



Appeal Decision

Site visit made on 20 June 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2022

Appeal Ref: APP/J0405/W/21/3283309

Land rear of 56 Eythrope Road, Stone, AYLESBURY, HP17 8PG

- 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 and Mrs C King against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 19/01456/APP, dated 14 April 2019, was refused by notice dated 16 July 2021.
 - The development proposed is Demolition of existing buildings and the erection of a three-bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Vale of Aylesbury District Local Plan (LP) was adopted in September 2021 and consequently the policies referred to as emerging policies in the Council's decision, can be given full weight. It appears that the LP has replaced the saved policies of the 2004 Local Plan and as such I have made limited reference to those policies in my reasoning.
3. The officer's report and council's statement refer to LP Policy NE5, Landscape character and locally important landscapes. However, of the policies submitted with the appeal, LP Policy NE4 is titled Landscape character and locally important landscapes. LP Policy NE5 is concerned with pollution. As such, I have concluded that the relevant policy for this appeal is LP Policy NE4.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal site sits directly behind the large plot of 56 Eythrope Road (No 56), on the eastern side of Eythrope Road. There is further residential development at Willow Springs some 60 - 70 metres further east, accessed along a stone track which runs alongside No 56's plot. A recent planning application has been granted for a line of 5 dwellings to front the eastern side of Eythrope Road, between a line of ribbon development that extends to the A418 and the stone track leading to Willow Springs.

6. A designated Area of Attractive Landscape (AAL) extends as far as the eastern edge of Eythrope Road. This is characterised by a shallow undulating rural landscape, a predominantly arable field pattern, mature hedgerows and woodland copses. The guidelines set out that the distinctive character of settlements and individual buildings should be conserved and enhanced, and that the landscape has moderate condition and moderate sensitivity to change.
7. Eythrope Road forms a loose boundary to Stone's built extents, with the bulk of the village's built form to the west of that road. However, in addition to No 56 and Willow Springs there are other urbanising land uses to the east of Eythrope Road which extend into open countryside, and into the AAL. These include a cemetery, allotments, and other buildings, all contained within a loose network of mature trees and hedges. As such, although the site lies within the AAL, it is also within what appears as a transition zone at the edge of the settlement, where limited urban influences can be accommodated without significantly diminishing landscape character.
8. The development would replace a large pitched roof timber building and other nearby sheds with a dwelling of not dissimilar form, in that it would have a long narrow footprint, and a double pitched roof with dormer windows. However, although the dwelling's overall form would be broadly reflective of rural buildings, as outlined below, there is nothing before me to indicate that the current arrangement of timber clad buildings and storage is lawful. As such, the semi-rural appearance of the current buildings carries little weight.
9. Moreover, the current buildings are noticeably lower in height and smaller in scale than No 56, and appear at a distance to be rural or agricultural buildings which are not incongruous in this setting. However, what is proposed would be significantly higher than the largest building currently on the site. As a consequence, the proposed dwelling would be far more prominent and would appear intrusive compared to that existing building. The dwelling's dormer windows would also add to its suburban appearance. As such, notwithstanding the dwelling's location towards the edge of the AAL, it would appear incongruous and unduly suburban.
10. I appreciate that permission has been given for frontage development along Eythrope Road. Not only would this extend Stone's building pattern into the AAL, it would also partially obscure views of the countryside and the appeal site from the road. However, visibility is not the only determinative factor and increased urbanisation would in any case be seen from the rear of that frontage development as well as other vantage points.
11. Although the site is currently accessed from the track serving Willow Springs, it appears that a new access would be required for the development. There are other stone tracks leading off Eythrope Road in addition to the one leading to Willow Springs. I am satisfied that in principle, an additional stone track would not detract from the street scene or appear uncharacteristic.
12. There is an oil pipeline running parallel to No 56's boundary at a distance of a few metres, and which crosses Eythrope Road at an angle in front of the proposed access. The survey places the warning post for the pipeline just within the verge of the new access track. However, this does not necessarily locate the exact position of the pipeline.

13. The site survey gives a height of 50.08 metres at the highway edge and the verge rises slightly to 50.27 metres at the fenceline. The pipeline company has withdrawn its original objection to the development on the basis that the access track would be constructed using no-dig techniques. Raised levels beyond the entrance would not be visible from the road. However, at the junction with the road, any surfacing will need to be laid flush with the existing highway. To do so is highly likely to involve excavation and in the absence of further details it is difficult to see how this would be resolved.
14. Moreover, in the event that the appeal is allowed the highways authority requires works to be carried out to a suitable construction standard. In my experience this often includes the provision of a tarmac apron where an unbound track meets a road. Even if stone surfacing was acceptable to the highways authority, this does not overcome my concern in relation to necessary excavations at the entrance. Consequently, and in the absence of details I am unable to conclude that the appearance of the entrance would be appropriate in this semi-rural situation or that it could be provided in line with the requirements of the pipeline company or the highways authority. As such, even in the absence of other harm it is not an issue that could be addressed through the imposition of a condition.
15. In the light of the above I conclude that the development would have an adverse effect on the area which would be contrary to LP Policies BE2 and NE4 which taken together seek to ensure that development respects local characteristics, including scale, context and local distinctiveness.

Other matters

16. The definition of previously developed land (PDL) in the Glossary to the National Planning Policy Framework (the Framework) is land which is or was occupied by a permanent structure. Agricultural land is exempt from this definition.
17. The site is currently occupied by a collection of timber clad buildings. It is bounded by a tall close boarded timber fence on the track and the boundary with No 56, has concrete and unbound surfacing and contains piles of timber, a playhouse, a skip and old building material and equipment. There is a horse box in an adjacent field, together with grazing horses, but nothing to suggest that the buildings are used for stabling.
18. The officer's report notes that the current use of the land for builder's storage is unlawful and this is not disputed by the appellant. A previous appeal for the development of No 56, in 2004, concluded that the site contained stables. Only part of the appeal site is included on the attached plan, and one of the structures appears to tally with the larger building now on site. However, as noted above, even if a stable is lawful the buildings and the site do not appear to be in use as stables. The photographs of the field attached to the appeal statement may have been taken from the appeal site, but do not appear to be photographs of the appeal site itself. I conclude that although there are permanent structures on the site, its lawful use is agricultural and therefore it is not PDL.
19. Saved Policy S1 of the 2004 Local Plan sets out that Stone is categorised as a larger village which could accommodate small scale development. At determination the Council had an objection to the principle of development

arising from the site's location outside the settlement boundary. However, although I note that the appeal site is in a backland location, behind No 56, and effectively in open countryside, there is nothing before me which sets out the settlement boundary. In any case, this policy carries limited weight as a consequence of its age and replacement by the LP and it is also more restrictive than the commensurate policies in the Framework. Consequently, I have given this argument no weight in my reasoning.

Conclusion

20. Although the development would provide public benefits through the provision of one dwelling in a sustainable location, this would not outweigh the harm I attach to the creeping urbanisation at the edge of the AAL. I conclude that the development would fail to accord with the local development plan and consequently the appeal is dismissed.

A Edgington

INSPECTOR