



Appeal Decision

Site visit made on 1 September 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2020

Appeal Ref: APP/J0405/W/20/3252423

Beechfield, Shipton Lee Road, Grendon Underwood, Bucks HP18 0QW

- 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 and Mrs McGlynn against Buckinghamshire Council - Aylesbury Area.
 - The application Ref 19/04489/APP, is dated 13 December 2019.
 - The development proposed is conversion and alteration of existing building to form single dwelling with parking and amenity space.
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Decision

1. The appeal is dismissed and planning permission refused.

Procedural Matters

2. During the course of the appeal, the council who originally determined the planning application merged with a number of other local planning authorities into Buckinghamshire Council. The details in this decision reflect this change.
3. The emerging Vale of Aylesbury Local Plan (eVALP) has been the subject of examination and main modifications to the submission plan have been published for consultation. Most of the eVALP policies referred to by the Council are subject to proposed modifications. I attach limited weight to these policies as I am uncertain whether they would be adopted in the form presented to me. Policy BE3 of the eVALP is not subject of any modifications and so attracts significant weight.

Main Issues

4. In light of the Council submissions, the main issues are (i) the effect on the character and appearance of the site and area, (ii) whether the proposal constitutes a conversion scheme, (iii) whether the proposal would be in a suitable location having regard to accessibility to services, and (iv) whether the proposal would provide acceptable living conditions for future occupiers in respect of odour and insect nuisance without unreasonable restrictions being placed on nearby equestrian activities.

Reasons

Character and appearance

5. The appeal property includes a dwelling, complex of outbuildings and a manège. The area around the site is predominantly fields with hedgerows and

mature trees that provide a distinct rural character. While it is not open land, the equestrian use and character of the appeal site and buildings it contains adds positively to the rurality of the area.

6. The general form of the building would remain but the proposed alterations would include the removal of typical stable features such as shutter openings and sliding timber doors. Also, the development would include the insertion of a number of glazed windows and doors that would give the building a markedly more domestic appearance. The use of the proposed external materials would not prevent an obvious change in the character of the building.
7. Furthermore, the proposed garden area would replace the manège. The appellant suggests a condition could be imposed that removes permitted development rights but the change of use would introduce residential activity and associated domestic paraphernalia that would fall outside of planning control. The proposed close boarded fencing, brick paved parking areas and formal landscaping would also be features more typical of urban environments. As such, the proposed change of use and associated works to the external areas would also diminish the site's equestrian and rural character.
8. Despite existing and proposed planting, the change in the appearance and character of the site would be noticeable through the access from the road. Also, there would be views across fields of the development from a public bridleway to the south east. As such the proposal and subsequent erosion of the site's rural nature would be visible from public vantage points and affect the character of the area.
9. Reference is made by the appellants to a number of developments involving the change of use of rural buildings to dwellings. However, none of these relate to the appeal site or land nearby and so are not directly comparable to the appeal proposal in terms of effects on character and appearance. Therefore, these previous decisions do not affect my view in respect of this main issue.
10. For the above reasons, I conclude the proposal would be harmful to the character and appearance of the appeal site and the area. Consequently, in this regard, it would be contrary to policies RA.11 and GP.35 of the Aylesbury Vale District Local Plan 2004 (LP) as well as the National Planning Policy Framework (the Framework). These aim, amongst other things, to ensure development respects the character of a site and its surroundings.

Whether a conversion scheme

11. The appellants suggest the building is sound with proposed works generally restricted to alterations. However, the appellants' structural engineers report¹ is uncertain on the adequacy of the foundations or the degree that external walls and the building's framework are suitable for retention and refurbishment. In the light of such uncertainty and the absence of drawings that clearly show the building works required, there is insufficient information to show that major reconstruction is not needed to enable the proposed change of use. The developments allowed elsewhere for the change of use of other rural buildings fail to demonstrate the extent of works required to enable this specific appeal proposal.

¹ Terence Fidler Partnership Ltd report.

12. For these reasons, I conclude that there is insufficient information to show the proposal would be permissible under LP policy RA.11 that only allows conversion works to buildings outside settlements that do not involve major reconstruction. As elements of policy RA.11 are inconsistent with the Framework, I attach moderate weight to the conflict with this policy.

Suitability of location

13. The proposed dwelling would be located a significant distance from Edgcott and Grendon Underwood. Also, road links to these villages from the proposal would be unattractive to walkers or cyclists as they are largely unlit, poorly surfaced and include no pavements. Moreover, there are no nearby public transport services that could be used by future residents. Even when taking account that sustainable transport opportunities will vary between urban and rural areas, it is likely that occupiers of the proposal would be heavily reliant upon private car travel to access the services required for everyday living.
14. The appellants refer to other examples of residential development allowed by the Council that are located a similar distance away from settlements to the appeal site. However, limited information has been provided on the accessibility of these developments to facilities and so I am unable to draw accurate comparisons with the appeal development.
15. In any case, paragraph 79 of the Framework allows isolated homes in the countryside in certain circumstances. However, the proposal would fail to comply with this paragraph as I have already concluded it would harm the character and appearance of the site and the building subject of the appeal is used as stables and so is not redundant. Also, the extent that locational issues can be considered for applications relating to permitted development rights for the residential re-use of agricultural buildings is irrelevant to this appeal.
16. For the above reasons, I conclude the proposal would not be in a suitable location having regard to accessibility to services. In this regard, it would be contrary to the Framework which seeks to locate housing where it will enhance the vitality of rural communities and to manage growth to support opportunities for walking cycling and public transport. For the same reasons the proposal would fail to accord with the general aims of Buckinghamshire Local Transport Plan 4 and Buckinghamshire County Council Highways Development Management Guidance 2018. However, these documents do not form part of the development plan and so I attach limited weight to the conflict with their aims.

Odour and insects

17. The proposed dwelling and garden would be close to outbuildings and fields used for the keeping of horses. While occupiers of the proposal are likely to experience some odour associated with equestrian activities, there is no evidence before me to indicate that this would be of such a level to be significantly unpleasant. Also, it would be reasonable to impose a planning condition requiring approval of manure storage arrangements and the general management of horses on the adjacent land in the control of the appellants.
18. For these reasons, I conclude the proposal would provide acceptable living conditions for future occupiers in respect of odour and insect nuisance without the need to place unreasonable restrictions on nearby equestrian activities. In

this regard, the development would accord with LP policy GP.8, eVALP policy BE3 as well as the Framework. These all aim, amongst other things, to ensure occupiers of property have a high standard of amenity.

Other considerations

19. The proposal would be acceptable in terms of flood risk, effect on the living conditions of occupiers of Beechfield, ecology and highway safety. Acceptability in these regards is a neutral factor in my assessment. The lack of objection from consultees does not justify permitting a scheme contrary to development plan policies.
20. The proposal would add to the housing stock, would create construction employment and make an effective use of previously developed land. However, the benefits in this regard are modest given that a single dwelling is proposed and the building subject of the appeal is already in an effective use as stables.
21. The Council state that the LP policies relating to the supply of housing are out of date. As these are amongst the policies most important for determining the appeal, it follows to consider the adverse impacts of the proposal against its benefits in light of the policies of the Framework when considered as a whole.
22. As it is for a single unit, I attach modest weight to the unsuitable location of the proposal in terms of accessibility to services. Paragraph 127 of the Framework states that developments should be sympathetic to local character while paragraph 130 states permission should be refused for development of poor design that fails to improve the character and quality of an area. As such, I attach significant weight to the harm identified to the rural nature of the site and its surroundings.
23. Consequently, I find the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh its modest benefits. As such, the presumption in favour of sustainable development as set out at paragraph 11 d) of the Framework does not apply in this case.

Conclusion

24. While the proposal would provide acceptable living conditions for future occupiers, it would be contrary to the development plan in terms of its harmful effect on the character and appearance of the area. Also, insufficient information has been provided to show that no major reconstruction works would be required and so the proposal would be contrary to LP policy RA.11. Furthermore, the proposal would be contrary to the Framework in terms of the suitability of its location in respect of access to services.
25. The proposal would conflict with the development plan when read as a whole and the overall benefits and other considerations do not lead me to a decision other than in accordance with development plan policies. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR