



Appeal Decision

Site Visit made on 13 April 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal Ref: APP/J0405/W/20/3264773

Land off Salden Close, Drayton Parslow MK17 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Williams against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 19/01145/AOP, dated 21 March 2019, was refused by notice dated 10 July 2020.
 - The development proposed is outline application for the erection of 5 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application was made in outline with only access to be determined at this stage. All other matters were reserved for future determination. I have had regard to the existing and proposed site plans and the indicative layout of the proposed development as shown in these drawings, but have regarded all elements of these drawings as indicative apart from the details of the access.
3. The Council's decision notice refers to emerging Policies D4, BE1, BE2, NE4 and I3 in the emerging Vale of Aylesbury Local Plan (eVALP). These have been subject to examination and main modifications. Further main modifications were made in respect of emerging Policies BE1 and I3. The consideration of these further main modifications has not been concluded.
4. The proposed further changes to emerging Policy BE1 are concerned with archaeology and the requirement for heritage statements and archaeological evaluations and to emerging Policy I3 are concerned with larger developments of more than ten homes or which have a combined gross floorspace of more than 1,000 square metres. Due to the information already submitted with the appeal and the scale of the proposal, the proposed further changes to emerging Policies BE1 and I3 would not directly affect the appeal proposal.
5. Paragraph 48 of the National Planning Policy Framework (the Framework) sets out that weight may be given to relevant policies in emerging plans according to its stage of preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency with the Framework.
6. In view of the advanced stage of the emerging plan and the relevance of the further main modifications to the appeal scheme, I give moderate weight to the emerging policies set out in the decision notice.

7. During the course of the appeal, the appellants submitted a completed signed planning obligation by way of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 29 March 2021. This deals with financial contributions for off-site sport and leisure facilities. I will discuss this in more detail later in this decision.

Main Issues

8. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area;
- the effect of the proposed development on the settings of nearby heritage assets; and
- whether or not the appeal site is a suitable location for housing, having regard to local and national policy for the delivery of housing.

Reasons

Character and appearance

9. Salden Close is a short cul-de-sac with a suburban character of modestly sized detached and semi-detached houses with more substantial detached properties at its far end. It is positioned behind and downslope of Main Road which forms the principal road through the village of Drayton Parslow. The appeal site is a paddock, accessed via a gate at the far end of Salden Close. As an undeveloped field adjacent to the houses and gardens at the far end of Salden Close, the appeal site forms a defined visual edge to the village.
10. The site slopes down from the linear development fronting Main Road to the north towards a stream and hedges which forms its southerly boundary. Beyond this, the adjacent field to the south rises upwards into the undeveloped countryside beyond. The appeal site, as a pastoral enclosure, is a characteristic feature of the land surrounding the village and contributes to its rural setting and historic pattern of linear development.
11. The proposed development would provide five dwellings. The indicative drawings and submitted information describes these as being provided in a 'farmyard' style arrangement with car barns. Although only indicative at this stage, the design of these buildings would be 'rustic' to blend with the more traditional style of dwellings found within the village. These would be located towards the northern part of the site closest to the existing development. The southern part of the site would be retained as a meadow.
12. The village's linear pattern has been eroded through the encroachment of more modern development around the central part of the village. However, it still exists to the east along a significant stretch of Main Road. The proposed development to the rear of this, although retaining an area of meadow to its south, would extend the cul-de-sac behind the main route through the village. This would result in further encroachment into the countryside surrounding the village and erosion of the historic settlement pattern.
13. The indicative design and appearance of the proposal would take a more rustic form which would respect the vernacular character of the more historic part of the village, thereby contributing to local distinctiveness. However, whilst

sympathetic to the more traditional character of the village, it would be at odds with the adjacent more suburban development on Salden Close. The introduction of smaller scale housing arranged in a 'farmyard' style, whilst of an attractive, rustic design, would fail to integrate with the more regular layout of development along Salden Close from which it would be experienced. It would neither complement nor form an attractive contrast with this neighbouring development.

14. I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore conflict with Policy GP.35 of the Aylesbury Vale District Local Plan 2004 (AVDLP). This policy requires development to respect and complement the physical characteristics of the site and the surroundings and the historic context of the setting. The proposal would also not accord with emerging Policies D4, BE2 and NE4 of the eVALP. These policies require development to respect and complement the physical characteristics of the site and its setting, contribute to local character in terms of settlement form and field pattern and contribute to local distinctiveness and a sense of place. It would also not accord with the Framework which requires development to add to the overall quality of the area, to be sympathetic to local character and history.

