



Appeal Decision

Site visit made on 26 June 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 05 August 2020

Appeal Ref: APP/J0405/W/20/3244510

Land Adjacent To The Gardens, Adstock MK18 2JF

- 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 Mr N Ship against the decision of Aylesbury Vale District Council.
 - The application Ref 17/00504/AOP, dated 9 February 2017, was refused by notice dated 15 November 2019.
 - The development proposed is described as, '5No. self-build houses for local people'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters except access reserved for future consideration. I have assessed the appeal on this basis.
3. I acknowledge the Draft Vale of Aylesbury Local Plan. However, since there is no certainty that the policies within will be adopted in their current form, I attach them limited weight.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area including the setting of Adstock Conservation Area;
 - whether the proposal would provide a suitable location for housing with particular regard to the accessibility of services and facilities;
 - the effect of the proposal on pedestrian safety;
 - the effect of the proposal on biodiversity; and
 - whether the proposal would provide adequate provision for leisure and open space.

Reasons

Character and appearance

5. The site is an undeveloped field with open countryside to two sides. While there is housing at Greenfields to the south, it is set back a significant distance from the site and separated from it by grassed land such that the site has a closer

relationship to the countryside than these properties. In addition, the development in the wider area is generally widely spaced such that the area has an attractive semi-rural spacious character and appearance.

6. While I note that matters such as appearance and layout are reserved for future consideration, the proposal would nevertheless include the erection of five dwellings, and would be likely to result in a significant amount of hardstanding as well as domestic paraphernalia that would urbanise the site. While I note the development on Greenfields and Orchard Bungalow, since the site has a closer relationship to the open countryside, the proposed scheme would intrude into the countryside and substantially alter the spacious character and appearance of the area.
7. I acknowledge the evidence regarding the drive to Orchard Bungalow and planning permission (Ref: 17/00797/APP). However, given the harm identified and the limited area of the driveway in that scheme, this point has not altered my finding on this main issue. I also note the evidence regarding landscaping and the hedgerow, and that this matter is one for future consideration. However, given the harm identified this point has not altered my findings on this main issue.
8. Adstock Conservation Area (ACA) derives its significance from the evidence of historic vernacular architecture. The site is in close proximity to ACA and some of the historic buildings can be seen from the site. Given its undeveloped nature and close relationship to the open countryside, the site provides an attractive setting to the ACA and contributes positively to its significance.
9. While I note the Council's 1989 Assessment of ACA and the proposed landscaping, since the proposal would urbanise the site and alter the open rural character and appearance of the area, the spacious rural setting of ACA would be diminished by the proposal.
10. Consequently, the proposed development would harm the character and appearance of the area including the setting of ACA. Therefore, it would conflict with GP35 and GP53 of the Aylesbury Vale District Local Plan Written Statement Part 1 January 2004 (LP) which require among other things, that developments respect and complement the physical characteristics of the site and the surroundings and resist developments that would cause harm to the character or appearance of Conservation Areas.
11. Since the site does not lie within ACA, the proposal would not conflict with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended). However, since the scheme would result in harm to the setting of the ACA, it would conflict with the National Planning Policy Framework in this particular respect.

Location

12. The site lies within Adstock which has limited services and facilities including a public house. In addition, the road serving the site has limited footpaths and lacks streetlights such that future occupiers would be largely dependent on the private vehicle for access to services and facilities. Moreover, once in their vehicle, future occupiers would be more likely to travel further than Winslow or Buckingham, to places such as Milton Keynes with a full range of services and facilities. While I acknowledge reference to bus services, limited details are before me to demonstrate that they would remove entirely the reliance on private vehicles for

day-to-day needs. Therefore, the proposal for five dwellings would result in a negative impact on environmental sustainability.

13. I note the proposed Sustrans route and train station at Winslow, and that there may not have been any traffic issues. However, there is no evidence before me to demonstrate the certainty of these proposals or that they would remove entirely the dependence on the private vehicle. In addition, I acknowledge that development in one village may support services in a village nearby. I also note paragraph 77 of the Framework, however, there is no substantial evidence before me to demonstrate that the proposal would respond to local circumstances or reflect local need.
14. Consequently, the proposed development would not provide a suitable location for housing with particular regard to the accessibility of services and facilities. It would therefore conflict with the Framework in this respect and the aims of Buckinghamshire's Local Transport Plan 4.

Pedestrian Safety

15. West Street, which fronts the appeal site, is a narrow country lane which lacks a footpath and streetlights. I acknowledge that other roads in Adstock lack footpaths and that there may not be an explicit requirement in the development plan to provide footpaths. However, the proposal for five dwellings would result in a significant intensification of this part of the road, which together with its narrow width and lack of footpaths and streetlights, would be likely to result in an increase in the risk of collision with pedestrians.
16. Consequently, the proposal would unacceptably affect pedestrian safety thereby having an unacceptable impact on highway safety. Therefore, it would conflict with paragraph 109 of the Framework and the aims of Buckinghamshire's Local Transport Plan 3.

Biodiversity

17. The site is an undeveloped field in the countryside and given the trees and vegetation on the site there is a reasonable likelihood of the presence of protected species. I acknowledge the evidence regarding the validity of the planning application. However, while the site may not be designated as being of wildlife interest, there is no substantial evidence before me, such as a Preliminary Ecological Assessment to demonstrate either that there is no risk of the presence of protected species, or any measures to mitigate potential harm to biodiversity.
18. I have considered the use of a condition to deal with this issue. However, since there is no evidence before me to demonstrate that such a condition would mitigate against any harm, there is no certainty that it would make the development acceptable in planning terms.
19. Consequently, there has not been a demonstration that the proposed development would not harm biodiversity. Therefore, the proposal would conflict with the Framework in this particular respect.

Open Space

20. LP Policies 86, 87 and 88 require new developments to provide open space and that planning agreements or undertakings are sealed to secure outdoor play spaces or facilities associated with residential development.

21. I acknowledge that the matter may not have been raised during the planning application stage, however, the proposal does not include any open space provision or play area and there is no planning agreement before me. Therefore, the proposal would conflict with these Policies.
22. Consequently, the proposed development would not provide adequate provision for leisure and open space. Therefore, it would conflict with LP Policies 86, 87 and 88.

Planning Balance

23. The identified harm to the setting of ACA would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use.
24. The proposal would provide a modest public benefit through the contribution of five dwellings to the housing land supply and would provide a limited amount of public benefit through short term employment during the construction of the development. In addition, some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the five dwellings. I also acknowledge that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.
25. However, given that the Framework requires that great weight should be given to the asset's conservation, the public benefits would not outweigh the harm identified.
26. The proposal would result in harm to the character and appearance of the area, would not provide a suitable location for housing, would adversely affect pedestrian safety and there has not been a demonstration that the scheme would not harm biodiversity. In addition, the proposal would not provide adequate provision for leisure and open space. I therefore attach significant weight to these harms.
27. Therefore, even if the provisions of paragraph 11(d) of the Framework were applied, given the significant weight attached to the harms that would result from the proposal, the adverse effects would significantly and demonstrably outweigh the benefits.

Other Matters

28. I also acknowledge the evidence regarding the energy efficiency of the scheme including the drainage system and renewable energy as well as the dwellings being self-build. However, given the harm identified above, these matters have not altered my overall decision.
29. I acknowledge the previous appeal decision relating to the site (Appeal ref: APP/J0405/W/15/3029732). However, limited details are before me to allow a direct comparison to be made. In any event, each case must be determined on its individual merits.

Conclusion

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

R Sabu INSPECTOR