



Appeal Decision

Site Visit made on 3 November 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/J0405/W/21/3275605

The Old Piggeries, The Common, Preston Bissett MK18 4NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Christopher McNally against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/00286/APP, is dated 24 January 2021.
 - The development proposed is erection of 3 detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 detached dwellings at The Old Piggeries, The Common, Preston Bissett MK18 4NA in accordance with the terms of the application, Ref 21/00286/APP, dated 24 January 2021, subject to the conditions in the Schedule at the end of this decision.

Preliminary Matters

2. Since the appeal was lodged the Vale of Aylesbury Local Plan 2021 (the LP) has been adopted and now forms part of the development plan for the area. The appellant has had an opportunity to comment on the LP policies.

Main Issues

3. The Council has issued no formal decision on the planning application leading to this appeal. However, in light of the submissions, the main issues are (i) the proposal's effect on the character and appearance of the area and the setting and significance of Preston Bissett Conservation Area (the CA), and (ii) whether the proposal would be in a suitable location having regard to the policies of the LP and the National Planning Policy Framework (the Framework).

Reasons

Character and appearance and the CA setting

4. The application form states the site is currently in agricultural use, although the appeal drawings and other submissions indicate it has also been used for business and storage purposes. On my visit I saw the steel frame of a partially demolished building towards the rear of the site as well as areas of hardstanding, piles of rubble and various vehicles, trailers, containers and building materials. These features are not particularly prominent but are unsightly where seen. As such, the plot as it stands contributes little to the

visual qualities of the area. It fails to provide an attractive transition between built up area and open countryside as suggested.

5. The proposed houses would be mainly 2 storeys high and so would be taller than the features I saw on the site. Also, the front dwellings would be close to and set above the road and so they would be clearly seen from The Common. To a lesser degree the development would be visible from Pound Lane, although roadside hedgerows would provide partial screening. Even so, the proposal would have a noticeable presence, particularly when entering the village from the north and when travelling along The Common.
6. The front houses would be appropriately orientated so as to face onto the road and to provide views of principal elevations at the edge of the village. Also, despite a clear separation, they would generally be seen in the same context as the houses on Pound Lane that run up to the junction with The Common. The development would lead to a noticeable loss of visual openness by virtue of its prominence. Nevertheless, it would not cause a harmful visual intrusion into the countryside but instead would be read as part of the settlement.
7. As there is no clear uniformity in the appearance of local buildings, the houses would not appear unusual in terms of their design and scale. Lighting associated with the development would not be uncharacteristic given the other nearby residences.
8. The house on plot 3 would be behind the front 2 units and so it would depart from the common pattern of buildings facing onto the roads. However, the site is deep and this dwelling would not be highly noticeable. Moreover, it would replace the remains of a building on the rear of the site. Also, the village includes a significant degree of variation with small residential cul-de-sacs off the main roads. As such, the position of the plot 3 house would not appear unduly incongruous to the development pattern in the village.
9. The boundary of the CA runs to the rear of the site. It gains its significance through the collection of historic buildings around a central church, typical of a traditional rural village. The proposal would be largely screened from views from within the CA although it would be seen from the rear of properties on Leys Lane. Also, the development would interrupt some views from The Common towards the Leys Lane properties. Even though it would cause a visual obstruction, the proposal would enhance the appearance of the site. As such, it would provide a more attractive and appropriate setting to the CA than the current situation and so it would maintain its significance.
10. For these reasons, I conclude the development would not harm the character and appearance of the area and it would not harm the setting and significance of the CA. In these regards, it would accord with the LP policies S1, NE4, BE1 and BE2. Amongst other things, these seek to ensure development respects and complements its surroundings and the landscape and to conserve heritage assets in a manner appropriate to their significance.

Suitability of the location

11. Policy S2 of the LP sets out a spatial growth strategy and identifies locations where housing should be developed. Under this policy, Preston Bissett is identified as a smaller village where limited housing growth may come forward through planning applications or neighbourhood plan allocations. LP policy D4

states that where no neighbourhood plan is in place, new housing in smaller villages will be supported where it contributes to the sustainability of the village and it meets a list of criteria.

