
Appeal Decision

Site visit made on 18 January 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/J0405/W/21/3276552

Proposed Plot, Cheddington Road, Pitstone, Bucks, NR Leighton Buzzard, Beds

- 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 and Mrs Paul Grinstead against Buckinghamshire Council
 - The application Ref 21/00908/APP, is dated 1 March 2021.
 - The development proposed is described as 'Self build dwelling.'
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The Council has indicated that they would have refused planning permission had they determined the application. This has informed the main issues of the appeal.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to it in considering this appeal. I have not consulted the main parties since the substantive elements of the Framework as they relate to the main issues have not changed.
4. I have been provided with a previous appeal decision¹ which relates to a proposal for one dwelling on the appeal site. I have had regard to the conclusions of the previous Inspector in considering this appeal insofar as they are relevant to the main issues. However, I have also seen a copy of the plans pursuant to that appeal. The current proposal has been significantly revised in terms of its general design, scale and layout.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - The principle of the proposed development with specific regard to its location.
 - The effect of the proposed development on the setting of listed buildings.

¹ PINS Appeal Ref: APP/J0405/W/16/3166066

- The effect of the proposed development on Best and Most Versatile Agricultural Land.

Reasons

Character and Appearance

6. The appeal site is a parcel of undeveloped pasture on the edge of the settlement. It has a distinctly rural appearance, relating to the open fields to the north. In built form terms, local development is a mix of types and designs albeit the prevailing scale is modest. These elements contribute positively to the character and appearance of the area.
7. The proposed development would comprise a large and sprawling building which, by virtue of being located in the rough centre of the site, would be prominent. The presence of the building, particularly its scale, would jar awkwardly with the more modest buildings around it. Its land take would dominate the plot, having a grand and imposing effect on the street scene. The scale of development on the appeal site would be emphasised by the proposed detached garage which, in itself, would be similar in footprint to the majority of local dwellings. I note the conclusions of the Inspector in relation to the previous appeal scheme, but that proposal was significantly smaller in terms of its overall footprint than the currently proposed development.
8. The visual harm caused by the proposed development would be apparent when viewed over the proposed access off Cheddington Road and from residential properties opposite and adjacent to the appeal site. The existing hedgerow and proposed planting measures, including orchard planting, would not sufficiently mitigate this harm given the overall dominant scale and layout of the development.
9. The buildings that comprise the nearby Orchard Farm complex are large and could be considered to be of a similar if not more dominant scale. However, these buildings are unique, as indicated by their listed status. They do not form the predominant character within the surrounding area and as such they do not in any way provide a justification for the visual harm which the proposed development would cause.
10. The proposed development would be harmful to the character and appearance of the area. It would therefore conflict with Policy 6 of the Neighbourhood Plan² and Policies BE2 and NE4 of the Local Plan³. Together, these policies seek to ensure that new development respects and compliments local character. The proposed development would also conflict with Framework Paragraph 130, which seeks in part to ensure that new development is sympathetic to local character.

Principle of Development

11. The appeal site is located outside of the settlement boundary of Pitstone as identified within the Neighbourhood Plan. Policy 1 states that outside of the settlement boundary, development will not be supported except in certain circumstances. None of those circumstances apply in this case. As such the proposed development would conflict with Policy 1.

² Pitstone Neighbourhood Plan (2013-2033) January 2016

³ Vale of Aylesbury Local Plan (VALP) 2013-2033 Adopted September 2021

12. Local Plan Policy S3 identifies Pitstone as a 'Larger Village' within the settlement hierarchy. However, Policy S3 also states that new development in the countryside should be avoided. The appeal site appears as relatively contiguous with the village, surrounded by development on three sides, this is consistent with the conclusions reached by the Inspector in relation to the previous appeal. However, it has a markedly different undeveloped and rural character in contrast to the more built-up areas within the village. As such, and given its location outside of the settlement boundary as identified within the Neighbourhood Plan, for the purposes of Policy S3 the site is located within the countryside.
13. Local Plan Policy S3 states that in considering applications for development in the countryside, regard will be given to maintaining the individual identity of villages, amongst other things. In this sense, Policy S3 does not place an absolute blanket ban on development within the countryside and it is consistent with the Framework in this regard. Given the harm that the proposed development would cause to the character and appearance of the surrounding area however, it would not comply with this aspect of Policy S3.
14. As such, the location of the proposed development would conflict with the strategy for the location of new residential development as set out within the Development Plan. Indeed, Framework Paragraph 15 emphasises that the planning system should be 'genuinely plan-led'. For these reasons, the proposed development would conflict with Local Plan Policy S3 and Neighbourhood Plan Policy 1. The principle of development would thus be unacceptable.
15. Local Plan Policy S1, referred to by the Council, is a general policy which refers to the principles of sustainable development set out within the Framework. As such, it is not directly relevant to this main issue.

Effect on Listed Buildings

16. Under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest.
17. Orchard Farm lies to the north-west of the appeal site and comprises a number of buildings, three of which are Grade II listed⁴. They are a large 17th Century house and two timber framed barns that derive their significance from their large scale, historic appearance and their combined historic function as part of a farm complex on the edge of the settlement.
18. Historically, the Appeal Site may have been visually linked with Orchard Farm, as an area of open undeveloped land adjacent to the farm complex. However, it is now physically and functionally separated by a row of boundary tree planting. As such, the appeal site has a distinctly separate appearance to the adjacent Orchard Farm complex.
19. In this regard the appeal site does not make any contribution to the significance of the heritage assets, particularly in terms of their scale, historic function or appearance. Indeed, this was the conclusion reached by the

⁴ Barn to NW of Orchard Farm (Grade II), Barn to SW of Orchard Farm (Grade II), House at Orchard Farm (Grade II)

Inspector in relation to the previous appeal and there is no compelling evidence before me to suggest that any other conclusion should be reached now.

20. Given these findings, whilst I have concluded that the proposed development would result in harm to the character and appearance of the area, it would not detract from the significance of the setting of the listed buildings. Which would be preserved. As such, the proposed development would not conflict with Local Plan Policy BE1, which seeks in part to conserve heritage assets and their significance.
21. Given that the proposed development would result in no harm to the significance of the listed buildings, there would be no conflict with Framework Paragraphs 200 or 202, which relate to instances of harm or less than substantial harm, respectively.

Best and Most Versatile Agricultural (BMV) Land

22. The Council suggests that the appeal site is shown on the 'Agricultural Land Classification Grade map' as being Grade 3. However, I have not been provided with a copy. In addition, the Council acknowledge that the land could comprise Grade 3a and/or Grade 3b Agricultural land. The Glossary to the Framework defines BMV Land as that which comprises Grades 1, 2 and 3a of the agricultural land classification. As such, if the land comprised Grade 3b land it would not be BMV Land.
23. Local Plan Policy NE7 states that where 'significant development' would result in the loss of BMV Land, planning consent will not be granted except in certain circumstances. None of those circumstances apply in this case. However, the term 'significant' is not defined. Applying the ordinary dictionary definition of the term, given that only a small area of a small parcel of agricultural land would be lost, any such loss would not be significant for the purposes of Policy NE7. As such, even if the appeal site did comprise BMV Land, it would not conflict with Local Plan Policy NE7.
24. For the same reasons, there would not be any conflict with Framework Paragraph 174b which seeks in part to ensure that the benefits of the best and most versatile agricultural land are recognised in planning decisions.

Other Matters

25. In regard to two of the main issues of the case, the Council had referred to the 'National Design Guide' but has not directed me to the relevant part. As such, I have not identified any conflict with it. Notwithstanding the conflict I have found with the development plan.
26. The description of development as listed on the application form refers to a 'self-build dwelling'. The appellants have also indicated that they have registered on the Council's self-build register. Under the Self-build and Custom Housebuilding Act 2015 (as amended) relevant authorities are required to keep a register of individuals seeking self-build plots within the authority's area. Relevant authorities are also required to grant sufficient permissions to meet the demand for self-build and custom housebuilding in their area. There is no substantive evidence before me to indicate whether this has been achieved by the Council or not.

27. However, even if there was an unmet demand for self-build plots, the social, economic and environmental benefits associated with this, having regard to footnote 28 of the Framework and how they would be limited by the construction phase and a single unit, would not be sufficient to outweigh the harm that the proposed development would cause in regard to the character and appearance of the surrounding area and its principle. In any event, there is no sufficiently robust mechanism before me to ensure that the proposed development would be for a self-build unit.
28. The appellants assert that the dwelling is of an exceptional and innovative quality, but I have found that it would be harmful to the character and appearance of the surrounding area. As such, this is not a consideration which weighs in favour of the development.

Conclusion

29. The proposed development would preserve the setting of the nearby listed buildings and would not result in any significant loss of BMV land. However, these would be a lack of harm and thus neutral in any balance. The principle of the appeal scheme would be unacceptable and would give rise to harm to the character and appearance of the area. This would lead to conflict with the development plan. I ascribe substantial weight to these matters.
30. There are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed, and planning permission refused.

Luke Simpson

INSPECTOR