



Appeal Decision

Site visit made on 2 June 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2020

Appeal Ref: APP/J0405/W/20/3245860

Land to the South East of 40-52 Horton Road, Slapton LU7 9DB

- 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 Interguide Group Limited against Buckinghamshire Council – Aylesbury Area.
 - The application Ref 19/03278/AOP, is dated 3 September 2019.
 - The development proposed is described as 'outline planning application for a residential development of up to 9 dwellings with all matters reserved other than access'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Interguide Group Limited against the Buckinghamshire Council – Aylesbury Area. This application is the subject of a separate Decision.

Procedural Matters

3. The application was originally submitted to Aylesbury Vale District Council. On 1 April 2020, Aylesbury Vale District Council, along with a number of other councils, merged into a single Unitary Authority called Buckinghamshire Council. I have referred to the authority's new name in the heading above.
4. The application was not determined within the prescribed period. Following submission of the appeal, the Council prepared an appeal statement. This indicates that had the Council determined the application, planning permission would have been refused and I have had regard to the putative reasons given for refusal within my decision.
5. The application was made in outline with all matters reserved except for access which is to be considered at this stage and I have considered the appeal on this basis. I have had regard to the plans submitted as part of the application, and note the illustrative layout shown on plan No 079.1017.JF.Hort04.002 which considers how the site may be developed. However, I have regarded all elements as illustrative, apart from the details of the access.
6. The main parties refer to policies within the emerging Vale of Aylesbury Local Plan (VALP). The VALP has been the subject of examination and is at an advanced stage. However, from the information before me, modifications to the VALP and responses to consultation are subject to consideration by the examination Inspector. I cannot therefore be sure that it will be adopted

unchanged, and with regard to paragraph 48 of the National Planning Policy Framework (the Framework), I afford less weight to these policies.

Main Issues

7. The main issues in this appeal are:
- i) the effect of the proposal on the character and appearance of the area; and
 - ii) whether or not the proposal would make adequate provision for local infrastructure.

Reasons

Character and Appearance

8. The site is outside of the boundary of the village of Slapton as defined by Policy SLP1 of the Slapton Parish Neighbourhood Plan 2018 (SPNP). It is therefore within the countryside in planning policy terms.
9. Slapton is a small, rural village focused around the intersection of Horton Road with Church road and Mill Road. There are some examples of cul-de-sacs within the village, but for the most part, buildings are arranged fronting these roads as they extend out from the centre of the village. The buildings vary in their proximity to the road as well as in their scale and design, but nevertheless result in a broadly linear pattern of development. Gardens to the rear of dwellings typically back on to open fields, and the clearly defined boundaries of those buildings at the outer limits of the village provide for a distinct edge to Slapton, distinguishing it from the surrounding countryside.
10. The appeal site is prominently located on a bend in Horton Road as it approaches Slapton. It comprises part of an arable field which extends beyond the site to the north west, and part of an area of grassland which extends to the rear of the terrace of dwellings at 40-52 Horton Road which currently mark this edge of Slapton. There is mature hedging to the front of the site and the boundary with 52 Horton Road, as well as further vegetation within the site. While the hedgerows provide for some enclosure of the site, its undeveloped nature together with the surrounding farmland and open fields result in a distinctly open and rural character and appearance which contributes positively to the setting of Slapton.
11. The appeal proposes up to 9 dwellings on the site with access provided from Horton Road adjacent to the boundary with No 52. The illustrative layout indicates a row of semi-detached dwellings to the front of the site, with a detached dwelling and parking area set behind these. A path in front of the dwellings would connect the access to footpath SLA/3/2. Additional planting is proposed to supplement the existing hedgerow to Horton Road, and to other boundaries of the site.
12. Details of the layout, appearance, scale and landscaping of the development are reserved for future consideration. However, the buildings themselves, as well as their curtilages, parking and access within the site would result in development spreading across a considerable proportion of the site. The transformation from an undeveloped site to a housing development would detract from the site's rural character and appearance and harm openness. The site also includes part of an agricultural field, but the proposed site edge would

- not reflect any existing natural feature or boundary and the irregular incursion would appear anomalous within the wider field. Whether or not this part of the field is currently actively farmed, the encroachment of urbanising development in this way would be conspicuous and intrusive in this part of the countryside.
13. I note the appellant's Visual Impact Assessment, and I agree that vegetation would offer some opportunity to screen the development. However, while it would help to soften the visual impact of the proposal, additional planting would take some time to mature, and screening to the boundaries would be unlikely to fully conceal the development, particularly in winter. For the most part, views of the development would be short or middle-range, but it would still be apparent on the site, including in views from the access on Horton Road and from the adjacent right of way.
 14. The reliance placed on screening by boundary vegetation to limit the visibility of the site within the wider landscape would also act to set it apart from the surrounding area. The site adjoins the boundary of 52 Horton Road and the village. However, this dwelling has a fairly wide garden to the side with mature vegetation to the street boundary, and along with the access within the appeal site this would provide separation to the proposed development. I acknowledge that the distance would not be great, but even so, together with the enclosure of the site by vegetation I find that this would result in the development appearing as detached and disconnected from the village.
 15. Vegetation to the boundary at the front of the site would also preclude a frontage onto Horton Road for the proposed dwellings, and their severance from the road would be further accentuated by the existing area of maintained grass with a bench between Horton Road and part of the site. This would contrast notably with the characteristic pattern of development in Slapton where buildings have active frontages connecting them to the street.
 16. In addition, while the illustrative layout indicates that a linear arrangement of dwellings would be possible, it shows a parking court to much of the rear part of the site. This would be at odds with the typical arrangement in Slapton of gardens adjoining the surrounding open countryside, and I saw no similar examples nearby. Although I recognise the illustrative nature of the layout, it reflects the access which does form part of the application.
 17. From the information before me, I am not therefore satisfied that the proposal would integrate sympathetically with Slapton. The uncharacteristic pattern of the development and its detachment from the edge of the village would be incongruous, and the encroachment of urbanising development would harm the rural character and appearance of the area and the intrinsic character and beauty of the open countryside. Given the containment of the site, and subject to consideration of the scale of buildings as part of future reserved matters, the extent of visual and landscape impacts would be fairly localised. Even so, for these reasons the proposal would erode the distinct visual boundary of the settlement in a prominent location on the approach to the village, and would detract from the rural setting of Slapton.
 18. I have had regard to the Character Assessment 2017 (CA) and Site Analysis 2017 (SA) referred to by the appellant which form part of the evidence base for the SPNP. I note reference within the SA to a pending planning application on land including the appeal site, and that this wider parcel of land was scored 'green' within the SA evaluation matrix. However, the SA comprises a review of

the merits of a range of potential development sites and boundaries within the village to inform the SPNP. While the appeal site may have been considered for development, it is not within the boundary of the village or identified for development within the adopted SPNP, and the CA and SA do not alter my findings on the effects of the appeal proposal on the character and appearance of the area.

19. For these reasons, I conclude on this main issue that the proposal would cause harm to the character and appearance of the area. It would therefore conflict with saved Policy GP.35 of the Aylesbury Vale District Local Plan 2004 (AVLP) which seeks development that respects and complements the physical characteristics and natural qualities of the area as well as the building tradition, ordering and form of the locality. There would also be conflict with Policy SLP1 of the SPNP which requires, amongst other things, that development outside of the settlement boundary contributes positively to the landscape and is sympathetic to the form and character of the area and its settlements.

Local Infrastructure

20. Saved Policies GP.86, GP.88 and GP.94 of the AVLP advise that development will be required to contribute towards provision of community facilities and outdoor play made necessary by development. The evidence before me indicates that financial contributions are sought by the Council towards education facilities and off-site sport and leisure facilities. These contributions would reflect requirements within the Framework for development to support healthy lifestyles and meet social needs as well as to ensure sufficient choice of school places and access to opportunities for sport and recreation.
21. From the evidence before me, I am satisfied that these contributions would be necessary to mitigate the impact of additional demand on these services arising from the development and that they would meet the tests set out at Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. These tests are reflected at paragraph 56 of the Framework, and require that any planning obligation 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.
22. The appellant has provided a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 which refers to contributions towards education, sport and leisure. However, Annex N of the Procedural Guide Planning Appeals – England clarifies that any planning obligation must be dated and executed by all the parties to it as a deed, and that evidence of title to the land should be provided, normally in the form of an up to date copy entry from the Land Registry. I have not been provided with evidence of the title to the land. In addition, while the undertaking has been signed, it is undated and is therefore incomplete. I am therefore unable to give weight to the obligations within it.
23. In the absence of a legally binding mechanism to secure the contributions which I have found to be necessary, I conclude on this main issue that the proposal would fail to make suitable provision to mitigate the effect of the development on the demand for local infrastructure. Accordingly, it would conflict with Saved Policies GP.86, GP.88 and GP.94 of the AVLP.

Planning Balance

24. The Council refers to a Five Year Housing Land Supply Position Statement April 2019 and suggests that there is a 5 year housing land supply. However, I note that this is based on March 2018 data and I have no detailed information on the current position to enable me to reach a firm conclusion on whether this remains the case.
25. In the event that there is a shortfall in housing land supply, the Framework indicates that the policies most important for determining the application are considered to be out of date. In these circumstances, paragraph 11 outlines that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
26. The Framework seeks to boost significantly the supply of housing, and further highlights that small and medium sized sites can make an important contribution to meeting housing requirements and are often built out relatively quickly. The development would make effective use of the site, and the proposed dwellings would contribute to the supply of housing locally. This would be an important benefit of the proposal. There would also be short-term economic benefits during the construction period as well as support for the local economy and services by future occupiers with related social benefits to the community. I also note that an earlier appeal decision¹ found the accessibility of the site to local services and transport links to be acceptable.
27. However, the small scale of the development means that the contribution to the supply of housing and the extent of these benefits would be modest, and I give them moderate weight in the planning balance as a result. The absence of identified harm to the highway network or the living conditions of neighbouring occupiers are neutral factors and weigh neither for nor against the proposal.
28. I have found that the development would cause significant harm to the character and appearance of the area and would conflict with saved Policy GP.35 of the AVLP and Policy SLP1 of the SPNP. It would also fail to make suitable provision to mitigate the effect of the development on the demand for local infrastructure contrary to Policies GP.86, GP.88 and GP.94 of the AVLP.
29. These policies broadly reflect objectives within the Framework seeking well designed places that are sympathetic to local character and requiring provision of services and facilities to meet the needs of communities. The appellant suggests the content of the SPNP is out-of-date given its age, and that it does not reflect current requirements for housing. However, even if the Council did not have a 5 year supply of housing and the policies of the AVLP and SPNP were accordingly considered out-of-date, given their broad consistency with the Framework, the conflict with these policies would carry significant weight. The harm to the character and appearance of the area would also conflict with the requirements in the Framework to recognise the intrinsic character and beauty of the countryside and weigh against the proposal.
30. Even if I were to find that the Council did not have a 5 year supply of housing, in the context of paragraph 11(d) of the Framework, I find that the adverse impacts of the development would significantly and demonstrably outweigh the

¹ Appeal reference APP/J0405/W/16/3147780

benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development set out at paragraph 11(d).

31. The proposal would conflict with both the development plan and the Framework when each is considered as a whole and would not represent sustainable development. I find that the benefits of the scheme, whether considered individually or cumulatively, do not outweigh the harm I have identified and there are no material considerations which suggest the decision should be taken otherwise than in accordance with the development plan.

Conclusion

32. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR