
Appeal Decision

Site visit made on 3 July 2020

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

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/J0405/W/20/3246996

New Farm Barns, East Claydon, Winslow MK18 3ND

- 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 planning permission.
 - The appeal is made by Mr Edmund Bullman against Aylesbury Vale District Council.
 - The application Ref 19/02398/APP, is dated 28 June 2019.
 - The development proposed is demolition of existing buildings and residential redevelopment and all ancillary works.
-

Decision

1. The appeal is dismissed and planning permission for demolition of existing buildings and residential redevelopment and all ancillary works is refused.

Application for costs

2. An application for costs was made by Mr E. Bullman of Lyntonross Ltd against Aylesbury Vale District Council. This application is the subject of a separate Decision.

Procedural Matters

3. I note the Vale of Aylesbury District Local Plan 2013-2033 Proposed Submission Plan (November 2017) as Proposed to be Modified (October 2019) (showing main and additional modifications) (draft VALP). However, since there is no certainty that it will be adopted in its current form, I attribute it limited weight.
4. I note drawing PL-101 Revision C which was submitted as part of the appeal. This drawing differs from that considered by the Council by the addition of bird and bat boxes. Having regard to the Wheatcroft Principles, this drawing does not substantially alter the scheme and I have therefore had regard to it in assessing this appeal.
5. While I note the description of development stated in the Council's appeal statement, I have used the description from the application form in the interests of certainty.

Main Issues

6. From the evidence before me the main issues are:

- whether the proposed development would provide a suitable location for housing with particular regard to the accessibility of services and facilities and the character and appearance of the area;
- the effect of the proposal on surface water flood risk; and
- whether the proposal makes adequate provision for sports and leisure facilities and secondary school provision.

Reasons

Location

7. The site is located in a rural location at the edge of the village of East Claydon. East Claydon has limited services and facilities including a school and village hall such that future occupiers would be reliant on the private vehicle for access to services and facilities. While there is a bus stop nearby, the frequency of the service is not before me such that there has not been a demonstration that it would remove the reliance on cars for daily needs.
8. While Winslow has some services and facilities, six dwellings would be likely to result in a moderate number of daily trips such that the proposal would have a negative environmental effect.
9. While I acknowledge that where there are groups of smaller settlements, development in one village may support services in a village nearby, given that future occupants would be likely to rely on the private vehicle for essential services, they are therefore more likely to travel a greater distance to areas such as Milton Keynes to access a wider range of services, rather than use the more limited services of nearby smaller settlements. In addition, there is little substantial evidence to demonstrate that the proposal will enhance or maintain the vitality of rural communities.
10. East Claydon is generally characterised by detached dwellings with modest spacing that gives the area a spacious feel. The site lies at the edge of the settlement and is occupied by vacant farm buildings, the larger of which has open sides. The site therefore has a spacious, agricultural feel that has a closer relationship to the adjacent open countryside than to the settlement of East Claydon.
11. From the evidence before me, the sites at Hinton Close and Sandhills Road were previously developed land and an employment site respectively prior to the residential development that now exists. As such they do not provide a direct comparison to the appeal site and while they may have altered the extent of built development of the village, they have not altered the agricultural character and appearance of the appeal site, which is bound on two sides by, and has a close relationship to, the open countryside.
12. I note the footprint of the proposed dwellings compared with the existing farm buildings. I also acknowledge the height, massing and density of the proposed dwellings compared with the existing barns as well as the proposed materials which would echo those used in the settlement. In addition, I note the existing and proposed landscaping proposals for the site.

13. However, the proposal for six dwellings would introduce a significant amount of built development that would appear more urban than the agricultural barns. There would also be areas of hardstanding for car parking and the scheme would be likely to result in domestic paraphernalia that would urbanise the site and substantially alter the open agricultural character and appearance of the site. The urbanisation of the site would result in encroachment into the open countryside, thereby diminishing the open rural character and appearance of the area.
14. Consequently, the proposed development would not provide a suitable location for housing with particular regard to the accessibility of services and facilities and the character and appearance of the area. Therefore, it would conflict with Policies GP.35 and GP.38 of the Aylesbury Vale District Local Plan Written Statement Part 1 January 2004 (LP) which seeks among other things, developments that respect and complement the physical characteristics of the site and the surroundings and landscaping proposals designed to help buildings fit in with and complement their surroundings. It would also conflict with the National Planning Policy Framework (Framework) in this particular regard.

Surface flood risk

15. The site lies within Flood Risk Zone 1 and has a low risk of ground water flooding. While the Framework does not require a site-specific assessment for sites in these areas, paragraph 163 of the Framework requires that local planning authorities should ensure that flood risk is not increased elsewhere. There is no dispute between the main parties that there are no public storm sewers locally, therefore there is risk of surface water flooding. The Lead Local Flood Authority (LLFA) has raised concerns in this respect.
16. The appellant has provided a drainage strategy setting out the use of infiltration devices and soakaways. However, from the evidence before me, no ground investigations have been conducted to assess the infiltration potential of the site. Therefore, while I have considered the use of a condition to deal with this issue, since there is no certainty that the measures detailed in the drainage strategy would be viable, it cannot be guaranteed that a condition would be effective.
17. While I note the comments of the Inspector for the case at High Wycombe¹, further details of that case are not before me to make a direct comparison with this appeal. In any event, each case must be determined on its own merits.
18. Consequently, there has not been a demonstration that the proposal would not result in an increased flood risk. Therefore, it would conflict with the Framework in this regard.

Sports and leisure facilities and secondary school provision

19. The appellant has provided a signed Unilateral Undertaking (UU) as part of this appeal in order to address the Council's concerns regarding sports and leisure facilities and secondary school provision.

¹ Appeal Ref: APP/K0425/W/18/3210651

20. The sports and leisure contribution stated in the UU is significantly below that requested by the Council. The reasoning behind the contribution is explained in the Supplementary Planning Guidance Sport and Leisure Facilities and the requested sum is calculated using the methodology set out in the Aylesbury Vale District Council Sport and Leisure Facilities SPG Companion Document: Ready Reckoner August 2005. Given the significant shortfall in the contribution, the proposal would not make adequate provision for sports and leisure facilities and the planning obligation would not be fairly and reasonably related in scale and kind to the proposed development.
21. The Council had no objections to the Education Contribution set out in the UU, and from the evidence before me, I have no concerns in this respect.
22. Consequently, the proposed development would not make adequate provision for sports and leisure facilities. Therefore, it would conflict with LP Policies 86, 87 and 88 which together require developments to provide sports and leisure facilities and require planning agreements or undertakings to be sealed where such provision either is not practicable on site or is better made elsewhere.

Other Matters

23. I note the evidence regarding the effect of the proposed development on the setting of White House Farmhouse and 3 Church Way, which are both Grade II Listed Buildings, the significance of which lie in the evidence of rural historic vernacular architecture. Given the close proximity to these buildings, the appeal site contributes positively to their setting by providing a rural backdrop. The urbanisation of the site identified above that would result from the proposal would therefore diminish the significance of the Listed Buildings.
24. The identified harm to the setting of the listed buildings 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. Bearing in mind the statutory duty² to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, the identified harm carries substantial weight against the proposed development.
25. The proposal would provide a moderate public benefit through the provision of six dwellings. However, given the harm identified and conflict with the development plan, the public benefits in the terms set out by the appellant do not outweigh the substantial weight attached to the harm to the setting of the listed buildings.
26. I note local concerns regarding highway safety, the removal of trees and the provision of a footpath. I also acknowledge the concerns regarding foul drainage. However, given the harm identified above, these matters have not altered my overall decision.

Planning Balance

27. I note the evidence regarding the five-year housing land supply and the housing supply policies of the development plan. The proposal for six dwellings would provide a moderate benefit in contribution to the local housing land supply. There would be temporary economic benefits during the construction

² S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

phase and moderate benefits in terms of the additional residents supporting local services and community.

28. I also acknowledge that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. I note the Framework's policies that require decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. However, there has not been a demonstration that the scheme would meet an identified need for homes in this area. I therefore attribute moderate weight to the benefits of the proposal.
29. However, the scheme would result in significant negative effects from the location of the proposal as well as the harm to the character and appearance of the area. In addition, there has not been a demonstration that the proposal would not adversely affect surface water flood risk and there would not be adequate sports and leisure provision. Therefore, even if the tilted balance in the terms of paragraph 11(d) of the Framework was applied, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

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

R Sabu

INSPECTOR