

Appeal Decision

Site visit made on 1 December 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/J0405/W/20/3258128

The Lawn, Land off Hyde Street, Aston Clinton

- 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 Rectory Homes Limited against the decision of Buckinghamshire Council – Aylesbury Area.
 - The application Ref 19/00668/APP, dated 20 February 2019, was refused by notice dated 3 July 2020.
 - The development proposed is erection of 7 two storey dwelling houses and associated garaging, together with the construction of a new access off Hyde Street, parking, landscaping and all enabling works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has produced a signed and dated planning obligation by Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. The UU would ensure the provision of two affordable houses and financial contributions towards sport and leisure and education. I return to this later on.

Main Issues

3. The main issues are:
 - The housing strategy for Aston Clinton; and
 - The effect of the proposed development upon the character and appearance of the area.

Reasons

Housing strategy for Aston Clinton

4. The proposed development is for 7 dwellings on garden land within the defined settlement boundary of the village.
5. Policy H2 of the Aston Clinton Parish Neighbourhood Plan (2018) (ACNP) sets out that housing developments of 5 dwellings or less on infill and/or redevelopment of sites will be supported within the settlement boundary. Whilst the ACNP does not allocate housing sites it does not preclude windfall development.

6. I note that the wording of the policy is somewhat ambiguous and does not explicitly state that developments greater than 5 will be refused. However, the housing policies in the ACNP allow the local community to choose how such development in the area is brought forward.
7. It seems to me that to allow a scheme of the scale at issue in this case would take away from the local community's ability to bring forward development in the way they prefer. The National Planning Policy Framework (the Framework) recognises the importance of this, including at paragraph 15, which sets out that the planning system should be genuinely plan-led.
8. Whilst the rest of the ACNP does not make reference to numerical limits on housing and the proposed development would be small scale it would, nevertheless, exceed the quantum of development deemed appropriate in the policy.
9. Based on the evidence before me, including the legal opinion, and taking a sensible and straightforward approach reading of it the proposed development of more than 5 dwellings would not explicitly gain support from Policy H2.
10. I acknowledge that the second part of the policy triggers an assessment against design policies contained within the ACNP and that the Framework promotes the efficient use of land. However, it also recognises that development should be sensitive to its surroundings.
11. As such, development of the appeal site for 7 dwellings would be contrary to the published strategy set out in the ACNP. This resultant harm would undermine the confidence of a plan led system and the local community's wish to conserve and enhance the integrity and identity of the village. Nevertheless, planning law requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. I now turn to consider these other considerations.

Character and appearance

12. A modern housing estate wraps around the appeal site which is formed of residential garden land. The proposed development would give rise to a more urban feel. However, it would be read as forming part of the neighbouring housing development in terms of its architecture, landscaping and layout.
13. Its density would be appropriate within this location and I find that the proposed scheme provides an adequate layout and spacing between the dwellings within the site, the site boundaries and nearby properties.
14. The proposed parking arrangement would not be dissimilar to nearby properties and the position of the garages and parking spaces set back and to the side of dwellings would ensure that the development would not be car dominated. Furthermore, there is no substantive evidence to indicate that the parking arrangement and layout would deter future residents from parking in their allocated spaces leading to on street parking and the sense of a cramped environment.
15. Overall, the proposed scheme would not undermine the character and appearance of the area. I conclude that the proposed development would accord with Policies HQD1 and HQD2 of the ACNP which, amongst other things, requires all developments to be of a high quality design including in terms of

density and layout and housing proposals to be well designed which should integrate with and compliment the village.

Planning Balance

16. The Aylesbury Vale District Local Plan (2004) (AVDLP) is time expired and whilst the emerging Vale of Aylesbury District Local Plan (VALP) has progressed through Examination in Public it is still subject to modifications and thus can only be given limited weight. As a consequence, the minimum supply of five years worth of housing sites should be based on the Local Housing Need and the standard methodology set out in the Framework¹. The Council submit that they can demonstrate five years supply of deliverable housing sites and this is not disputed by the appellant.
17. Notwithstanding the current planning policy scenario the Framework² sets out that existing policies should not simply be considered out-of-date because they were adopted prior to the publication of it. Due weight should be given to policies depending on their degree of consistency with the Framework.
18. In my judgement ACNP Policy H2 is consistent with the Framework as it supports the provision of windfall development in a suitable location and where it would enhance or maintain the vitality of the rural community.
19. The site is located within an accessible location within the settlement boundary of the village and within walking distance of a range of day-to-day services providing an alternative to a car and would help maintain services and facilities in Aston Clinton. The provision of open market and affordable housing would be a benefit of the scheme although the contribution to the District's housing supply would be modest.
20. The planning obligations would contribute towards supporting sports, leisure and education. However, the obligations would essentially mitigate the impact of the proposed development in planning terms. As such, these are matters of neutral consequence in the overall balance.
21. The economic benefits from the construction of the dwellings would be short term and limited, based on the size of the development and the environmental benefits in delivered in part from the proposed landscape buffer and bat and bird boxes would be moderate.
22. I have found that the proposed development would not undermine the character and appearance of the area through its density, layout and design. I also note that there were no objections to the application in respect of highways, archaeology, trees and flood risk. However, these are essentially matters of neutral consequence in the overall planning balance.
23. On the other hand, I have found that the proposed development would not accord with the housing strategy for the area undermining the confidence of a plan led system and the community's wish to conserve and enhance the integrity and identity of Aston Clinton. As such, I have no reason to make a decision other than in accordance with the development plan. I conclude that the proposed development conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that conflict.

¹ Paragraph 73

² Paragraph 213

Conclusion

24. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR