



Appeal Decision

Site visit made on 14 October 2020

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/J0405/W/20/3251427

Rowden Farm, Rowden Farm Lane, Mentmore, LU7 0QD

- 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 Mrs Beverley James against the decision of Aylesbury Vale District Council (which subsequently merged with other local authorities on 1 April 2020 to become Buckinghamshire Council).
 - The application Ref 19/04293/APP dated 4 December 2019, was refused by notice dated 3 March 2020.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development description has been amended to remove the reference to the retrospective nature of the application as this is not relevant to the proposal.
3. At the time of my inspection the slab and a small part of the exterior walls of the proposed dwelling had been constructed. For the avoidance of doubt, and irrespective of the construction that has taken place, I have treated the appeal as one for planning permission for the development as shown on the submitted plans and referred to in the development description.
4. There also appeared to be construction works taking place on a slab directly to the north of the proposed dwelling, in approximately the same position as the 'existing garage' identified on the submitted plans. However, this is not referred to in the development description or accompanied by elevation drawings in the submission and I have accordingly not considered it as part of the scheme before me. However, even if it had been included, it would not have had any bearing on my final decision.
5. Although the Council makes reference to emerging Local Plan¹ in its reasons for refusal, there is no evidence before me that this document or the specific policies referred to in the reasons for refusal have been found sound by the Inspector following examination and any subsequent modifications. Given the uncertainties regarding the outcome of that process and the update provided in the Council's Overview Report, I have given these policies limited weight.

¹ Vale of Aylesbury Local Plan 2013-2033, Proposed Submission Plan (November 2017) as Proposed to be Modified (October 2019) (showing main and additional modifications).

6. Although the Council has referred to Policy RA11 of the Local Plan² and Policy C1 of the emerging Local Plan in its second reason for refusal, these are not relevant as they relate to the re-use and conversion of buildings, whereas the scheme before me relates to a new-build dwelling.

Main issues

7. The main issue is whether the development is in an appropriate location, with particular regard to access to shops, services and community facilities and transport choices other than the private car.

Reasons

Appeal site context

8. At the time of my inspection, construction works had commenced as described above, with the remainder of the irregular-shaped site primarily consisting of a muddy surface and low-lying scrub. In general, it had an unkempt appearance, much as one would expect of a small-scale building site where works had ceased part way through construction.
9. The appeal site is positioned on the edge of a small cluster of dwellings, primarily formed from converted agricultural buildings. The surrounding area is characterised by farmland and attractive countryside, with mature hedgerows lining the highway boundary.

Whether the development is in an appropriate location, with particular regard to access to shops, services and community facilities and transport choices other than the private car

10. There are no Local Plan Policies referred to in the reasons for refusal that relate to this issue and as a consequence, I have assessed the scheme against other material considerations.
11. The appeal site does not fall inside the built-up area of any settlement identified at Appendix 4 of the Local Plan and is therefore within the open countryside for planning purposes. Neither does the appeal site adjoin the edge of any village or other settlement built-up area identified in the Local Plan or emerging Local Plan.
12. There is no evidence before me of the scheme according with specific policies of the Local Plan and emerging Local Plan in respect of supporting rural communities, replacement dwellings, self-build housing or a specific development allocation. Neither is there any evidence before me of a local need for the development in this precise location, or that it is required for a rural worker near their place of work in the countryside. The appellant has also not justified the scheme on the basis of its exceptional quality or innovative design.
13. I recognise that the development would be in close proximity to a cluster of other dwellings and not be physically isolated. However, this does not mean that it would be sustainable in terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.

² Aylesbury Vale District Local Plan, Part 1, January 2004.

14. There is no interconnecting footway and streetlighting between the appeal site and Mentmore, Wing, Leighton Buzzard and Aylesbury that would enable safe-walking, or evidence of a sufficiently frequent bus service to these settlements. I recognise that there would be the opportunity to cycle to these areas, but in view of the distances involved to Wing, Leighton Buzzard and Aylesbury, and the lack of facilities at Mentmore, I would expect this form of travel to be very limited. As a consequence, and when considered as a whole, it is my view that an extremely small proportion of trips would be made via sustainable modes of transport and that future occupiers would be heavily dependent on the private motor car.
15. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services and community facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate for new residential development.
16. I recognise that the environmental impact from vehicles would diminish as combustion engines are phased out and replaced by ultra-low emission and electric vehicles. However, even if a condition was imposed for an electric charging point, I consider it unlikely in the short to medium term that the majority of future occupants would use these vehicles. As a consequence, this cannot be relied upon as a means of mitigating the inaccessible location of the site.
17. The appellant has referred to a previous prior approval consent on the site for the conversion of an agricultural barn. However, this building collapsed before the development could be completed and as such, there is no lawful fallback position that is capable of being implemented for me to take into consideration. I recognise that the appellant only removed the remaining walls (following the collapse) and reconstructed them along with the foundation on the advice of the Inspecting Building Control Officer, but permitted development legislation is clear in that such barns must exist and be capable of conversion to benefit from such rights. The existence of the previous prior approval consent and the fact that a previous agricultural barn with permitted development rights stood on the site does not therefore justify the provision of a new-build dwelling in this location.
18. My attention has been drawn by the appellant in their planning application statement to other appeal decisions which they feel help to justify the scheme. However, aside from those that reinforce my conclusion that the appeal site is not physically isolated, the remainder are not comparable to the scheme before me as; - (1) they were for conversions and not new-build dwellings; and/or (2) there were different prevailing circumstances relating to 5-year housing land supply and access to local shops, services and facilities. I have therefore reached my own conclusions on the appeal proposal on the basis of the evidence before me.
19. The appellant has also sought to justify the scheme on the basis that the proposal is for a single dwelling only, as opposed to a larger scheme where they would better understand the Council's position. However, I do not

consider this to be a sound basis upon which to justify an otherwise harmful scheme as this principle could be repeated too easily and often for all single dwelling proposals in countryside locations with poor access to sustainable modes of transport. The appellant has also sought to justify the development on the basis that there exists a small cluster of dwellings adjacent to the site that were approved in recent years. However, these were for barn conversions and not new-build dwellings and hence the circumstances are different.

20. In view of the above, I conclude that the scheme conflicts with Paragraphs 9, 91, 103 and 108 of the Framework³ as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; (b) a planning decision not enabling and supporting healthy lifestyles, for example with safe and accessible green infrastructure, sports facilities and local shops; (c) the planning system failing to actively managing patterns of growth in support of the transport objectives outlined in Paragraph 102; - namely, that it would be heavily car dependant and not promote walking, cycling and public transport; (d) a specific application for development not ensuring appropriate opportunities to promote sustainable transport can be taken up; and (e) a specific application for development not ensuring that safe and suitable access to the site can be achieved for all users, in particular by those who walk and use public transport.
21. I also find that the development would conflict with Policies S3, T1 and D4 the emerging Local Plan, which collectively seek, amongst other things, to; (a) to guide new development to sustainable locations via a defined settlement strategy; (b) ensure new housing development encourages modal shift with greater use of more sustainable forms of transport; and (c) where there is no Neighbourhood Plan in place, ensuring that new development in smaller villages is within their built-up area.

Other matters

22. Although the scheme would not fall within a gap in an otherwise built-up frontage and constitute an infill development, it would nonetheless round-off the built-form of the existing cluster of dwellings and not intrude into the open countryside. I also consider its barn-conversion architectural style to be acceptable and not harmful to the character and appearance of the countryside. In this respect, the development would comply with Policy GP35 of the Local Plan, which seeks to ensure, amongst other things, that proposals respect and complement the site and its surroundings.
23. I recognise that there have been letters of support from local residents, with particular emphasis on the development enhancing the appearance of the site. However, despite the architectural style of the scheme being acceptable, I am not of the view that it would result in any greater enhancement to the visual appearance of the area than the previous agricultural use prior to the current construction works. Furthermore, despite there being good reasons for the current unkempt appearance of the site in this case, I do not consider this to be a sound basis upon which to justify an otherwise harmful scheme as this principle could be repeated too easily and often by other landowners deliberately neglecting their sites as a means of justifying poor quality development.

³ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

24. I also note the Appellant's frustrations regarding the manner in which the formal application was processed, but this has little bearing on the planning merits of the scheme before me and is a matter between the parties.

Planning balance

25. The Council has confirmed that it has an up-to-date 5-year housing land supply, which is not disputed by the appellant. However, because there are no relevant development plan policies relating to the main issue of this case, the presumption in favour of sustainable development as set out in Paragraph 11 of the Framework applies.
26. I recognise that the scheme would result in economic and social benefits from;
- (a) a quickly-deliverable contribution towards the Council's 5-year housing land supply; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; and (c) local employment during construction. However, given the small size of the development in terms of housing units, I consider these benefits to be of limited value and that the adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole.

Conclusion

27. Although I have concluded that there is no harm in respect of the character and appearance of the area, I am nonetheless satisfied that the harm identified in respect of the main issue relating to its location and access to shops, services and community facilities and transport choices other than the private car are sufficient to justify dismissal of the appeal.
28. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR