



Appeal Decision

Site visit made on 7 December 2021

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

an Inspector appointed by the Secretary of State

Decision date: 16th December 2021

Appeal Ref: APP/Y0435/W/21/3276924

Long Acre, 38 Cranfield Road, Wavendon MK17 8AS

- 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 Pete Foster of Tlsworth Developments against the decision of Milton Keynes Council.
 - The application Ref 21/00765/FUL, dated 4 March 2021, was refused by notice dated 10 May 2021.
 - The development proposed is construction of new dwelling and alterations to existing access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed dwelling would comply with development plan housing policy;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposal on flood risk.

Reasons

Development plan strategy

3. Policy DS5 of the Plan:MK 2016 – 2031 Adopted March 2019 (Plan:MK) states that the Council defines Open Countryside as all land outside the development boundaries defined on the Policies Map. The site lies outside defined development boundaries and therefore is within the open countryside in the terms of Plan:MK. I note the evidence regarding land ownership including the statutory declaration and that it currently appears as an area of maintained lawn rather than farmland. However, given its location outside of development boundaries as defined in the Policies Map, the site nonetheless lies within the open countryside in the terms of Plan:MK.
4. Plan:MK Policies DS1 and DS2 direct new development to within settlement boundaries and Plan:MK Policy DS5 restricts development in the open countryside apart from a number of exceptions, including new dwellings which are of exceptional quality or innovative in the nature of their design.

5. The proposal for a detached dwelling would be similar in style, form and scale to the recently built dwellings to the east. As such, the building itself would not appear out of keeping.
6. However, given the traditional appearance of the proposed building designed in an Arts and Crafts style, there is little substantial evidence to indicate that the scheme would be of exceptional quality or innovative in its design.
7. Consequently, the proposal would not accord with the Council's development plan strategy for housing. Therefore, it would conflict with Plan:MK Policies DS1, DS2 and DS5 which direct new development to within settlement boundaries other than a number of exceptions which do not apply in this case.

Character and appearance

8. The site is an undeveloped plot of land that is laid to grass. Residential properties lie to the north and east. The dwellings in the surrounding area are generally detached houses in generous plots of varying forms and styles that give the area a pleasant and spacious character and appearance.
9. The proposal would introduce a dwelling and driveway to an undeveloped plot. While the site currently has maintained lawn, it nevertheless provides a pleasing open aspect to the area. Given its siting on undeveloped land and position adjacent to an agricultural field, the proposal would urbanise the site, significantly diminishing its spacious character and harmfully altering the landscape character of the countryside. Although the site lies within a larger triangular shaped parcel of land that is bound by two roads, since the site has a closer relationship to the open countryside than the other dwellings, the proposal would adversely affect the appearance of the open countryside.
10. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Plan:MK Policies D1 and D2 which seek, among other things, development that respond appropriately to the site and surrounding context. It would also conflict with Plan:MK Policy DS5 which seeks new dwellings in the open countryside to be of exceptional quality. In addition, the scheme would conflict with Plan:MK Policy NE5 which seeks development that respects the character of the surrounding landscape.

Flood risk

11. A SuDS Statement was submitted with the appeal which seeks to address the reason for refusal relating to flooding. The surface water strategy proposes surface water disposal via a soakaway. I note the Council's view that from the calculations within the strategy, the site would not be able to half drain within 24 hours. However, given that the site lies within Flood Zone 1, and the nearby development to the east of the site, I see no reason why a suitably worded condition could not adequately address this matter.
12. Consequently, the proposed development would not have an adverse effect on flood risk. Therefore, it would not conflict with Plan:MK Policies FR1 and FR2 which seek to manage flood risk and relate to Sustainable Drainage Systems.

Other Matters

13. I acknowledge the outline permission for four dwellings in the garden area of Long Acre which was granted at appeal in November 2018. The associated reserved matters planning permission for three dwellings was also granted. In addition, a subsequent permission for the demolition of the existing building and the erection of four dwellings was granted in 2020 and appeared to be near completion by the time of my site visit. Moreover, the 2018 outline permission was assessed prior to the adoption of Plan:MK at a time when the Council were not able to demonstrate a five-year housing supply. Since the 2020 scheme for the wider area appears to have been largely implemented, the 2018 outline permission does not form a fall-back position.
14. I note the evidence regarding the Planning Practice Guidance (PPG). However, since Plan:MK Policy DS5 allows new dwellings in a number of circumstances, in my view, the Policy is not a blanket policy restricting housing development. As such, the conflict with Plan:MK Policy DS5 can be attributed significant weight.
15. I acknowledge the evidence regarding previously developed land. However, while the dwelling would contribute a dwelling to the local housing supply, given the harm identified above, these matters have not altered my overall decision.

Conclusion

16. For the reasons given above the proposed development conflicts with the development plan and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR