
Appeal Decision

Site visit made on 10 March 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2020

Appeal Ref: APP/J0405/W/19/3239879

Land Adjacent Dunton Road, Stewkley LU7 0LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Miss Charlene Hall against Buckinghamshire Council - Aylesbury Area.
 - The application Ref 19/01479/AOP, is dated 16 April 2019.
 - The development proposed is the erection of a detached dwelling on previously developed land.
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Decision

1. The appeal is dismissed and outline planning permission for the erection of a detached dwelling at land adjacent Dunton Road is refused.

Procedural Matters

2. The appeal was submitted against the non-determination of the application. At appeal stage, the Council submitted an officer's report assessing the proposal and outlining what their decision would have been, if the appeal had not been submitted. I have had regard to these putative reasons for refusal in my consideration of the appeal.
3. During the course of the appeal the Council who originally determined the planning application, Aylesbury Vale District Council, merged with a number of other Local Planning Authorities into a single Unitary Authority called Buckinghamshire Council. Therefore, the Council name in the above banner heading has been amended to reflect this change.
4. The planning application was submitted in outline with all matters reserved. However, the appellant, in their Planning Statement, stated that all matters except access are reserved. I have had regard to the site and location plans and the indicative elevations, but have regarded all elements of these drawings as indicative and determined the appeal as originally submitted.
5. The Council has made reference to the draft Vale of Aylesbury Local Plan (VALP). The Council has advised that it has consulted on the Main Modifications, which closed on 17 December 2019 and adoption is expected to be in early 2020. Although, the VALP is at an advanced stage, I have only given the policies limited weight as it is not clear when the plan will be adopted.

6. Reference has also been made to the draft Stewkley Neighbourhood Plan (SNP). The status of the SNP is currently at Regulation 14, therefore, as it is not clear when the plan will be adopted, I have only given the draft policies limited weight.

Main Issues

7. From the evidence before me, I find that the main issues are:
- The effect of the proposed development on the character and appearance of the site and the surrounding area;
 - Whether the proposed development is in an appropriate location, with particular reference to accessibility to sustainable transport;
 - The effect of the proposed development on the nearby trees;
 - The living conditions of the occupiers of the neighbouring property, with particular reference to outlook.

Reasons

Character and appearance

8. The appeal site is located on Dunton Road, outside the village of Stewkley. There are two timber framed buildings used as stables on the site, located either side of an existing access with a metal gate across it. The land was previously used for equestrian activities and has since been used to graze and keep sheep. Next to the site there is a detached two storey dwelling, which fronts on to the road.
9. The site is bordered by hedging to the road and sits within a wider field and paddock, which is surrounded by mature trees and hedging. To the front of the site, there is a narrow footpath which leads to the village of Stewkley. The surrounding land and road slopes down from the built form of the village towards the site. This allows clear views of the site and the surrounding landscape when leaving the village and travelling towards the site. Although some residential dwellings are visible from the site, the countryside surrounding the village is characterised by having a rural character, with only limited, dispersed houses and associated agricultural buildings.
10. The proposal would demolish the existing stable and the appellant states that this would be replaced with a four bedroom two storey property. The site would cover part of the footprint of the existing stable and the adjacent paddock and would utilise the existing field access.
11. I note that there are some urban influences near the site such as the reduction in speed limit, pylons and telephone wires and the adjacent footpath. The appellant also suggests that the proposal would follow the linear structure along Dunton Road and would be of a similar design to the nearby properties.
12. However, an open field separates the site from the village, and it is distinctly outside the built settlement, both physically and visually. A residential dwelling on this site would be more readily visible than the existing structure. In addition, it would introduce a greater level of domestication to the area, by the creation of a more formal garden area, the accumulation of residential

paraphernalia and the introduction of landscaping features, such as boundary fences and hard surfaced areas for vehicle parking. Such domestication would be detrimental to the rural character. Furthermore, the location of the proposal would be near to the existing dwelling, which would concentrate the presence of residential dwellings in a relatively small area, which is not characteristic of the rural surroundings.

13. I note that the land of the existing stable would be considered to be previously developed land (PDL) and I have been referred to paragraph 84 of the National Planning Policy Framework (the Framework). However, this paragraph relates to sites for local business and community needs, rather than residential dwellings. In any case, despite the use of PDL, the proposal would still be located outside a built settlement, on land that forms part of the countryside surrounding the village. In addition, paragraph 84 advises that development must ensure that it is sensitive to its surroundings, and I have already identified that it would be harmful to the character and appearance of the area.
14. I find that proposed development would unacceptably harm the character and appearance of the site and surrounding area. Therefore, it would be contrary to Policy GP.35 of the Aylesbury Vale District Local Plan (AVDLP) (2004). This Policy requires new development to respect and complement the local characteristics of the site and the surroundings.

Appropriate location

15. Stewkley is categorised by the Council's Settlement Hierarchy (SH) (2017) as a medium village, although it is identified as being poorly connected to a large service centre, with an infrequent bus service. The SH states that whilst the village has relatively large population, the number of key criteria in Stewkley is lower than other settlements in the same hierarchy category. There is a bus stop outside the appeal site, which would allow some opportunity for sustainable transport. I also note there is a footpath outside the appeal site, which would allow future occupiers to walk to the village. The appellant also states that cycle storage and a full transport assessment could be controlled via a planning condition, were I minded to allow the appeal.
16. I acknowledge that the appeal site is in a rural setting, therefore, it would not be expected to provide sustainable transport options to the same levels of larger settlements. However, the appellant has not disputed the Council's statement that the bus service is infrequent. Furthermore, the lack of street lighting and the gradient of the footpath and road is unlikely to encourage future occupiers to walk or cycle to the village, particularly at night-time. Given the lack of a full range of key services in the nearby village, it is likely that there would be a heavily reliance on the use of the private motor vehicle.
17. I find that the proposed development would not be in an appropriate location, with particular reference to accessibility to sustainable transport. Therefore, it would be contrary to paragraph 108 of the Framework, objective 3 of the Buckinghamshire's Local Transport Plan 4 (2016), the Buckinghamshire County Council Highways Development Management Guidance document (2018). These policies and guidance require development to provide appropriate opportunities for sustainable transport.

Trees

18. Access is a reserved matter, however, the submitted block plan and accompanying Planning Statement, indicate that the existing farm access will be improved and utilised by the proposed dwelling.
19. The proposal indicates that it would widen the current access. However, any widening of the access would be likely to result in the loss of the trees next to the existing gate. Whilst neither tree is subject to a Tree Preservation Order (TPO), the Council states that they make a contribution to the character of the site. Given the status and location of the trees to the field access, if it was not possible to retain the trees in situ and provide an appropriate access, mitigation planting could be secured via a planning condition. Therefore, whilst the proposal may lead to the loss of the trees, suitable mitigation could be provided to mitigate their loss.
20. I find that that proposal could provide acceptable mitigation, were it found that at the reserved matters stage that the trees could not be retained to provide a suitable access. Therefore, it would accord with policies GP.39 and GP.40 of the AVDLP. These policies require development to retain or replace trees of amenity, landscape or wildlife importance.

Living conditions

21. In the Council's officer report, it is suggested that the proposed development would be located at a higher ground level than Kiln Farm and would result in an overbearing appearance.
22. However, the proposal is only in outline and the submitted plans are only indicative, therefore, the final design is still a reserved matter. In any case, the plot of the proposed development could accommodate a dwelling, whilst still leaving enough of a gap, as to not have an overbearing impact on the occupiers of Kiln Farm.
23. I find that the proposed development would not harm the living conditions of the occupiers of the neighbouring property, with particular reference to outlook. Therefore, it would accord with Policy GP.8 of the AVDLP. This policy requires development to not harm any aspect of the amenity of nearby residents.

Other Matters

24. I acknowledge the benefits put forward by the appellant, including the contribution to the housing land supply, additional population to support local services and facilities and the economic benefits provided by the construction of the development. Nevertheless, given the scale of the development, these benefits would be very limited and there is no dispute between the parties that the Council can demonstrate a 5 year housing land supply. The appellant has also highlighted that the proposed dwelling has a large enough footprint to meet the minimum internal space standards, adequate outdoor amenity space, as well as complying with the Council's parking standards. However, the layout of the site and scale of the property are not being determined at this stage.

Planning Balance and Conclusion

25. In the scheme's favour it would provide a new dwelling utilising previously developed land, it would also make a small contribution to housing land supply and would support the local economy. Whilst I have found it would not harm the living conditions of the adjacent occupiers, and could provide adequate mitigation should the proposal result in the loss of any trees, an absence of harm in these matters is a neutral factor. Moreover, the scheme would not respect the character and appearance of the area and would introduce a new dwelling in a location where it would be largely reliant on private motor transport. Whilst I have given weight to the benefits of the scheme in my decision, I conclude they would not outweigh the harm that it would cause.
26. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR