



Appeal Decision

Site Visit made on 29 June 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2021

Appeal Ref: APP/Y0435/W/21/3268035

4 Wavendon Cottage, Cross End, Wavendon MK17 8AQ

- 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 and Mrs McLean against the decision of Milton Keynes Council.
 - The application Ref 20/02466/FUL, dated 2 October 2020, was refused by notice dated 16 December 2020.
 - The development proposed is demolition of an existing tennis court and the erection of 2 detached dwellings with garages, external parking and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the principle of the proposed development with specific regard to its location; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Principle of Development

3. There is no dispute that the proposal falls within open countryside. Policy DS5 of Plan:MK 2016-2031 (adopted March 2019) ('Local Plan') seeks to restrict development therein, defining certain exceptions. The proposal would not be essential for agriculture, forestry, countryside recreation, highway infrastructure or other development that is appropriate to a rural area and cannot be located within a settlement. A proposal for two new dwellings does not explicitly require a countryside location and could be located within a defined settlement.
4. The proposal would not amount to a limited extension or ancillary structure, nor would it be a replacement dwelling. The scheme has not been advanced as one of exceptional quality or innovative design. This criteria of DS5 also refers to paragraph 55 of the Framework, the substance of which has transferred to paragraph 80 of the 2021 iteration.

5. Paragraph 80 addresses the development of isolated homes in the countryside and the circumstances under which they can be acceptable. The proposal before me cannot logically be considered isolated, being two new homes in the rear garden of an existing Cottage and close to other houses at Cross End. For this reason, it cannot be justified under paragraph 80. It therefore follows, taking into account the above, that the location of the proposed development would be contrary to Policy DS5, not satisfying any of the exceptions under which planning permission in this open countryside location would be granted. The principle of the proposed development, with specific regard to its location, would therefore be unacceptable.

Character and Appearance

6. The settlement at Cross End has a rural feel with Cross End (the Road) comprising a narrow lane that runs north-south, with a spur to the west that ends outside the appeal site, leading into a footpath. There are a small number of substantial standalone properties within spacious plots that are set back from the road and heavily screened from it, such as Wavendon Manor and 20 Cross End. However, houses in the vicinity of the site are positioned closer to the road and are highly visible from it. Driveways to individual properties are easily identifiable from the public realm. Whilst not all properties are perpendicular to the road and the spacing between houses and the road varies, the visibility of houses from the Road and their proximity to it creates a sense of intimacy between the Road and the built form. This is a defining feature of Cross End.
7. Although the proposed houses are of a design that would be in keeping with architectural styles in the locality, their location to the rear of Wavendon Cottage (the 'Cottage') would mean they are substantially hidden from the Road. This lack of visibility of the houses from the public realm would be at odds with the predominant layout of buildings in Cross End, where visibility of houses and their drives from the Road makes a positive contribution to the character of the area.
8. The existing garage is positioned such that it currently terminates the view on entering the site. Both new houses would be accessed from the existing driveway which would be extended round to the rear of the site. Whilst some planting to the side boundary would be removed to create space for the extended access, vehicles accessing the new houses would pass very close to the front of the existing garage. Rather than appearing as a continuation of the spur of Cross End, the access would appear as a contrived and awkward bolt on extension to a domestic driveway, blurring the distinction between public and private space.
9. There have been a number of new housing approvals in the vicinity of the site, including some new houses in the garden of an existing house, such as Cross End Cottage and 18 Cross End. The position of these houses, including others being constructed along Cross End, has reinforced the existing pattern of development here. The houses and their driveways are positioned such that they are distinguishable from one another and clearly visible from the Road.
10. The permission for a single storey dwelling to the rear of a pair of semi-detached dwellings on Newport Road (Council Ref 18/01593/FUL) is, to a certain extent, an exception to this pattern. However, in comparison to the appeal proposal, the layout of the access arrangements for that single dwelling

appear far simpler and more segregated from the host building. In any event, the development context differs there, being closer to a strategic road (the A5130, Newport Road) and more visible from it.

11. The Cottage and its garden form one corner of the current built extent of Cross End, separated from Wavendon and Lower End Road by intervening fields. The proposed development would retain the existing site boundaries. Glimpses of the Cottage are visible from the footpath immediately to the west and Lower End Road to the north, but it is partially screened by existing mature trees and vegetation on its boundaries. Located behind this existing vegetation, which is proposed to be enhanced by additional tree planting, the proposed houses would not therefore appear to infringe or be unduly prominent in the rural landscape.
12. Even so, a lack of harm in this respect would not be sufficient to reduce that which would be caused to the character and appearance of the area in the manner I have described. For these reasons, the proposed development would be contrary to Policy D1 of the Local Plan which supports development that, amongst other matters, responds appropriately to the site and surrounding context and achieves continuity of street frontage. It would also be contrary to Policy D2 of the Local Plan which seeks to ensure development makes a positive contribution to the character of the locality.

Other Matters

13. I have no reason to disagree that the appeal site is previously developed land. The re use thereof is supported by paragraph 119 of the Framework. Be this as it may, this needs to be considered alongside other elements of the Framework, including the requirement to be sympathetic to local character and the surrounding built environment (paragraph 130), to which the appeal scheme would be contrary for the reasons I have set out above.

Conclusion

14. The re use of a previously developed site is to be encouraged and I would ascribe some weight to this as a positive element of the appeal scheme. Albeit weight that would be tempered by my findings against other parts of the Framework. The proposed development would give rise to multiple planning harms and conflicts with the development plan. I would attach substantial weight to these matters. Such that, for those reasons, the appeal should be dismissed.

Rachel Hall

INSPECTOR