12. The features on the site give the impression it is developed and used for non-agricultural purposes. Also, its rear boundary adjoins the back gardens of houses on Leys Lane. For these reasons, the site relates more to the built up area rather than the extensive tract of fields on the other side of The Common. Plots of land that are vacant of buildings adjoin each side boundary, but nevertheless the proposal would be seen between the property called Well House further along The Common and the row of houses that face onto Pound Lane. Therefore, the scheme would not conflict with criterion a) of LP policy D4.
13. The scheme would be small scale and it would not lead to coalescence of neighbouring settlements. Also, it would cause no harm to any natural features and would extend across the site up to its boundaries, albeit that these are not entirely well-defined on the ground. As identified under the first main issue, the proposal would not harm the landscape or the historic environment. As such, it would accord with criteria b) to e) of LP policy D4.
14. The scheme would be within a short walking distance from a pub, church, recreation area and public hall. It is probable that future occupiers would use and so provide support for these facilities. The proposal would be served by existing albeit limited infrastructure and so it would comply with criterion f) of LP policy D4. Also, it would accord with the Framework's policy to locate rural housing where it would maintain the vitality of communities.
15. It is likely that residents would need to travel by car to other settlements to access a broader range of facilities required to meet day-to-day living needs. However, the Framework recognises that the opportunities to promote walking, cycling and public transport use would vary between urban and rural areas. Also, the need to travel associated with the development would be at least partly offset by the removal of trips generated by the current use of the site.
16. For the above reasons, I find the proposal would accord with the LP's spatial strategy as set out in policies S1, S2, S3 and D4. Moreover, I conclude the development would be in a suitable location having regard to the LP policies and the Framework.

Other Matters

17. There is no substantive evidence to demonstrate the proposal would exacerbate flood risk. The development would generate limited traffic and there is no reason to find that The Common and its junction with Pound Lane would be unable to safely accommodate any additional vehicular movements.
18. I need to consider the appeal on its own merits and so the contention that trees have been removed contrary to existing planning permissions has little bearing on my assessment. Also, the issuing of fines or notices that relate to the burning of materials on the site has no influence on my considerations.
19. The above concerns do not provide reasons to refuse planning permission. As such, they do not affect my overall conclusion.

Conditions

20. I have considered the conditions suggested by the Council, having regard to the tests set out in the Framework. Where appropriate, I have amended the wording for precision reasons and to avoid unnecessary pre-commencement conditions.
21. To ensure the development is carried out in accordance with the submissions, I impose a condition that refers to the appeal drawings. To avoid pollution, a condition is needed that relates to site clearance and restoration. However, there is no reason why this should require particular details of the demolition of existing buildings as only a steel frame is on the site.
22. To secure a net biodiversity gain, a condition is imposed that requires the proposed ecological features. For highway safety reasons, conditions are included regarding the site access and visibility splays. Sufficient details on external materials and landscape features have been submitted and so there is no need to approve further information. However, to ensure a satisfactory appearance a condition is imposed that requires the provision of the proposed landscape features. To reduce flood risk, a condition is included regarding the surfacing of parking areas.
23. The drawings include details of levels and so there is no need for extra information to be approved. Also, no convincing justification has been provided for a condition that removes permitted development rights. Therefore, the suggested conditions in these regards have not been imposed.

Conclusion

24. The proposal would comply with development plan policies and there are no factors that justify refusing planning permission. Therefore, I conclude that the appeal should succeed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1420-28-S01 rev B, 1420-28-SLP01 rev B, 1420-28-01 rev D, 1420-28-02 rev C, 1420-28-03 rev C, 1420-28-04 rev A, 1420-28-07, 1420-28-08 rev C, 1420-28-09 rev B, 1420-28-10 rev B and the materials schedule.
- 3) Apart from the demolition of existing buildings/structures, no development hereby permitted shall commence until a scheme of site clearance and restoration has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the removal and re-use of all materials generated from the clearance and

restoration works. The development shall be carried out in accordance with the approved scheme.

- 4) The dwellings hereby permitted shall not be first occupied until the biodiversity/ecological features shown on the approved plans have been provided or installed. Thereafter, the biodiversity/ecological features shall be retained.
- 5) The dwellings hereby permitted shall not be first occupied until the means of access has been altered/upgraded to comply with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits 2013". The access shall be maintained as such thereafter.
- 6) The dwellings hereby permitted shall not be first occupied until the visibility splays shown on the approved drawings have been provided on both sides of the access. The area contained within the splays shall thereafter be kept free of any obstruction exceeding 0.6metres in height above the nearside channel level of the carriageway.
- 7) The dwellings hereby permitted shall not be first occupied until the hard landscape features as shown on the approved plans have been fully provided. Within the first planting season following the first occupation of any of the dwellings, soft landscape features shall be provided in accordance with the details as shown on the approved plans. Thereafter, the hard landscape features shall be retained and the soft landscape features maintained and managed in accordance with the details included on the approved plans.
- 8) The car parking spaces as shown on the approved plans shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the associated dwelling.