



---

## Appeal Decision

Site visit made on 9 February 2021

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 February 2021**

---

**Appeal Ref: APP/J0405/W/20/3263112**

**Land At High Street, Thornborough, Buckinghamshire MK18 2DF**

- 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 G Hudson (Gill Hudson Homes Ltd) against the decision of Buckinghamshire Council – North Area (Aylesbury).
  - The application Ref 19/03284/APP, dated 5 September 2019, was refused by notice dated 2 June 2020.
  - The development proposed is new 3 bed dwelling with parking and associated amenities.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The emerging Vale of Aylesbury Local Plan (the eLP) has been the subject of examination and proposed modifications have been consulted upon. While the eLP is at an advanced stage, it is unclear whether further hearing sessions will be required. Accordingly, I attach moderate weight to the eLP policies.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby grade II listed building, New Inn (the LB) and the effect on the setting of Thornborough Conservation Area (the CA).

### Reasons

4. The LB is now a dwelling but is a former inn of the 16<sup>th</sup> to 17<sup>th</sup> century constructed of stone and brick. Its significance lies with its previous use and age as well as its traditional form and architectural features. Also, it has a strong presence when viewed from the village green due to its angled position in relation to the road. A modern annexe to the rear does not affect the significant views of the LB.
5. The CA covers the main part of Thornborough to the east of the site and extends along the High Street to another cluster of buildings to the west. Despite some more recent buildings, the CA's significance lies with the age and traditional architecture of many properties and features such as stone walls and

- kerbs. Along with prominent green spaces, the built form creates an attractive rural village.
6. The site is separate from the LB but it is adjacent to its back garden and the CA boundary. It has a stone wall, bushes and trees on the roadside boundary but it is a small field that is vacant of buildings. The site's openness allows partial views of the LB through the vegetation when approaching from the west. From the east, there are views to the side of the LB of greenery on and beyond the site. As such, the field adds to the rural sense of the village and contributes positively to the settings of both the LB and the CA, even though it is not formally identified of importance in any appraisal.
  7. The upper floor and roof of the proposed house would be seen from the highway both over and through gaps in vegetation on and near the site. Despite being set back from the road, the house would appear from behind the LB when approaching from the east. As such, it would compete with the LB and would detract from its main elevation. Furthermore, the proposal would obscure some views of greenery that form a backdrop to the LB and the CA.
  8. From the west, the house would be seen over the roadside wall and between trees and bushes, particularly during times of leaf-fall. It would not affect the large swathe of open land to the west and north but the proposal would result in a noticeable erosion of open space at the entrance to the CA. As such, it would diminish the rurality of the village surroundings. Also, by virtue of its visibility from the road, the house would draw attention away from the nearby historic buildings and features.
  9. Previously, an inspector dismissed an appeal for a dwelling on the site due to similar concerns to those set out above and the bland design of the proposal. The current scheme would be of a more traditional form and style that reflects the appearance of the LB. In addition, the attractive roadside stone wall would be unaltered and the house would be in keeping with nearby residences in terms of its use. However, these factors would not address or override the detrimental impact on views of the LB and erosion of the openness and rural nature of the site and locality.
  10. For these reasons, I conclude the proposal would harm the character and appearance of the area and the settings and significance of the LB and CA. In these regards, it would not accord with policies GP35 and GP53 of the Aylesbury Vale District Local Plan 2004 and eLP policies BE1 and BE2. These aim, amongst other things, to ensure development is of a good design that does not harm heritage assets.
  11. In the context of the significance of the LB and CA as a whole, the harm caused would be of a less than substantial level. In such circumstances, the National Planning Policy Framework requires the public benefits of the proposal to be weighed against the harm.
  12. Acceptability in terms of highway safety and effect on living conditions of occupiers of nearby properties is a neutral factor that does not weigh in favour of the scheme. The proposal would add to the housing stock, although the evidence before me indicates the Council is able to demonstrate an adequate supply of residential development land. Also, it would create construction employment and future occupiers would support local services. However, as a single new dwelling, the public benefits of the scheme would be modest.

Consequently, the advantages of the development would not clearly justify the harm that would be caused to the settings and significance of the LB and CA.

### **Other Matter**

13. No ecological survey of the site or appraisal of its biodiversity value has been submitted. The ODPM Circular 06/2005 highlights the importance of establishing the presence of protected species before planning permission is granted. However, it also states that surveys are not required unless there is a reasonable likelihood of species being affected by the development. The Council provide no detailed explanation as to why it is considered likely that the site supports protected species or priority habitats.
14. However, I need not consider this point further as the appeal has failed. For clarity purposes, if the proposal was found to be acceptable in this regard, such a finding would not have affected my conclusion on the proposal.

### **Conclusion**

15. For the above reasons, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR