



Appeal Decision

Site visit made on 9 February 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/J0405/W/21/3280025

Land At School End, Great Horwood MK17 0RG

- 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 Ian Sutton (Sutton Properties Ltd) against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/02273/APP, is dated 28 May 2021.
 - The development proposed is Erection of three dwellings, formation of access, planting of wild flower meadow, and landscaping.
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Decision

1. The appeal is dismissed and planning permission for erection of three dwellings, formation of access, planting of wild flower meadow, and landscaping is refused.

Procedural Matters

2. The appeal is against the Council's failure to determine an application for planning permission. The Council's Statement of Case outlines the reasons that it considers the proposal would be unacceptable, but these are not formal determinations of the Council as the jurisdiction to determine the application transferred from the Council upon valid receipt of the appeal. Nevertheless, the Council has set out that it would have refused the application had it been empowered to do so. I have therefore taken its reasons into account in determining the main issues.
3. The Council has confirmed it is now known as 'Buckinghamshire Council', and that the Vale of Aylesbury Local Plan (LP) was adopted in September 2021. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested that Policies S1, S2, S3, NE4, NE5, D3, BE1 and BE2 of the Vale of Aylesbury Local Plan of the LP are relevant to the determination of the appeal. I have also taken into account the other policies referred to in the Council's reasons. The appellants are aware of these policies and have had the opportunity to comment upon their relevance to the appeal.
4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any responses received in my decision.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area, including the Great Horwood Conservation Area and the rural setting of the village, and its consistency with development plan policies relating to the location of housing; and the whether the proposal would preserve the setting of the listed buildings known as 'Church of St James', 'The Cottage', 'The Grange' and 'Church Hill'.

Reasons

Significance, Setting and Site Surroundings

6. The appeal site is a roughly rectangular parcel of overgrown land, situated within the Great Horwood Conservation Area (CA). This is primarily focused on the Z-shaped street pattern through the village but also includes streets leading from this, including Singleborough Road and School End, which adjoin the south and east boundaries of the site. The appraisal¹ for the CA refers to the medieval layout of the village centre around High Street, which is formed of a continuous frontage of buildings with long and narrow plots, reminiscent of burgage plots in urban areas. This is unusual for a rural village and suggests a deliberately planned layout. The architectural style of buildings varies due to the presence of buildings originating before and during the 17th-19th Centuries.
7. The west boundary of the site and most of the north are planted with continuous mature hedgerow and tree planting. The south and eastern boundaries are more broken but still feature extensive planting. The built edge of the settlement is very clear and terminates distinctly, excluding the site. This aligns with the settlement boundary defined by the Great Horwood Neighbourhood Plan (2015) (NP) and defines what is more urban and rural in form. While development continues a short distance to the southern side of Singleborough Road, thereafter it immediately becomes sparse with a greater propensity for open and undeveloped fields within the undulating landscape.
8. The first part of the carriageway of School End is narrow but it widens out at the end into a loosely arranged square, with buildings arranged at its edge. To the south of the site, in the upper part of Winslow Road, the buildings begin to be more spaciouly arranged than in High Street but remain close to the street on the eastern side. The width of the carriageway and green verges to the western side provide a feeling of openness between facing buildings, like those situated around the formal space of the Green.
9. As far as it is relevant to the appeal, the significance of the CA is principally derived from the contribution made by the architectural and townscape quality of the buildings and the green spaces and verges within. This is perhaps best illustrated by the exceptionally high proportion of buildings in the village that are either nationally or locally listed, including those referred to below.
10. The appeal site was added to the CA when it was reviewed in 2012, as an important green space. While the site is not open, its undeveloped qualities and the established planting at its boundaries are spatially and visually distinct from the built frontages of High Street and nearby streets. The site therefore shares common characteristics with the open and undeveloped fields that envelope the village, particularly those to the west. Despite some of the planting being

¹ Great Horton Conservation Area Appraisal (2012)

overgrown and unmanaged, the landscaped qualities and the visual break in development provided by the site, positively contribute to the clear and distinct pattern of development within the village that informs its character and appearance, including that of the CA and the rural setting of the village.

11. The Church of St James is a striking Grade II* listed building, sited to the north of High Street. It probably dates from the 14th Century but incorporates 15th Century alterations and 19th Century restorations. The significance of the church is derived from its architectural and historical value. In particular, the use of stone in its construction ensures that the architecture is typically ambitious and decorative, including in the use of copings, banding, and door and window framing. The bell tower also incorporates diagonal buttresses at its corners and is marked by embattled parapets and an octagonal turret. Given that it is the most imposing and architecturally significant building in the CA, it forms the centrepiece and, like the Inspector for the previous dismissed appeal at the site², I find the tower of the Church to be of considerable importance to the overall visual quality of the village.
12. The Cottage appears to be of early 17th Century origin but with 18th Century alterations. It is a Grade II listed building of part timber-framed and brick construction, with an intricate half-hipped thatched roof, which also rises to the centre on either side above first-floor windows. As evidenced in the listing description, the property was most likely built as three cottages but later converted to a single cottage. It is prominent, given that it is elevated above Singleborough Lane and arranged perpendicular to it. In so far as it is relevant to the appeal before me, the significance of the cottage today is derived from its architectural and historic interest, as a noteworthy 17th Century cottage in the village, with later alterations. In particular, the materials of construction ensure that the architectural composition is attractive, it therefore contributes positive to the entrance to the village and CA.
13. The Grange is a Grade II listed house situated to the western side of Winslow Road. It probably dates from the late 18th Century but was altered with an extension to its right in the 19th Century. The brickwork coursing is elaborate in its composition, with an irregular chequered arrangement incorporating various colours of red and a contrasting blue brick. The roof is clad in natural clay plain tiles, beneath which the eaves are also detailed with moulded brick. The front elevation features 3-light leaded casement windows, with segmental heads to the ground floor. A doorway was later infilled with a smaller casement window. In so far as it is relevant to the appeal, its significance is derived from its architectural and historic interest, as a well-preserved late 18th Century house with elegant proportions and brick embellishments. Given its prominent location on the main route through the village it makes an important contribution to the character and appearance of the CA.
14. Church Hill is also a Grade II listed building and is situated to the western side of School End and is a 17th Century house, with 18th and 20th Century alterations. Its architectural detailing is similar to The Grange in its use of blue brick, moulded eaves, plain tile roof and 3-light windows, but it has retained its front door and features hipped dormers to its front roof slope. Its significance is also derived from its architectural and historic interest, as a well-preserved late 17th Century house with elegant proportions and brick embellishments. The

² Appeal Ref: APP/J0405/A/00/1055897.

listed building is not as prominently sited as those referred to above but it, nevertheless, makes an important contribution to the CA.

15. I am mindful of the definition of 'setting' in the Framework as being the surroundings in which a heritage asset is experienced. The site is situated to the north of The Cottage and The Grange, south of Church Hill and west of the Church, and is private land with no public access. However, a footpath runs along its northern boundary and it adjoins Singleborough Lane. Despite the presence of planting to the western boundary, at the time of my site visit the Church tower was evident from the west, across the site on entry to the village. Closer to the Church, in School End and from the footpath, the tower is glimpsed over and between buildings to the east of the street.
16. The historic maps in the CA appraisal demonstrate that the undeveloped character of the agricultural landscape has remained largely well-preserved. The undeveloped and landscaped qualities of the site and the adjacent fields therefore provide a rural context which forms an integral part of the historic setting of the listed buildings, including a significant contribution to their appreciation within the historic core of the settlement and understanding of their role in its layout and development.

Effect on the conservation area and rural setting of the village

17. The design of the proposed houses and their courtyard layout would not, of itself, contrast with the established characteristics of residential development in the village and the renovation of the boundary wall partly to the south and eastern boundaries of the site would improve its appearance and contribution to the street scene. The houses are also proposed in the northwest corner of the site to reduce their visual prominence. Despite these factors, the presence of the houses, behind a significant open area of land at the site frontage, would jar with the predominant linear grain of frontage development in the village.
18. The site is served by an existing access in its southeast corner, which would be infilled with planting. A new access would be formed a short distance further east through the hedge and tree planting at the roadside. The proposed houses would be visible through or over the existing landscaping and through the new access, particularly in winter months. Accordingly, the proposal would blur how the village currently blends more naturally into the wider rural landscape.
19. The approach to retained and enhanced landscaping within the site would be integral to the layout of the appeal scheme and reflect planting found in the locality. The inclusion of a wildflower meadow would be an enhancement of the frontage of the site. Nevertheless, clear views of the appeal site and its relationship with the existing built edge of Great Horwood are available from the surrounding road network. The proposed landscaping would be unlikely to have matured enough in its initial years of development to soften the visual effect of the physical presence of the proposed houses within the site, including from internal and external lighting. It would also take a significant amount of time for the hedge and tree planting to reflect the existing verdant planting at the site boundaries and, in any event, planting is ephemeral. I am therefore not convinced that the impacts of lighting could simply be addressed by way of planning conditions.
20. I appreciate that the impact of the proposal on the surrounding rural landscape would only be likely to be experienced within the immediate locality, but it

would reduce the undeveloped qualities of the site and have a significantly detrimental effect on the rural setting of Great Horwood and, therefore, on its character and appearance, including the CA.

21. I have considered the Council's argument that allowing the current proposal would make it much harder to resist built form within the remainder of the site. While each application and appeal must be treated on its individual merits, this is not a generalised fear, but a realistic and specific concern. Moreover, I have not been provided with a legal mechanism, such as a planning obligation, to secure the retention and long-term maintenance of the two proposed areas of wildflower meadow. For these reasons, it would not be appropriate to rely on a planning condition to control such matters. In the absence of this, allowing this appeal would make it more difficult to resist further planning applications for other development within the remainder of the site, and I consider that their cumulative effect would exacerbate the harm which I have described above.

Effect on setting of the listed buildings

22. The physical presence of the proposal would permanently erode the undeveloped qualities of a large part of the site, which is prominent in views from The Cottage and The Grange and closely related to Church Hill. This would alter and be harmful to their settings and the understanding and appreciation of their significance in the development of the village. However, it is likely that the clear visual link of the Church to the rural landscape to the west would remain given the extent of open land at the site frontage. The proposal would not therefore have a harmful effect on the setting of the Church or its understanding and significance.

Location of housing

23. The policies of the LP allow for some development in Medium Villages, such as Great Horwood. There are no allocations in the LP for the village but there are completions and commitments included in its expected growth. It is unclear whether these correspond to the allocations included in the NP. However, policy D3 of the LP relates to non-allocated sites in the LP and NP. Despite there being built development to the north and across roads to the east and south, I have clearly distinguished the site as having a closer affinity to adjacent fields. The site would not therefore relate to a small-scale area of land within the built-up area of Great Horton or represent a small gap in a developed frontage. Similarly, given my findings in relation to the visual implications of the proposal, it would harm important settlement characteristics.
24. The NP also refers to development beyond its designated village boundary, which is restricted to agriculture or forestry, or enterprise, diversification or recreation that benefits the rural economy. The site is adjacent to the designated boundary but the proposal would not meet any of these criteria.
25. In the 2000 appeal decision, the Inspector was not required to determine whether there would be an extension to the existing built-up area, as there was common ground on such matters. That is not the case here and I have formed my own conclusions based on the evidence before me.

Public benefits and conclusions on the main issues

26. The statutory duties in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of

considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

27. The proposal would be harmful to the character and appearance of the CA and to the setting of the three Grade II listed buildings, which would have a harmful effect on their significance as designated heritage assets. In my view this would equate to less than substantial harm to their significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
28. The Council has indicated that it has in excess of five-years supply of deliverable housing land. Nevertheless, I am also mindful of the national requirement to boost the supply of housing and, being a small development, the appeal scheme would provide three family dwellings that could be built-out relatively quickly. Despite this, it would only amount to a social benefit of limited weight due to the magnitude of the proposal.
29. There would be short-term benefits to the local and wider economy from the direct and indirect employment associated with construction works; and future occupants would be likely to support local services. These would all constitute benefits in social and economic terms but would be limited in scale and kind.
30. The proposed development could provide net gains for biodiversity through, amongst other things, the planting of a wildflower meadow and other native species but, there is no substantive evidence before me as to how the net gains have been measured or would be secured. This environmental benefit therefore carries limited weight.
31. The facilities and services in the village are very close and those in Milton Keynes can be reached by public transport, but I ascribe negligible additional benefit in respect of this matter, as I consider it to be an absence of harm.
32. The renovation of the boundary wall to the site would amount to heritage and environmental benefits, but they would only be afforded limited weight as they could be carried out independently of the appeal scheme.
33. The public benefits that I have outlined would each, at best, only be attributed limited weight and together they would not justify allowing development that would be harmful to the character and appearance of the CA and the setting of three Grade II listed buildings. In accordance with paragraphs 199 and 202 of the Framework, considered together, I therefore conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
34. For the above reasons, I conclude that the proposed development would have a significantly detrimental effect on the character and appearance of the area, including the Great Horwood Conservation Area and the rural setting of the village, and it would therefore not be consistent with development plan policies relating to the location of housing. The proposal would also fail to preserve the setting of the three Grade II listed buildings known as The Cottage, The Grange

and Church Hill. Hence, the proposed development would fail to satisfy the requirements of the Act, guidance in paragraphs 197 and 199 of the Framework and Section C1 of the National Design Guide 2021, and conflicts with the aims in respect of the location of development and design and heritage, as expressed in policies BE1, BE2, D3, NE4, NE5, S1, S2 and S3 of the LP and Policy 1 of the NP.

35. I have not found in relation to the aspects of policy S1 of the LP that relate to sustainable development, as I conclude on such matters in the Planning Balance.

Planning Balance

36. The Council has only relatively recently adopted a new local plan. In light of this and my findings in relation to heritage in the main issues, the conventional 'untilted' planning balance applies.
37. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. In terms of harm, the proposed development would not comply with development plan policy in respect of the harm to the character and appearance of the area, including the Great Horwood Conservation Area and the rural setting of the village, and it would therefore not be consistent with development plan policies relating to the location of housing. It would also fail to preserve the setting of the three Grade II listed buildings.
38. The main parties agree that there would be an absence of harm in respect of flood risk, living conditions due to separation to the dwelling to the north, and car parking and access. Moreover, in terms of the latter, a pedestrian link to northern side of High Street and visibility from the site access can be secured by condition. Similarly, an archaeological scheme of works, electric vehicle recharging points, and a monitoring and management plan for biodiversity features on the site can also be secured by planning condition. Thus, these matters would have a neutral benefit, so would neither weigh in favour nor against the appeal scheme.
39. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of great weight against the grant of planning permission that outweigh the claimed benefits. The proposal would also not amount to sustainable development under the terms of Policy S1 of the LP and the Framework.

Conclusion

40. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed and planning permission refused for the appeal scheme.

Paul Thompson

INSPECTOR