



Appeal Decision

Site Visit made on 25 August 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/Y0435/W/21/3271547

Land adjacent to 10 Brook End, North Crawley, Milton Keynes MK16 9HH

- 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 Page (ACH Planning Limited) against the decision of Milton Keynes Council.
 - The application Ref 20/02007/FUL, dated 18 August 2020, was refused by notice dated 19 October 2020.
 - The development proposed is erection of two dwelling houses and change of use to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was issued in July 2021. The main parties have been invited to submit comments on the Framework and the responses have been taken into account.

Main Issues

3. The main issues are (i) whether the proposal would be in a suitable location having regard to the policies of the Plan:MK adopted March 2019 (Plan:MK), the Framework and accessibility, (ii) its effect on the character and appearance of the area, (iii) its effect on highway safety, (iv) flood risk, and (v) its effect on agricultural land and the rural economy.

Reasons

Suitability of location

4. Plan:MK policy DS1 states that the provision of new homes will take account of a settlement hierarchy. In rural areas, most new development will be in key settlements and locations identified in neighbourhood plans.
 5. The appeal plot lies in a small cluster of dwellings that the appellant refers to as Brook End. However, these properties lie outside the defined North Crawley settlement boundary and so the site lies in the open countryside under the terms of Plan:MK policy DS5. Moreover, there is no neighbourhood plan that defines the plot's location as appropriate for new housing.
 6. The proposal would not replace an existing dwelling and the scheme would not be of exceptional quality or innovative in design. Therefore, it would not fall within any of the specific circumstances as set out in Plan:MK policy DS5 when new residential development is acceptable in the open countryside.
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7. The proposal would be adjacent to houses and so it would not be contrary to the Framework's policy to avoid isolated homes in the countryside. However, compliance with the Framework in this regard does not mean the development would accord with Plan:MK's policies on the location of housing.
8. There are limited facilities in Brook End and the proposed dwellings would be located away from the built up area of North Crawley. A pavement on the opposite side of the road would allow a reasonably safe walk from the houses to the pubs, store, school and other facilities in the village. However, the separation distance as well as the lack of street lights and natural surveillance from properties on part of the route would dissuade future residents from walking to the limited range of village services. Instead, it is more likely that residents would travel to Newport Pagnell in order to access a broader range of facilities. As such, the development would not be located where it would maintain or enhance the vitality of the rural community of North Crawley. In these regards, it would be at odds with the Framework.
9. The nearby bus stop would allow access to a reasonable public transport service for occupiers of the proposal to travel to the nearest towns. However, the closest drop off point for the return journey is within North Crawley with an appreciable walk back to the houses. This would discourage bus travel for future occupiers and so it is likely they would rely heavily on car travel to access services. Even when taking into account the possibility of home working and its rural location, the scheme would fail to meaningfully promote walking and public transport use, contrary to the provisions of the Framework.
10. The appellant has mentioned other residential developments that have been allowed outside of settlement boundaries. However, no details of these have been provided and so I am unable to draw accurate comparisons with the proposal. As such, these previous decisions fail to affect my views in respect of this main issue.
11. For the above reasons, I conclude the development would not be in a suitable location having regard to the Plan:MK policies DS1, DS2 and DS5, the Framework and accessibility.

Character and appearance

12. The site is a grassed field which is vacant of buildings. There is a roadside hedgerow to the front but the land slopes up so the plot's openness is appreciated from the highway. Fields also lie on the opposite side of the road so the area surrounding the site has a significant rural feel, notwithstanding the dwellings sporadically located along the road.
13. The development would be clearly seen from the highway. It would markedly reduce the openness of the site and would change its appearance so as to undermine its contribution to the rural nature of the area.
14. The scheme would respect the linear pattern of development seen in the area. Moreover, the houses would include architectural features so as to reflect the traditional style of nearby properties. However, these acceptable aspects of the scheme would not address or fully offset the detriment that would be caused through the loss of open countryside.
15. Therefore, the proposal would harm the character and appearance of the area. In these regards, it would not accord with Plan:MK policies D1 and D2 which

aim, amongst other things, to ensure development responds appropriately to its site and surroundings.

Highway safety

16. The vehicular access to the dwellings would be via the existing field gate entrance, although this would be altered with splays on either side. The appeal drawings indicate that a visibility splay of up to 70 m from the access in a easterly direction could be achieved. However, to provide such an extent of visibility would require the removal of a wall and raised plant bed to the front of 10 Brook End, which lies outside the control of the appellant. With these features in place, visibility from the proposed egress along the highway to the east would be significantly curtailed.
17. Moreover, the entrance to the development would be concealed by the bend in the highway and nearby roadside boundary features when travelling from North Crawley. No speed survey has been carried out but vehicles from this direction are leaving the built up area and travelling downhill, which suggests traffic is likely to be near to the 40 mph limit as it approaches the site. Consequently, there is a significant risk that cars leaving the development would pull out in front of drivers coming at speed from North Crawley and who would have limited forward visibility. I am unconvinced that extra slow road markings or other signage would satisfactorily address this risk.
18. There are no records of any road accidents associated with the existing field gate access. However, while the site is used for equestrian purposes, there is no substantive evidence on the existing vehicular usage of the field gate. I saw no ground markings to indicate the gate is regularly used by vehicles. As such, the absence of accident records could be explained by the infrequent vehicular use of the access and so this does not demonstrate it is safe.
19. It is highly likely the introduction of residences would generate additional vehicular trips to and from the site, particularly in light of my previous findings in respect of the accessibility of the development. Also, the scheme would retain a link through to the field to the rear. It is reasonable to expect this field would be put to equestrian or agricultural uses and so in itself this would attract occasional vehicular movements.
20. The proposal would improve visibility from the site entrance compared to the current situation through the removal of roadside vegetation. However, there is no justified reason that indicates vehicular usage is likely to increase if the appeal is dismissed. In any event, visibility improvements are not dependent upon the proposal. As such, these factors do not overcome or address the identified concerns.
21. The appellant refers to a development at Brook End Nurseries which was allowed despite limited visibility at the access. From the information provided, I am unable to draw accurate comparisons between this scheme and the appeal proposal. In any case, the existence of an egress point with curtailed visibility elsewhere does not justify allowing a development which is likely to generate additional use of an unsafe access.
22. For these reasons, I conclude the proposal would have an unacceptable impact on highway safety. In these regards, it would be contrary to Plan:MK policy CT2, which seeks to ensure development does not compromise highway safety.

Flood risk

23. Two possible options for the disposal of surface water from the proposal have been submitted. The first of these includes provision of attenuation ponds which would be connected to soakaways. This scheme would rely upon water infiltration to the ground but no testing has been carried out to establish whether this would be feasible on the site.
24. The alternative would involve the provision of on-site surface water attenuation crates with an overflow connecting to drainage within the highway. However, there is no evidence that demonstrates this connection would be allowed or that the highway drain has the capacity to accommodate additional surface water flow without causing flooding.
25. Sufficient storage calculation information has been provided in respect of the proposed on-site surface water storage features. Nevertheless, for the reasons set out above, it is unclear whether the proposal as designed could accommodate drainage systems which would satisfactorily prevent flood risk as a result of surface water runoff. In the absence of information on ground infiltration and highway drainage capacity, this matter could not be reasonably addressed through the imposition of a planning condition.
26. As such, I conclude insufficient information has been provided to demonstrate the development would avoid unacceptable flood risk. In these regards, it would not accord with MK:Plan policies FR1 and FR2. Amongst other things, these seek to ensure development includes appropriate surface water management measures.

Agricultural land

27. MK:Plan policy NE7 states that the benefits of the best and most versatile agricultural land should be taken into account in the assessment of proposals. The main parties provide different views on the agricultural quality of the appeal site, although none have provided land classification maps to support their contentions. Therefore, it is unclear whether the proposal would result in the loss of the best and most versatile agricultural land. However, the site includes only part of the overall field area in the control of the appellant and by reason of its size and the slope of the land, it has no apparent high agricultural value. Furthermore, no land of poorer agricultural quality has been suggested as a preferred location for the development.
28. Therefore, based on the information before me, I conclude the development would not have a harmful effect on agricultural land supply or the rural economy. In these regards, it would accord with MK:Plan policy NE7.

Other Considerations and Planning Balance

29. The submissions indicate that 8 Brook End (No 8) is a listed building. From my observations, its heritage significance lies with its age and historic architectural features. There would be limited intervisibility between the proposal and the listed building due to a separation gap and intervening vegetation. Therefore, no harm would be caused to the setting or significance of No 8.
30. The proposal would contribute towards the housing stock and as a small scheme it is likely to be delivered quickly. However, there is no dispute that the Council is able to demonstrate a supply of housing land in excess of the 5 year

minimum as set out in the Framework. Also, the development would provide only 2 new units. Consequently, I attach modest weight to these benefits.

31. The harm identified in respect of the first 4 main issues means the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan.

Conclusion

32. For the above reasons, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR