



Appeal Decision

Site visit made on 19 April 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2022

Appeal Ref: APP/J0405/W/21/3285632

**Land between The Warren and Middle Path Farm, Tring Road, Ivinghoe
LU7 9EJ**

- 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 & Ms J Hawkins and O'Neill against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/00705/APP, dated 20 February 2021, was refused by notice dated 26 August 2021.
 - The development proposed is new detached house and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the planning application that is the subject of this appeal, the Vale of Aylesbury Local Plan (the VALP) was adopted in September 2021 and now comprises part of the development plan such that its policies attract full weight in decision-making. The main parties have had the opportunity to comment upon any relevance of this to the appeal's outcome.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect upon the openness of the Green Belt;
 - The effect upon the character and appearance of the area, having particular regard to the location of the site within the Chilterns Area of Outstanding Natural Beauty (the AONB);
 - Whether the site represents an appropriate location for housing, having particular regard to access to facilities and services;
 - The effect upon the Chilterns Beechwoods Special Area of Conservation (the SAC); and
 - If the proposal would be inappropriate development, whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (July 2021) (the Framework) is an important material consideration in the context of Green Belt development proposals. It specifies that the construction of new buildings in the Green Belt shall be regarded as inappropriate development unless one of several stated exceptions apply. One such exception is limited infilling in villages.
5. Policy S4 of the VALP confirms that Green Belt land shall be protected from inappropriate development in accordance with national policy and, amongst other provisions, offers possible opportunities for small-scale Green Belt development to be supported, if within the existing developed footprint of a settlement and to constitute the residential infilling of a small gap in a developed frontage.
6. A settlement boundary for Ivinghoe is defined in the Ivinghoe Parish Neighbourhood Plan 2014-2033 (made December 2018) (the NP). Whilst the case has been made that the site falls inside this settlement boundary, a close inspection of the relevant mapping contained within the NP indicates that the boundary runs in immediate proximity to the eastern side of the B488 (Tring Road) such that at least almost all the site falls outside of it. Policy HSG2 of the NP guards against development outside of settlement boundaries, other than in certain specified and restricted circumstances.
7. Nevertheless, consideration of whether or not the proposal would represent limited infilling in a village is a matter of planning judgement to be informed by the particular site circumstances as experienced on the ground as well as by any relevant policies. The site is comprised of a sizeable, grassed paddock of generous width that occupies a location where only sporadic examples of built development exist that are divorced from the heart of the village.
8. As such, whilst the site is situated between existing dwellings, the proposal would not infill a small gap in a developed frontage and would not form part of the developed footprint of Ivinghoe. Instead, the site appears and functions as a constituent part of the open countryside. Moreover, the scheme would not constitute limited infilling within a village. For the avoidance of doubt, the positioning of the village sign is of limited relevance to my planning considerations and does not alter the outcome of my assessments.
9. For the above reasons, the proposal would be inappropriate development in the Green Belt and conflicts with Policy S4 of the VALP and the Framework in so far as these policies affirm that inappropriate development is, by definition, harmful to the Green Belt.

Openness of the Green Belt

10. The scheme involves the construction of a detached house with an associated garage and parking, which would cover a considerable area and be positioned upon a sizeable site that is currently clear of built development. Indeed, the site is of open and rural character and is readily visible from a range of publicly accessible vantage points. A loss of Green Belt openness would thus inevitably occur. For the above reasons, the proposal would cause harm to the openness of the Green Belt and conflicts with the Framework in so far as it sets out that

the essential characteristics of Green Belts are their openness and their permanence.

Character and appearance

11. When viewed from Tring Road, the site, being comprised of an undeveloped grassed paddock, forms part of an expansive picturesque rural landscape that is designated for its outstanding natural beauty. Notwithstanding the close by existence of sporadic forms of built development, the site and its surroundings can be observed to have an inherently green and rural character and appearance.
12. I accept that efforts have been taken to minimise visual impact. Indeed, the new dwelling would occupy a setback position relative to Tring Road and an uncomplicated modern design is intended that would incorporate a muted palette of external-facing materials and various elements of sloped green roof. Nevertheless, it remains that noticeable built development would be introduced to a site and location that I have identified to have a green and rural character and appearance. The proposal would impinge upon available views across the AONB and have an unacceptable urbanising impact.
13. For the above reasons, having particular regard to the location of the site within the AONB, the proposal would cause harm to the character and appearance of the area. The scheme conflicts with Policies NE3 and BE2 of the VALP and Policy HSG2 of the NP in so far as these policies require all new development proposals to respect and complement the physical characteristics of the site and its surroundings including the scale and context of the site and its setting.

Accessibility of facilities and services

14. Ivinghoe is designated as a larger village through the VALP. Larger villages are defined as larger, more sustainable villages that have at least reasonable access to facilities and services and public transport, making them sustainable locations for development. Indeed, facilities within Ivinghoe include a shop, a post office, a pharmacist, a public house and a village hall.
15. Nevertheless, the site is not located within Ivinghoe and the route to the centre of the village along Tring Road is heavily trafficked and not served by a formalised footway for its entirety. Nor does the route provide specific facilities for cyclists, such as a defined lane for their use. Thus, walking or cycling to the centre of the village may not represent attractive options for future occupiers of the proposal. This is particularly when factoring in the not insignificant distance involved. There are also no bus stops located especially close to the site. As a further note, the public footpath that runs alongside and off to the rear of the site does not offer direct or convenient access to any settlement close by.
16. The Framework states that sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. I also acknowledge that the Highway Authority has referred to the site as being somewhat sustainable in transport terms. Nevertheless, to my mind, the proposal would inevitably increase travel by private modes of transportation, which sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner.

17. For the above reasons, the proposal would cause harm, albeit limited in extent, by virtue of the site not representing an appropriate location for housing having particular regard to access to surrounding facilities and services. The scheme conflicts with Policy HSG2 of the NP and the Framework in so far as these policies seek to promote sustainable development in rural areas.

The SAC

18. The site lies within a recently prescribed Zone of Influence where likely significant effects upon the SAC from net increases in development due to recreational impacts cannot be ruled out. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment. For the avoidance of doubt, even if I had done so and identified no adverse effect upon the SAC's integrity, it would not have affected my overall conclusions on this appeal.

Whether very special circumstances apply

19. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also indicates that substantial weight should be given to any harm identified to the Green Belt.
20. The proposal would deliver an additional housing unit and the Framework reaffirms the Government's objective of significantly boosting the supply of homes. However, as merely a single unit is under consideration, I attach limited weight to the delivery of new housing as a scheme benefit. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract limited weight due to the quantum of development under consideration.
21. The proposal's benefits, considered cumulatively, would be modest and would not outweigh the substantial harm that would be caused to the Green Belt (including harm derived from loss of openness) and the other harms that I have identified so as to amount to the very special circumstances necessary to justify the proposal. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

22. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR