
Appeal Decision

Site visit made on 1 July 2022

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15TH August 2022

Appeal Ref: APP/J0405/W/21/3288756

Fosseys, Stoke Lane, Great Brickhill MK17 9AQ

- 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 Graham Janes against the decision of Buckinghamshire Council.
 - The application Ref: 21/01290/APP, dated 26 March 2021, was refused by notice dated 23 September 2021.
 - The development proposed is for a new detached dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for a new detached dwelling at Fosseys, Stoke Lane, Great Brickhill MK17 9AQ in accordance with the terms of application 21/01290/APP, dated 26 March 2021, and subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are (i) the location of the appeal site in relation to development plan policies and (ii) the effect upon the character and appearance of the area including the setting of the adjoining Grade II Listed Building and the Great Brickhill Conservation Area.

Reasons

Location in relation to development plan policies

3. The appeal site is located on the edge of the built-up limit of the village of Great Brickhill. It is currently occupied by low wooden stable buildings and hard standings, all adjoining Stokes Lane. The site is described by the local planning authority (LPA) as relating to 'Fosseys', a two -storey detached, brick-built dwelling with a thatched stable block. The dwelling is a Grade II listed building (LB) set within the Great Brickhill Conservation Area (CA). However, on my site visit I noted that the appeal site is physically separate in terms of its appearance from the LB. Great Brickhill itself is a village with linear development along several roads radiating from the central point of the village.

4. Policy S3 of the Vale of Aylesbury Local Plan 2021 (LP) categorises Great Brickhill as a 'smaller village' in its settlement hierarchy. Policy D4 of the LP is supportive of up to 5 houses in smaller villages subject to conditions including that they should be located within the development footprint of the village (or is substantially enclosed by existing built development), would not lead to the coalescence with neighbouring settlements, is in keeping with the settlement form, which respects and retains natural boundaries and environmental assets, and which can be served by existing infrastructure.
5. The village is characterised by its linear development. The appeal site would form an additional lineal development of the village, on land which already has development upon it, adjoining other development. While I have not been provided with any formally approved settlement boundary to the village, when considering the housing adjoining and opposite to the appeal site, I consider that it would be within the continuous built form of the village, albeit at its very edge. The appeal proposal would not lead to coalescence with any neighbouring settlement and I have no reason to believe that it cannot be served by existing infrastructure.
6. The LPA refers to the various facilities and services available in the village itself and to public transport links to larger towns including Leighton Buzzard, Bletchley and Milton Keynes. Even though the LPA, in its decision notice, considers the site to be unsustainably located, I find that the occupants would have reasonable access to services and facilities, both locally and within travel distance of larger towns and by various modes of travel. In arriving at this conclusion, I have taken into account that the National Planning Policy Framework 2021 (the Framework) notes that development in one community might support services and facilities in another rural settlement and that the availability of public transport in rural areas should not be compared to its availability in more urban areas.
7. Therefore, I conclude that the proposed development would conform with LP policies S1 and S2 concerning the settlement strategy for the area and with policy D4 of the LP relating to development in smaller villages, and with the Framework.

Character and appearance

8. To the north and west of the appeal site is open countryside described as within the Brickhills Area of Attractive Landscape (AAL). However, the appeal site itself already has development upon most of it and while, by its limited height and form, it does not detract from the rural area adjoining it, it nevertheless is not part of the natural environment. Therefore, I do not consider that its development for a dwelling would lead to an extension of development into the open countryside, urbanising it by the introduction of suburban development unbefitting of the landscape within which it is sited.
9. Fosseys is a Grade II LB which includes a detached brick-built dwelling and a thatched stable block, with its setting separated from adjoining land by boundary hedging. The appeal application is accompanied by a heritage

analysis by KDK Archaeology Ltd and which concludes that *'the overall impact of the development on the significance and setting of the site would be minimal, with the slight loss of the open landscape that is presently enjoyed when walking down Stoke Lane being compensated by the removal of the existing modern outbuildings'*. For its part, the LPA in its officer report considers that the design would preserve the setting of the listed building and the conservation area and therefore would cause no harm. When considering the conclusions of the parties, including the separation distance of the site from Fosseys, I am satisfied that the proposal would preserve the setting of the LB.

10. The appeal site also abuts CA, designated in 1991 and where Stoke Lane lies within it. The CA is characterised by individual dwellings of different sizes and scales, positioned at varying distances from the road, but with many sited towards the front of the plots. The CA affords fine views over the adjoining countryside adding positively and distinctively to its significance.
11. The Framework states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation.
12. The development of the appeal site for a dwelling would not compromise the character and appearance of the CA, nor would it significantly diminish the views of the countryside beyond and around it. I consider that the proposed development would therefore preserve the character and appearance of the CA.
13. Therefore, I conclude that the proposed development would accord with LP policies BE2 and NE4 which require new development to respect the physical characteristics of the area including its natural qualities.

Conditions

14. I have taken into account the conditions suggested by the LPA.
15. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty.
16. I have included a condition requiring the submission of landscaping and boundary treatment details and a condition relating to the use of external building materials for the dwelling, all in the interests of the character and appearance of the area.
17. I have imposed a condition relating to surface water drainage to reduce and manage any potential for flooding and a condition relating to the provision of car parking in the interests of highway safety.
18. I do not consider that there is clear justification for the removal of permitted development rights as suggested by the Council, other than where detailed in certain specific conditions. Consequently, I have not imposed such a condition.

In addition, there is no need to include a condition requiring the provision of an electrical charging point for vehicles as this is now a requirement of the Building Regulations.

19. In the interests of nature conservation, it is necessary to impose conditions relating to biodiversity enhancement and bat mitigation measures. The Council has suggested a condition relating to the provision of a Great Crested Newt licensing scheme. However, there is no evidence before me that there is habitat on or close to the site that would support Great Crested Newts, or that any Great Crested Newts are on or close to the site. Consequently, the imposition of such a condition would not pass the test of necessity.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development shall be carried out in accordance with the following submitted plans: Drg No 2c 'Site Landscaping Block Plan including Streetscape Elevation'; Drg No 4a 'OS Location Plan and Drg No 1d 'Proposed Plans and Elevations'.
3. The development shall be implemented in accordance with the agreed mitigation, compensation and enhancement plan for bats detailed in the recommendation section 4.3 of the Emergence and Bat Activity Survey Report from the ecological consultant Cherryfield Ecology, dated September 2020. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.
4. Prior to development above slab level of the dwelling hereby approved, details of a scheme of soft landscaping and planting shall be submitted to and approved in writing by the local planning authority. Thereafter, the landscaping scheme shall be implemented in accordance with the approved details within the first planting season following the substantial completion or first occupation of the development whichever is the sooner. Any tree or shrub which dies, becomes seriously damaged or diseased or is otherwise removed within a period of five years from the date of implementation of the approved planting scheme, shall be replaced in the next planting season with others of the same species and of similar size.
5. Prior to first occupation of the dwelling hereby permitted, boundary treatments shall be implemented, in accordance with a scheme for boundary treatments that has been submitted to and approved in writing by the local planning authority. Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected in connection with the proposed development, other than in accordance with the details thus approved,
6. The dwelling hereby permitted shall not be brought into use until the proposed driveway and parking area has been laid out within the application site. The driveway and parking area shall be thereafter retained. Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development falling within Class F of Part 1 of Schedule 2 to the said Order shall be provided or replaced in whole or in part within the application site unless planning permission is first granted by the local planning authority.
7. Prior to the commencement of construction of the development hereby approved, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in

accordance with the approved details before the first occupation of the development or its substantial completion, whichever is the sooner.

8. Prior to development above slab level, details of materials to be used in the external construction of the development hereby approved shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be constructed in complete accordance with the approved details.

9. The development hereby permitted shall be carried out in accordance with the level details shown on approved drawing number 2c received by the local planning authority on 26/03/2021 and shall thereafter be retained as such in perpetuity.

10. The development shall be implemented in accordance with the agreed mitigation, compensation and enhancement plan for bats detailed in the recommendation section 4.3 of the Emergence and Bat Activity Survey Report from the ecological consultant Cherryfield Ecology, dated September 2020. Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

11. Prior to the commencement of development, an ecological design strategy (EDS) addressing ecological enhancements shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following: a) Purpose and conservation objectives for the proposed works, b) review of site potential and constraints. c) detailed design(s) and/or working method(s) to achieve stated objectives, d) extent and location/area of proposed works on appropriate scale maps and plans, e) type and source of materials to be used where appropriate, e.g. native species of local provenance, f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development, g) persons responsible for implementing the works, h) details of initial aftercare and long-term maintenance, i) details for monitoring and remedial measures and j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.