
Appeal Decision

Site visit made on 9 March 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2021

Appeal Ref: APP/J0405/W/20/3260058

Little Willow Farm, Stockwell Lane, Ford, Bucks HP17 8XL

- 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 Miss Sally Hall against the decision of Buckinghamshire Council – North Area (Aylesbury).
 - The application Ref 19/02416/APP, dated 28 June 2019, was refused by notice dated 8th July 2020.
 - The development proposed is part conversion of steel-framed outbuilding for residential use.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form refers to residential use for full-time on-site stud manager. However, the dwelling would be for unrestricted residential use and for the sake of accuracy, the proposal's description above has been amended to reflect this.

Main Issue

3. The main issue is whether the appeal site is a suitable location for a residential development having regard to local and national planning policy for the delivery of housing.

Reasons

Development plan policy

4. The appeal site comprises a barn used for storage, including hay and horseboxes, which is located off Stockwell Lane. The wider site has paddocks/fields, a manege, horse pen and stable block. It is approximately 500m from the main built up area of Ford. The surrounding area is predominantly attractive open countryside with paddocks/fields, hedgerows and groups of trees.
5. Amongst other matters, Policy RA11 of Aylesbury Vale District Local Plan (AVDLP) 2004 states the conservation and re-use of buildings is endorsed provided that they are of permanent and substantial construction and generally in keeping with the rural surroundings. It also indicates that conversion works should not involve major reconstruction or significant extensions and should respect the character of the building and its setting.

6. AVDLP Policy GP35 states that the design of new development proposals should respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area.
7. Within part of the barn, a residential conversion would be undertaken utilising the building's existing perimeter and would include a first floor mezzanine area. The existing barn is metal framed with roof and upper level cladding. However, it is open between this cladding and the ground floor level, and within the barn, the interior frontage would be a new façade. As a result, there would be substantial infilling of the building and it has not been demonstrated that further significant alterations would be required for a residential use. The necessary building requirements, such as insulation, for residential use, are likely to be more onerous than for storage associated with the equestrian use of the barn.
8. In appearance, the design of the conversion incorporates significant areas of fenestration, including the side elevation facing the manege, and Juliet balcony. There would also be provision for parking and an outdoor amenity space facing the manege and fields/paddock beyond. With a new residential use, there would also be requirements for bin storage, patio equipment, sheds, lighting and fencing. Such domestic paraphernalia commonly occurs with residential use and its necessity makes it difficult to prevent or control by planning condition. Taken these considerations together, there would be an extensive and unsympathetic domesticated barn and plot, which would be detrimental to the rural character and appearance of the area.
9. Existing landscaping would ensure limited public views of the converted building from Stockwell Lane, with only one window directly facing onto this road. The main fenestrated elevation and garden would be positioned out of sight from the road. However, there would be distant views of this from a public footpath to the east where the development, including its domestic curtilage, would be visible behind the manege. The domestic features of the development would contrast awkwardly with the agrarian nature of the barn. Importantly, the converted building would not assimilate into its countryside location due to its incongruous urban form and would result in a permanent feature having a long term impact on the character and appearance of the area. Furthermore, there is no guarantee that the existing landscaping would remain in perpetuity because there can be any number of reasons why landscaping disappears, such as disease, weather impact or accidental damage.
10. For all these reasons, the development would involve major reconstruction and harm the character and appearance of this rural area in a significant way. Accordingly, the proposal would conflict with Policies RA11 and GP35 of AVDLP.

Other matters

11. The proposal would make more effective use of land for a 'Windfall' dwelling. However, National Planning Policy Framework (the Framework) makes promotion of this conditional on safeguarding and improving the environment at paragraph 117 which it would not achieve for reasons given. Furthermore, the contribution of one dwelling to supply would be negligible and there is no evidence to refute the Council's Five Year Housing Land Supply Position Statement (April 2019) which indicates a supply of 5.64 years supply for the

- period 2018-2023. Although within walking distance of Ford, it would not be within the village' built-up area being isolated due to surrounding extensive paddocks/fields.
12. Ford has a public house and farm shops to provide day to day shopping needs. In relation to the new dwelling, Primary Schools would be within 2-7 miles, Secondary Schools within 3.5 miles and doctors' and dental surgeries within 2 miles. There are major supermarkets at Haddenham and Aylesbury. At crossroads within the village, there is a bus stop for a service between Waddesdon and Aylesbury. The service includes a stop at Stoke Mandeville Hospital and Haddenham and Thame Parkway, where there are train services to London and other cities.
 13. Sustainable transport opportunities to access services and facilities cannot be expected to be similar between urban and rural areas. However, pedestrian access to the village and its facilities is along a grassed verge without street lighting. There are also many facilities missing from the village such as schooling, medical facilities and supermarkets which would involve further transportation away from the settlement. At night and during inclement weather, especially in winter, a roadside verge would not be an attractive option for most people. Therefore, occupiers of the dwelling would be predominantly reliant upon the use of private motor vehicle and therefore, accessibility to services and facilities by non-private vehicle means would not be a benefit.
 14. The appellant would use the dwelling as their place of residence which would negate the current need to visit the stables several times a day, every day of the year. However, there is no guarantee of this occurring and despite best intentions, circumstances can change. Even if a planning condition personal to the appellant was imposed, it could be lifted if the justification for it had not been proven in the first place. In this regard, there has been little essential need evidence put forward to support the contention that the number of horses require the appellant to live permanently on the site, to effectively take care of them and the land. Feeding, grooming and exercising the horses does not establish a need to have a permanent 24 hour residential presence and can be carried out by visiting the premises as currently undertaken.
 15. Under the emerging Vale of Aylesbury District Local Plan (VALP), Policy C1 sets out a list of criteria for the assessment of rural building conversion proposals. Amongst the criteria, conversion works should not involve major reconstruction or significant extensions and should respect the character of the building and its setting. The existing building should also be inherently suitable, in terms of its size, design and construction for the intended re-use, and the proposed scheme enables the intended re-use to be achieved without the need for complete or substantial reconstruction.
 16. Amongst its criteria, VALP Policy BE2 states new development shall respect and complement the physical characteristics of the site and its surroundings, including the scale and context of the site and its setting, the local distinctiveness and vernacular character of the locality, in terms of form, proportions and architectural detailing, and the natural qualities and features of the area.
 17. For the reasons given, the proposal would conflict with the emerging VALP Policies C1 and BE2. There is a dispute as to the implications of objections to

the policies of the VALP. However, the Council has stated that the examining Inspector requested main modifications in response to objections and confirmed that they remedy the objections in respect of these policies. For VALP Policies S1 (Sustainable Development for Aylesbury Vale) and S2 (Spatial Strategy), there have been objections, but the Inspector has not requested any main modifications to these policies. Therefore, given the advanced stage of VALP preparation, moderate weight is given to the conflict of the proposal with VALP policies C1 and BE2.

18. There would be biodiversity enhancements provided through the incorporation of bat, bird and bee boxes. Despite its isolated location, the occupants of the dwelling would help to enhance the vitality of rural community. These aspects of the proposal would weigh in favour of the proposal.
19. AVDLP Policy RA11 also requires proposals for non-residential purposes that fortify the rural economy to be considered before residential uses. Such a requirement is inconsistent with national policy within the National Planning Policy Framework (the Framework). Furthermore, AVDLP Policies RA13 and RA14 relating to the supply of housing supply are also out of date in that identified housing targets were up to 2011 and the evidence relating to the district needs has changed significantly since. This reduces the weight to be given to any conflict with AVDLP Policy RA11 in that the restriction of housing development outside the built-up areas of settlements is based on out-of-date housing supply policies.
20. However, the remaining part of the AVDLP Policy RA11 would be consistent with Framework policy in that planning policies should contribute to and enhance the natural and local environment, by amongst other matters, recognising the intrinsic character and beauty of the countryside at paragraph 170. It also indicates that isolated homes in the countryside should be avoided, unless the development would re-use redundant or disused buildings and enhance its setting at paragraph 79. The wording of the policy is in accordance with this and for these reasons, the conflict with AVDLP Policy RA11 would be moderate. There has been no evidence to indicate that AVDLP Policy GP35 is inconsistent with Framework. It is a design policy seeking to achieve well-designed places and I find no reason to find any inconsistency.
21. AVDLP Policies RA11 and GP35 are the most important policies. AVDLP Policy RA11 has a greater bearing on the appeal decision because it particularly relates to the type of proposal here and is the more important of the two policies. Therefore, taken as a whole, the AVDLP policies are out of date and the tilted test under paragraph 11 d ii. of the Framework applies.
22. Under the Framework, there would be a boost to housing supply under paragraph 59. There would be vitality benefits to the rural community under paragraph 78 and biodiversity enhancement under paragraph 170. However, the cumulative benefits would be small as the proposal would be for a single dwelling. There would be significant harm to the character and appearance of the area. In this regard, the development would not be visually attractive as a result of good architecture nor would it be sympathetic to local character, including surrounding built environment and landscape setting, at paragraph 127. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

23. The proposal would contribute to housing supply, provide vitality to the rural community, and biodiversity enhancement but such positive outcomes would be small for a single dwelling. The harm the character and appearance of the area would be significant and the conflict with the relevant AVDLP policies would be overriding. For these reasons, there would be conflict with the development plan taken as a whole.
24. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and accordingly, planning permission should be refused. Therefore, for the reasons set out above, this appeal is dismissed.

Jonathon Parsons

INSPECTOR