Heritage assets

15. Part of the village is within the Drayton Parslow Conservation Area (CA). The CA is split into two parts, concentrated around two historic cores of the village, around Holy Trinity Church to the west of the village and close to the junction of Main Road and Highway, to the east. The appeal site is located on the edge of this eastern part of the CA. It is therefore within its setting.
16. The significance of the CA relates to the linear pattern of development, comprising traditional rural and historic buildings, backing onto open fields, which are reflective of its agricultural origins. These are interspersed with a number of quality nineteenth century cottages and houses. This visual relationship with the surrounding countryside is an important aspect which alongside the design and arrangement of the historic parts of the village, contributes to a sense of place.
17. There has been some unsympathetic and suburban development within the village, including a large area of residential development off Bates Gardens and New Road. Nevertheless, the overarching character of a linear, historic village characterised by a number of quality historic buildings within a rural and landscape setting prevails within the eastern part of the CA. The arrangement of pastoral fields behind the development along Main Road helps to reinforce the linear character of the CA.
18. Due to the relatively steep slope of the appeal site and the built up nature of development along Main Road, the site itself can only be seen from the rear of a small number of properties within the CA that directly adjoin it. Whilst it does not therefore contribute to the important views into or out of the CA as identified in the Drayton Parslow Conservation Area Appraisal 2004, it nevertheless makes an important contribution to its rural setting and the traditional linear form of the village. This is visible from the surrounding countryside, Salden Close and from properties within the CA.

19. Whilst the lower part of the field would be retained as a meadow, the extension of Salden Close behind Main Road and development around a cul-de-sac would erode the historic linear pattern of development within the village. This would not be mitigated by the concentration of the proposed development at the top of the site adjacent to existing development. This would alter the setting of the CA and would, as a consequence, be harmful to the character and appearance of the CA.
20. The appeal site is also positioned a short distance from Chestnut Farm, a Grade II listed building dating back to the sixteenth or seventeenth century. This is a traditional timber framed building with a thatched roof. It is separated from the appeal site by the converted barn, a curtilage listed building, that despite being of more recent construction formed one of the outbuildings to the listed farmhouse. The converted barn separates the appeal site from the listed building. There is evidence to suggest that part of the section of barn along the appeal site boundary may be a later twentieth century addition.
21. Chestnut Farm's significance comes from its architectural and historic interest which links to its functional role as a rural farmhouse. The curtilage barn, as part of the outbuildings associated with the farm, despite more recent additions and its conversion, also reflect that agricultural function. As such, the open fields and rural area beyond the curtilage listed barn contribute to its setting and its origins as a farmhouse surrounded by agricultural land.
22. There is some question as to whether the appeal site itself would have formed part of the original farmland associated with Chestnut Farm and evidence suggests that in the past the site may have been earmarked for some form of development. However, it was not developed and its position directly adjacent to the barn, in my view, contributes to the rural and agricultural setting of the listed building today.
23. The development of the appeal site would have an urbanising effect despite the rustic appearance of the proposed development being sought. Consequently, it would erode the rural character and would harm the setting of this listed building. As such, the proposal would fail to preserve the setting of the listed building. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. The harm the proposal would cause to the significance of both the CA and the listed building would be significant though less than substantial. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
25. The scheme delivers a number of public benefits in that it would contribute to the area's housing supply by providing five modestly sized three-bedroom dwellings. Whilst the Council can demonstrate a five year housing land supply, this would nevertheless be a moderate benefit. In addition, the future residents of the proposed development may contribute to the existing community of the village, helping to support services and facilities. The scheme would also deliver economic benefits in terms of the construction of the development. However, these social and economic benefits are not substantial and do not outweigh the harm caused to the heritage assets to which I give considerable weight.

26. I conclude that the proposal would cause harm to the settings of nearby heritage assets. It would therefore conflict with Policy GP.53 of the AVDLP. This policy requires development to not harm the setting of conservation areas and to respect the historic layout and street patterns. The proposal would also not accord with emerging Policy BE1 of the eVALP. This policy requires development to conserve the setting of heritage assets in a manner appropriate to their significance, weighing any harm against the public benefits of the proposal. It would also not accord with the Framework which requires development to be sympathetic to local character and history, and where it would lead to less than substantial harm to the significance of heritage assets for this to be weighed against the public benefits of the proposal.

Suitable location

27. The village of Drayton Parslow is identified in the AVDLP as an 'Appendix 4 settlement' where limited small scale development is appropriate within the settlement. This level of development is both considered acceptable without causing environmental harm as well as helping to maintain existing communities.
28. The Council has confirmed that it has a five year housing land supply of deliverable sites, which currently stands at 5.52 years. Policies RA.13 and RA.14 of the AVDLP, relating to the supply of housing, restrict housing development in Appendix 4 villages to small-scale areas of land. These policies, which are more restrictive than the Framework in respect of boosting the supply of housing, are considered out-of-date. Whilst this aspect of the policies is not disputed by the parties, the appellant contends that the scheme would have accorded with all the criteria set out in Policy RA.14 had it applied.
29. The appeal site has not been allocated for development in the eVALP which recognises that housing requirements for smaller villages will be met through a combination of sites allocated in neighbourhood plans and sites coming forward as part of the development management process. There is no adopted neighbourhood plan in place. The proposal would therefore fall to be considered under emerging Policy D4.
30. Neither the AVDLP nor the eVALP define settlement boundaries. Emerging Policy D4 sets out that new development at smaller villages will be supported where it contributes to the sustainability of that village subject to a number of criteria, of which a) requires that it is located within the existing development footprint of the village or is substantially enclosed by existing built development.
31. The appeal site is an undeveloped field. It is located at the eastern end of Salden Close. It is outside the built up area of the village, bounded by existing development and domestic gardens on two sides with the single-storey converted barn forming part of its north-eastern boundary but otherwise surrounded by open fields. With limited built development along the site's north-eastern boundary and none on its south-eastern boundary, the site as a whole is not substantially enclosed by built development. I note this was the same conclusion found by an Inspector who previously dismissed two appeal¹ schemes on the site. Even if the barn has been extended more recently, it does not extend for a significant length along this boundary.

¹ T/APP/J0405/A/99/1025518/P4 and T/APP/J0405/A/99/1025519/P4

32. The site was identified in the Housing and Economic Land Availability Assessment 2017 (HELAA) as suitable for housing. Whilst sites such as these may contribute to the windfall allowance of the overall local plan housing supply, this does not automatically make them acceptable for housing development. Any such windfall site would need to be considered against relevant development plan policies and on its own individual merits.
33. I conclude that the appeal site would not be a suitable location for housing, having regard to local and national policy for the delivery of housing. It would therefore conflict with emerging Policy D4 of the eVALP as referred to above. As set out above, I attribute moderate weight to this conflict.

Other Matters

34. My attention has been drawn to an appeal decision² where outline planning permission was granted for five dwellings on land at Chapel Lane, Drayton Parslow. Whilst this scheme is of a similar scale to the appeal proposal, its location off an existing road within the village and adjacent to existing development was found to form a logical part of the village edge. The appeal scheme, which would extend the village boundary through the extension of Salden Close in a pattern that would not relate to the linear pattern of development characteristic of this part of the village, is not directly comparable.
35. The appeal scheme would provide five family-sized housing units. A contribution to off-site sport and leisure, as set out in Policies GP88 of the AVDLP, is therefore required. The appellants have submitted a signed and dated UU which secures a contribution of £16,500 towards the costs of providing sport and leisure facilities within the Aylesbury Vale area. This level of contribution accords with the amount set out in the Council's Sport and Leisure Facilities Supplementary Planning Guidance Companion Document Ready Reckoner 2005.
36. The Council has not confirmed that this would resolve their concerns. However, as I am dismissing the appeal for other reasons it has not been necessary for me to consider this matter in any further detail.
37. The contribution to sport and leisure contained within the UU would only support the proposed development and I cannot therefore give this positive weight as a benefit.
38. The Council has determined that the proposed scheme would not lead to a loss of agricultural land or have a harmful impact on highways, parking, climate change, flooding, communications services, trees, hedgerows, biodiversity or ecology. These are neutral factors that neither weigh in favour or against the development.
39. There is some local support for the proposal in that it would provide affordable housing. However, the proposed dwellings, whilst modest in size and potentially suitable for young families and couples, would be open market dwellings. I therefore give this limited weight.
40. The proposal would provide a meadow sown with a species-rich mix and planted with native species. However, as the existing field is undeveloped, I

² APP/J0405/W/17/3168864

have no firm evidence to demonstrate that there would be any ecological or biodiversity enhancements arising from the proposal. This provides limited weight in favour of the scheme.

Planning Balance and Conclusion

41. The Council can demonstrate a five year supply of deliverable housing sites. However, the appellant contends that since the adopted policies for dealing with housing provision are out of date, paragraph 11 of the Framework should apply.
42. Regardless of whether or not this should be applied, paragraph 11 d) i) states that where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, the presumption in favour of sustainable development does not apply. Footnote 6 identifies designated heritage assets as particularly important. Consequently, harm to the heritage assets is sufficient reason to reject the proposal.
43. For these reasons, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR