



Appeal Decision

Site visit made on 18 August 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/J0405/W/20/3250979

2 Addison Road, Steeple Claydon, Buckinghamshire MK18 2PP

- 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 Mr Whiting against Buckinghamshire Council.
 - The application Ref 19/03404/AOP, is dated 19 September 2019.
 - The development proposed is an outline development of up to 5 detached dwellings.
-

Decision

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

Procedural Matters

2. On 1 April 2020 Aylesbury Vale District Council (AVDC) merged, along with other Councils, into a new single Unitary Authority called Buckinghamshire Council. Whilst the original application was submitted to AVDC, the authority's new name has been referred to in the banner heading above.
3. The appeal application was submitted in outline form with all matters reserved for subsequent approval. However, included within the application submission are two layout plans which show how the site could be developed. However, I have only treated these plans as being illustrative and as such neither provides for a definitive way on how the site may be developed.
4. In addition to the above, reference has been made to various policies from the emerging Vale of Aylesbury Local Plan. However, from the information before me, the examination of that plan has yet to be completed and as such I cannot give this full weight in the consideration of this appeal.

Main Issues

5. Whilst the Council did not determine the appeal application, they have provided an appeal statement which indicates that they would have refused planning permission on the basis that the proposal would have an adverse impact on the character and appearance of the area, concerns over the living conditions of both the occupiers of existing properties and future occupants of the appeal development, together with the need for infrastructure requirements via a section 106 agreement.
6. I therefore consider that these matters are the main issues for me to consider in this case.

Reasons

Character and appearance

7. The appeal site is located on the north-western corner of Addison Road and Vicarage Lane which is towards the southern end of Steeple Claydon. There are other residential properties (including ones in the process of being constructed on the west side of Addison Road) in all directions. There is a mixture of different styles of housing in the area with semi-detached or terraced two storey properties being the most common. Notable exceptions to this include the detached bungalows on Taurus Close to the north of the appeal site, and the appeal site itself which currently has a detached bungalow set in a spacious corner plot. The appeal site itself has a hedgerow to the road frontages together with some trees within the site itself.
8. The Council's concerns in this respect largely result from the illustrative plans submitted with the application. Whilst neither of these submitted plans show a particularly convincing form of development, I am conscious that these are only illustrative and show a possible way of developing the site.
9. When considering an outline application with all matters reserved for future consideration, a key issue is whether the principle of the development is acceptable, including the amount proposed.
10. In this case it is acknowledged that the site is located within the settlement boundary, as defined by the Steeple Claydon Neighbourhood Plan (2017) (SCNP) and as such the site must be considered to be a suitable site for development.
11. Turning to the amount of development, the site extends to around 0.2 hectares in size. From the evidence before me, and what I observed on site, none of the trees on site are particularly special, although it would be beneficial to retain the more significant ones around the edge of the site. Similarly, whilst the boundary hedgerow is a feature of the site, it would be possible to largely retain this in any redevelopment. In that sense, I find that the existing landscaping on the site is not a barrier to its redevelopment subject to an appropriate landscaping scheme being provided.
12. To my mind, the site is of a size and shape which could accommodate five detached dwellings, albeit that the size, scale and siting of these would have to be carefully formulated to ensure that an acceptable form of development would be provided. This is particularly important given that the site is a prominent one on the entry to the village, an important point which is set out in Policy SC8 of the SCNP.
13. In coming to the above views, I acknowledge the incongruity of the illustrative layouts submitted and the dominance of parking spaces. However, as I have already noted, these are only illustrative and are not therefore representative of what could be considered to be an acceptable form of development.
14. In summary, and notwithstanding the illustrative layouts, given the size and shape of the site, it would be possible to have up to 5 detached dwellings on the site without having any adverse impact on the overall character and appearance of the area.

15. For the above reasons the proposal would not harm the character and appearance of the area and would accord with Policies SC1 and SC8 of the SCNP and Policies GP.35, GP.39 and GP.40 of the Aylesbury Vale District Local Plan 2004 (AVLP) which amongst other matters seek to ensure that proposals respect the physical characteristics of the site and its surroundings including trees and hedgerows together with recognising the importance of buildings and features at key junctions within Steeple Claydon. It would also be in accordance with the overarching aims of the National Planning Policy Framework (the Framework).

Living conditions

16. In a similar vein to the character and appearance main issue, the Councils concerns are based upon the two illustrative plan layouts.
17. However, matters which relate to the effect of the development on the living conditions of the occupiers of the neighbouring properties are a matter which should be considered as part of a reserved matters submission should I be minded to allow the appeal. This is particularly the case in respect of the effect of the development on the occupiers of 68 Vicarage Lane and 6 Taurus Close and issues such as privacy, outlook, and sunlight and daylight.
18. In relation to the ability to provide suitable living conditions for the future occupiers of the development, again, this is a matter which is best considered at the reserved matters stage when this can be properly assessed.
19. Having said that, from the limited information before me, I consider it would be possible to design a scheme which would ensure that the living conditions of the occupiers of the existing properties are not adversely affected. Similarly, it would also be possible to have such a development which would provide a good standard of living conditions for its future occupants.
20. For the above reasons, and subject to the detailed design of the development, the proposal would accord with Policy GP.8 of the AVLP which amongst other matters seek to ensure that development would not unreasonably harm any aspect of the living conditions of the occupiers of neighbouring properties. It would also accord with the overarching aims of the Framework in this respect.

Infrastructure

21. The Council has set out that the development should make provision for a financial contribution towards off site sport and leisure facilities in accordance with the provisions of Policies GP.86, GP.88 and GP.94 of the AVLP. In support of these policies, reference has also been made to the Councils Sport and Leisure Facilities Supplementary Planning Guidance (SLSPG) which states that such contributions will be required for proposals involving 4 or more units of residential development.
22. Whilst the Council have provided very little information on what such a financial contribution would be used for, the provision of additional dwellings would be highly likely to result in an increased demand for such facilities. Furthermore, the scale of the development is such that the SLSPG indicates that a contribution should be sought.
23. With that in mind, and from the evidence before me, such a contribution would be necessary to ensure that there would be suitable sports and leisure

provision for the future occupants of the development. I also consider that this contribution would be in accordance with the Community Infrastructure Levy (CIL) Regulations.

24. The Appellant has not completed such an agreement and cites that the development would not have a floor area which would exceed 1,000 square metres and as such a contribution should not be sought.
25. The Council has acknowledged that their consultation response from their Parks & Recreation officer is somewhat dated as changes to the National Planning Practice Guidance has changed and no longer references the 1,000 square metre threshold.
26. Taking all of the above into account, I consider that the development should make a suitable financial contribution towards sports and leisure provision in the area. In the absence of such a contribution, the proposal would not provide suitable mitigation as a result of an increased demand for sports and leisure facilities contrary to Policies GP.86, GP.88 and GP.94 of the AVLP. It would also be at odds with the overarching aims of the Framework.

Conclusion

27. Whilst I have not found any harm in respect of the living conditions and character and appearance main issues, the lack of a financial contribution towards off-site sports and leisure facilities weighs against the proposal. On the other hand, the provision of much needed new housing is clearly a benefit of the scheme. However, these benefits are outweighed by the lack of a financial contribution towards off-site sports and leisure facilities.
28. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR