



Appeal Decision

Site Visit made on 6 July 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 20th August 2021

Appeal Ref: APP/J0405/W/21/3269968

Site opposite Flora Av, Stablebridge Road, Aston Clinton, Aylesbury, Buckinghamshire HP22 5FR

- 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 John Cattermole against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/04182/AOP, dated 4 December 2020, was refused by notice dated 28 January 2021.
 - The development proposed is described as, 're-submission of application 19/04191/AOP for outline planning permission with access at Stablebridge Road, Aston Clinton, HP22 5FR for 2 self build / custom-build plots - some matters reserved'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval sought for access and landscaping. I have therefore had regard to the submitted drawings insofar as they relate to these matters.
3. Since the application form states coordinates rather than an address, I have used the address from the appeal form in the interests of certainty.
4. I note the Vale of Aylesbury Local Plan 2013-2033 Proposed Submission Plan (November 2017) as Proposed to be Modified (October 2019) (showing main and additional modifications). However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.
5. I have consulted the main parties regarding the updated National Planning Policy Framework (Framework) published in July 2021 and taken the comments into account in my assessment.

Main Issue

6. The main issue is whether the proposed development would provide a suitable location for housing with particular regard for the character and appearance of the area.

Reasons

7. The site lies outside the settlement boundary as defined in the Aston Clinton Neighbourhood Plan made August 2008 (ACNP) and is therefore within the

- countryside for the purposes of the development plan. ACNP Policy H1 restricts development outside settlement boundaries except for a number of criteria including where they promote the development and diversification of agricultural and other land based rural businesses, including meeting the essential need for a rural worker. From the evidence, the development would not meet this exception and would therefore conflict with this Policy.
8. The site is a triangular shaped plot of undeveloped land that lies adjacent to an open green field to the north and wooded area to the west. The areas to the east of Stablebridge Road and north of London Road are built up areas and a conference centre lies to the south of the site. However, the area to the west of Stablebridge Road that encompasses the site is largely undeveloped and has a distinct, spacious and rural character and appearance.
 9. While the site is not within a designated landscape area, given its open, undeveloped nature it reads as part of the wider pleasant countryside, which provides an attractive setting for the settlement.
 10. The proposal would not only involve the erection of two dwellings on the site, but also areas of hard standing and domestic paraphernalia that would urbanise the site and unacceptably encroach into the countryside. While the planting indicated on the landscaping plan may partially screen views of the site from London Road and some vegetation along Stablebridge Road would also partially screen views from this direction, there is no certainty that the trees would obscure views in the winter months.
 11. I acknowledge that, although appearance is a reserved matter, the proposed development would follow a design code that would advocate a contemporary ethos based on a rural style. I have also had regard to the reduction in the scale of the development from the previous scheme which was dismissed at appeal. In addition, given the proximity to built development, the site would not be isolated. Although the proposals have been scaled back and notwithstanding the potential consideration of the reserved matters, the proposed development nevertheless would introduce a harmfully urbanising form to an undeveloped site which currently contributes positively to the distinct character of the local countryside.
 12. I acknowledge the evidence regarding the Woodlands development. However, since that lies on the opposite side of Stablebridge Road and would be a large-scale development, it is not directly comparable to this scheme in terms of character and appearance. In addition, that site lies within the settlement boundary indicated in the ANCP. In any event, each case must be determined on its individual merits.
 13. Consequently, the proposed development would not provide a suitable location for housing with particular regard for the character and appearance of the area. Therefore, it would conflict with Policy GP35 of the Aylesbury Vale District Local Plan Written Statement Part 1 January 2004 (LP) which seeks, among other things, new development proposals that respect and complement the physical characteristics of the site and the surroundings. Accordingly, the development would also conflict with ACNP Policies HQD1 and H1 which among other things, seek development that is in keeping with the local character and restricts development in the countryside except for a number of exceptions which do not apply in this case. It would also conflict with the Framework in this respect.

Other Matters

14. I note the comments of the Inspectors for the cases noted by the Appellant including those at Green End, Hepworth Road, Shuthonger, Bromesberrow Heath and London Road. However, limited further details are before me to enable a direct comparison to be made with this appeal, particularly in terms of character and appearance. In any event, each case must be determined on its own merits and these cases have not altered my overall decision.

Planning Balance

15. The Council has indicated that they are able to demonstrate around 5.5 years housing land supply. However, limited detailed information has been provided to demonstrate this and the housing supply position is disputed by the appellant.
16. For the reasons given above, the proposal would encroach into the countryside and harm the character and appearance of the area. It would therefore conflict with LP Policy GP35 and ACNP Policies H1 and HDQ1 in this respect. These policies are most relevant to this appeal and in accordance with the provisions of the Framework would be considered out of date if the Council are unable to demonstrate a five-year housing supply. The development plan pre-dates 2012 but the weight to be attached does not hinge on its age. Rather the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework does not require that the countryside is protected for its own sake but recognises its intrinsic character and beauty. Therefore, these Policies which are most relevant to this appeal, are largely consistent with the Framework and I attribute significant weight to the conflict with them. The proposal would also conflict with the Framework as it would not be sympathetic to the local character and would not recognise the intrinsic character and beauty of the countryside.
17. The benefits of the proposal include a limited contribution of two dwellings to the local housing supply including self-build register. I acknowledge that future occupants of the proposed development may provide a social benefit to the local community and there may be a temporary economic benefit through the construction process. The scheme would also introduce additional planting to the site which would provide some benefit in terms of biodiversity. Given the scale of the development, these benefits would be limited.
18. The Unilateral Undertaking is signed and dated and secures the delivery and occupation of the dwellings as self-build and custom housebuilding. I also acknowledge the wider evidence regarding self-build units including the absence of adopted development plan policies in this respect. There is a dispute between the main parties as to whether the Council is meeting the requirements for self-build homes. Even if there is a short-fall, the proposal would contribute two dwellings to the self-build register, and given the scale of the development, the benefit in this respect would be limited. Since the provision of bat and bird boxes would be considered under reserved matters and there is limited detailed information before me, they also can only carry limited weight in favour of the scheme.
19. While I note the evidence regarding the accessibility of services and facilities, and lack of harm with respect to living conditions, flooding and highway safety,

these matters do not weigh in favour of the proposal. Although the proposal would provide housing for a local family with strong ties to the village, this is a private benefit which cannot carry weight in favour of the scheme.

20. Therefore, taking the appellant's best position as a benchmark, the adverse impacts of the development as outlined above would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

21. For the reasons given, the appeal is dismissed.

R Sabu

INSPECTOR