



Appeal Decision

Site Visit made on 1 September 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2021

Appeal Ref: APP/J0405/W/21/3271996

Ivinghoe Aston Farm, Ivinghoe Aston, Ivinghoe, LU7 9DG

- 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 Neil Ashby against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/01341/AOP, dated 19 April 2020, was refused by notice dated 23 October 2020.
 - The development proposed is residential development of up to 6 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline form with all matters reserved. I have determined the appeal accordingly.
3. I have taken the description of development from the appeal form as it is the most precise description.
4. The Vale of Aylesbury Local Plan was adopted by the Council in September 2021, replacing the Aylesbury Vale District Local Plan 2004. The appellant was invited to comment on the adopted plan.
5. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.

Main Issues

6. The main issues are:
 - The effect of the proposed development on the character and appearance of the area,
 - The effect on biodiversity; and,
 - Whether it would provide acceptable living conditions for future occupiers with particular regard to noise.

Reasons

Character and appearance

7. Policy HSG1 of the Ivinghoe Parish Neighbourhood Plan (the NP) sets out criteria against which residential development in the parish will be assessed. Amongst other criteria, it requires that development be contiguous with the existing settlement pattern.

8. The appeal site is used for storage of vehicles and materials. It is not previously developed land by the definition set out in the National Planning policy Framework (the Framework) but appears to have been used for this purpose for some time. It is enclosed on all sides by large commercial buildings, houses and mature trees.
9. The proposed development would result in a substantial increase in the number of houses within the site if built out to maximum capacity, which I must assume would be the case. The site is separated from the village of Ivinghoe Aston and, while within the settlement boundary, would not be contiguous with the existing settlement pattern wherein development is principally focused tightly around the core of the village. The proposed development would therefore be out of keeping with the prevailing pattern of development in the area.
10. While there are several houses on the wider farm site, these appear to principally have been created by converting buildings, and therefore those earlier permissions carry limited weight in determining this application.
11. The appeal proposal would extend the built footprint of the site closer to the neighbouring houses, Rookery Nook and Rookery Nook Cottage. However, given the extent of mature trees between the site and these houses, and the potential for reinforcing this planting, the development would not appear as a single group with these houses.
12. The development would accord with other criteria in Policy HSG1, which does not wholly preclude development of greenfield sites. From the evidence before me, it is not clear that alternative brownfield sites are available. However, conflict with the policy does exist overall.
13. The development would result in harm to the character and appearance of the area as it would not be contiguous with the existing settlement pattern in Ivinghoe Aston. It would therefore be contrary to Policy HSG1 of the NP, as well as Policy NE4 of the Vale of Aylesbury Local Plan (the LP) which amongst other criteria requires that development respect local character and distinctiveness in terms of settlement form.

Biodiversity

14. Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. It is not therefore reasonable to grant planning permission subject to a condition or conditions requiring surveys addressing this.
15. The Extended Phase 1 Survey (the Survey) provided with the application is limited in scope and does not meet the requirements of a Preliminary Ecological Appraisal. It does not satisfactorily establish the presence or otherwise of protected species at the site, or which may otherwise be affected by the proposed development.
16. In the absence of that information, it is not possible to say that the proposed development would not cause harm to protected species. The appeal proposal therefore conflicts with Policy NE1 of the LP and Policy ENV1 of the NP which collectively require, where appropriate, ecological surveys for planning applications and that sufficient information be provided to assess the significance of the impact against the importance of the protected site and its

component habitats and the species which depend upon it and that development aim to result in a biodiversity net gain where possible.

Living conditions

17. There are buildings immediately next to the appeal site which are in employment use, separated only by the access road serving those buildings. There is therefore potential for noise disturbance to any houses built on this site.
18. The Council's environmental health consultee has advised that this issue could be addressed via a condition requiring an acoustic survey. The application is for outline permission with all matters reserved the number and layout of houses remains to be determined. It is therefore likely that the recommendations of any acoustic survey could be incorporated as part of a reserved matters proposal if outline permission were to be granted.
19. The development would therefore not result in unacceptable harm to the living conditions of future occupiers, so would accord with the requirements of Policies NE5 and BE3 of the LP. These policies collectively require that development achieve a satisfactory level of amenity for future residents.

Planning Balance

20. The proposed development would create up to six houses on this windfall site, including one unit of affordable housing, supporting the Government's objective of significantly boosting the supply of homes. Ivinghoe Aston is a sustainable location for new housing in principle, and as a small site the development could be delivered quickly. The development would result in ongoing economic support for local businesses and would include sustainable measures such as electric vehicle charging points.
21. The appellant suggests that the policies in the Council's development plan relating to housing are out of date. However, in the absence of information relating to the presence or otherwise of protected species, the application of policies in the Framework provides a clear reason for refusing the development proposed. The presumption in favour of sustainable development does not therefore apply in this instance.
22. The appeal proposal would result in harm to the character and appearance of the area, and it is not possible to say that it would not cause harm to protected species. The benefits of the development are acknowledged, but they would not outweigh the harm that would arise in this instance.

Planning Obligations

23. The Council has requested financial contributions towards several objectives, some of which the appellant has disputed. As I am dismissing the appeal for other reasons, it is not necessary to address this matter further.

Conclusion

24. There are no material considerations that indicate that this appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR