introduction of a new build dwelling into this location would undermine the rural openness of the site to the extent that it would be harmful to the character and appearance of this valued countryside landscape. The proposal therefore conflicts with the policies RA.8 and GP.35 of the Aylesbury Vale District Local Plan. These policies seek to, amongst other things, require development to not adversely affect the character of AALs and respect and complement the natural qualities and features of the area. I also conclude that the proposal is contrary to the Framework on this issue.

Tree Impact

16. The reason for refusal that related to trees was primarily on the basis that more information was necessary and that the potential impact to trees was unknown. However, the appellant has made it clear that no trees are to be removed and they do not believe that any root protection areas would be breached.
17. Indeed, from the plans and what I saw on site, the proposed dwelling would not be in close proximity to trees or hedgerows of any particular significance. Nonetheless, this is an issue that should be addressed, but could be done through a planning condition requiring suitable tree protection. This would include any veteran trees if they are within close proximity.
18. As such, the information on trees at this stage is sufficient given the context of the site and proposal, which is therefore in accordance with policy GP39 of the Aylesbury Vale District Local Plan, which relates to development affecting trees and hedgerows.

Other Matters

19. The Council considers that it can currently demonstrate more than the requisite 5 year supply of deliverable housing sites. I have no substantive evidence to question the Council's supply figure. Pursuant to Paragraph 11 of the Framework, I have found that the most important policies relating to the character and appearance of the site are consistent with the Framework and therefore attract full weight.
20. The proposal would provide a new dwelling, but there would be no net increase of dwellings on the site as a whole. It may be that the land is currently being underutilised and that the argument is made that this is an efficient use of land.
21. However, considering these benefits and all others raised, even if the 'tilted balance' as set out in Paragraph 11 of the Framework was engaged, it is my conclusion that the proposed development would result in significant and demonstrable harm when considered against the policies of both the Framework and the Development Plan, which would outweigh the benefits.

Conclusion

22. For the reasons given above, the appeal is dismissed.

S. Rennie

INSPECTOR