



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/20/3253053

Church Farm, 4 Stratford Road, Nash, Buckinghamshire MK17 0ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Wickson and Mrs Susan Raven against the decision of Buckinghamshire Council.
 - The application Ref 17/04533/APP, dated 24 November 2017, was refused by notice dated 9 April 2020.
 - The development proposed is the erection of nine new dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has drawn my attention to the emerging Vale of Aylesbury Local Plan (VALP). However, from the information before me, the examination of this plan has yet to be completed and as such I cannot give this full weight in the consideration of this appeal.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and whether the proposal is in a sustainable location.

Reasons

Character and appearance

4. The appeal site is located on the edge of the built-up area of Nash. The developable area of the site is located to the north of a recent housing development, All Saints Close, with other residential properties on High Street backing onto the site to the east. The site itself is currently an undeveloped field.
5. Nash itself is a small village which is generally linear in form, albeit that there are some small roads off the main thoroughfares, including All Saints Close. As such there are existing residential properties which adjoin the site to the north, east and south of the site. To the west (and north-west) of the site are undeveloped open fields.
6. As I understand the proposal seeks to develop land which is beyond the built-up limits of the settlement, and, in planning policy terms, is therefore located in the countryside. In terms of the relationship of the site to the surrounding

- area, the site clearly exhibits an edge of village location, although the undeveloped nature of the site means that it provides a semi-rural setting.
7. The development of the site would however represent a change in the character of the appeal site, and that of this part of the village, through the introduction of further built development. To my mind, the development would have an undesirable urbanising effect on the local landscape and would result in the permanent loss of countryside. In coming to that view, I acknowledge that the level of harm which would arise is not significant and that the development of this site for residential purposes would not be significantly worse than any other undeveloped site at the edge of a built-up area. Nevertheless, some harm would result.
 8. In addition to the above, some concern has been raised in respect of the existing trees at the edge of the site, and in particular trees T13 and T14 which are in proximity to plot 1 of the development. These trees provide a great deal of amenity to the area and clearly warrant their Tree Preservation Order designation.
 9. Given the size and proximity of these trees to the proposed dwelling at plot 1, I agree that there would be significant pressure to do works to these trees, which would not be in the best interests of the overall character and appearance of the area. Whilst perhaps not a determinative factor in its own right, it does add weight to my findings of harm to the character and appearance of the area.
 10. I am also conscious that the site lies partially within the Nash Conservation Area (NCA) (as a result of the red-line plan including the access along All Saints Close). My attention has also been drawn to Church Farmhouse (which is being re-built) that is a Grade II Listed Building, as well as All Saints Church and the village hall.
 11. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of these buildings and preserving or enhancing the character or appearance of the Conservation Area.
 12. The Council have concluded that the proposal would not harm the setting of these Listed Buildings nor the character or appearance of the NCA. From what I observed on site, I agree that the proposal would not have any adverse effect on these heritage assets and as such the proposal would accord with the heritage aims of the National Planning Policy Framework (the Framework) and the relevant development plan policies.
 13. I have also had regard to the possible longer distance views of the development which the Council have identified from footpath PROW NAS/5/1 and the Nash Conservation Area Review document. However, from what I observed at my site visit, and in particular the topography of the site and its surroundings, the proposal would not have any significant impact on the longer distance views into the village as it would be seen very much in the context of the existing development. Furthermore, whilst the development would result in a change to the historic landscape, in my opinion, this does not weigh against the development.

14. For the above reasons the proposal would harm the character and appearance of the area and would be contrary to Policy GP.35 of the Aylesbury Vale District Local Plan (2004) (AVDLP) which amongst other matters seeks to ensure that new development proposals should respect and complement the physical characteristics of the site and the surroundings. It would also be at odds with the overarching aims of the Framework in this respect together with Policies BE2 and D4 of the emerging VALP.

Sustainable location

15. As noted above, Nash is a small village and has a limited range of services and facilities. This is recognised in the Council's Settlement Hierarchy Assessment 2017 (SHA) which classifies Nash as a smaller village. The SHA defines smaller villages as being less sustainable villages which have poor access to services and facilities. However, it recognises that small scale development could be accommodated without causing any environmental harm and this could also be likely to help maintain existing communities.
16. Whilst the SHA does not set out what small scale development would be, Policy D4 of the emerging VALP identifies that a net gain of normally five dwellings or fewer would be considered to be small scale. Whilst I cannot give this policy full weight in my decision, it nevertheless gives a clear indication of the scale of development which it is intended to support, which is much less than the development before me.
17. The Appellant has set out that the appeal proposal would represent around a 5% increase in the housing stock in the village. In my view, this level of growth cannot be considered as being significant.
18. That said, it is telling that accessibility to other villages is somewhat limited as is accessibility to a large service centre such as Milton Keynes which is around 7 miles away. Whilst my attention has been drawn to the Winslow Community Bus service, this can only provide a very limited level of service. Given this, it would not provide a degree of accessibility which would give a realistic alternative to the private motor vehicle.
19. Therefore, residents of the new dwellings would have to rely heavily on the facilities and services of other larger settlements which would invariably involve regular travel by the private motor vehicle which is the least sustainable mode of transport. Consequently, I considered that the dwellings would be isolated from services and not in a sustainable location.
20. In coming to that view, I acknowledge that residents in areas on the edge of larger settlements may also travel a similar distance to the heart of larger service centres. However, in my experience, there is often other local facilities and other transport choices in such locations which differ from the circumstances in Nash.
21. Taking all of the above into account, the appeal site cannot be considered to be in a sustainable location and therefore the development would be in conflict with the aims of the Framework.

Other matters

22. From the evidence before me, the site was last used as part of an equestrian business, although this use has ceased and the construction of the All Saints

Close housing development has resulted in the breaking up of the 'planning unit' which this use related to. The net effect of this is the creation of a new chapter in the planning history of the site. In my view, this is significant as the appeal site does not benefit from this previous use.

23. I note that there is dispute between the parties as to whether the appeal site constitutes previously development land or not. However, given the breaking up of the planning unit, and the undeveloped characteristic of the site itself, all the evidence points to the fact that the site is not previously developed land. That said, even if this was not the case, it cannot be assumed that it would be appropriate that the whole site should be developed. This is particularly the case as the evidence suggests that the appeal site was used as a paddock and contained little built form.
24. In coming to the above view, I have also had regard to the appeal decision at Lavendon¹ which the Appellant has brought to my attention. Whilst I am not aware of the full details of this case, it is significant that the Lavendon site was being used for the grazing and keeping of horses as well as a manege and stable building at the time of that decision. From this limited information, this is a materially different circumstance to the one before me. Moreover, each proposal must be considered on its individual merits.
25. The Council originally included a reason for refusal on its decision relating to the provision of infrastructure in the absence of a completed section 106 agreement. The Council outlined that financial contributions are required to mitigate the impacts of the development in respect of education (£66,400), and off-site sport and leisure facilities (£32,586). The Council also required confirmation over access rights over All Saints Close as this appears to be in separate ownership to the Appellant and the subject of much representation from the existing occupants of All Saints Close. From the evidence before me, it is unclear whether such rights exist.
26. With the above in mind, the Appellant has completed a section 106 agreement to deal with these matters. I consider that the above contributions would be necessary to ensure that there would be suitable education and sports and leisure provision for the future occupants of the development. I also consider that these contributions would be in accordance with the Community Infrastructure Levy (CIL) Regulations. The agreement also has a clause in it which prevents the implementation of any such permission unless there is a right of access along All Saints Close.
27. I have also noted that the Appellant has not advanced a case to indicate that the Council cannot demonstrate a deliverable five-year supply of housing. From the limited evidence before me, and in the absence of any convincing argument to the contrary, I have no reason to disagree with the Council's stated supply of 5.64 years.
28. Notwithstanding that, I acknowledge that the delivery of much needed new housing is a benefit together with the economic and social aspects as a result of the construction process and ongoing benefits of new housing and economic activity in the village.

¹ Reference APP/Y0435/W/17/3178790

29. I also acknowledge that there are also benefits associated with the pedestrian access route through to High Street, albeit, that there is also some question over the deliverability of the pedestrian route through to Stratford Road given the private nature of All Saints Close.
30. However, I consider that these benefits do not outweigh the harm I have identified in respect of the character and appearance of the area and the sites unsustainable location.
31. Finally, I have considered the comments in relation to the pre-application advice from the Council and the time taken to determine the application. In my experience, such pre-application advice is given without prejudice and this is indicated as such on the response letter. In respect of the timescales for the determination of the application, this has clearly been significant. However, this is an administrative issue and is away from the planning merits of the case. Taking all of this into account, I consider that none of these factors has any significant bearing on the planning merits of the appeal.

Conclusion

32. Taking all matters into consideration I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR