

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/21/3284696

Land North of All Saints Close, Nash MK17 0FG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr JL Wickson and Mrs SG Raven against the decision of Buckinghamshire Council.
 - The application Ref: 21/02806/APP, dated 5 July 2021, was refused by notice dated 14 September 2021.
 - The development proposed is the construction of five dwellings with garages, new access road and all associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was refused on 14 September 2021. The local planning authority (LPA) in its officer report refers to the then emerging Vale of Aylesbury Local Plan (VALP). The latter plan was adopted by the Council in the same month. I have therefore determined the application in relation to the adopted VALP and the National Planning Policy Framework 2021 (the Framework).
3. Nash Parish Council has referred to the emerging neighbourhood plan (NNP) for the area. As this has not yet been made, I afford it only limited weight in the decision-making process.

Main Issues

4. The main issues are (i) the effect of the proposed development upon the character and appearance of the area; (ii) the sustainability of the location with regard to access to facilities and services and (iii) whether it is necessary for the proposal to include a financial contribution towards off-site sport/leisure and recreational facilities.

Reasons

Character and appearance

5. Nash is a small village which is generally linear in form, although there is some development off the main roads. The appeal site is a field lying between existing development off Stratford Road and High Street, with existing development on three sides and with open land to the West.
6. The Nash Conservation Area (NCA) extends northward from Stratford Road, incorporating the proposed access through All Saints Close and there are listed buildings in the near vicinity including the Grade II Church Farm, the church and village hall.
7. Policy S3 of the LP categorises Nash 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.
8. The village has a linear form although there are exceptions to it including the access to the appeal site along All Saints Close. While there is development around it, it is not entirely enclosed, nor is it within the developed footprint of the village.
9. 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.
10. The LPA has referred in its officer report to an earlier appeal decision in October 2020, on the same site albeit relating to a proposal for 9 houses¹. The Inspector considered that the development of the site would represent an unacceptable change in the character of the appeal site and would have an undesirable urbanising effect on the local landscape which would harm the character and appearance of the area.
11. The current appealed application is accompanied by a landscape and visual appraisal assessment (LVAA) produced by EDP Ltd. The appraisal concludes that *'whilst the proposed development would certainly yield change and have an adverse effect on the landscape character of the site itself, this appraisal finds no reason why the effects to landscape character are unacceptable in the wider context'*.
12. On my site visit, I was able to note the generally linear form of the village. I accept that this proposal seeks approval for five houses and not the previous nine considered by the Inspector. Nonetheless, the provision of five dwellings

¹ APP/J0405/W/20/3253053

arranged in a sporadic manner would urbanise what is an existing undeveloped site which provides an open and green edge to the predominantly linear pattern of development that exists in the village. The site is not shown for development in the emerging NNP.

13. The previous Inspector, in considering a proposal for nine dwellings commented that the proposal would have an '*undesirable urbanising effect on the local landscape*', but also added that '*the level of harm which would arise is not significant and that the development of this site for residential purposes would not be significantly worse than any other undeveloped site at the edge of a built-up area*'. Nevertheless, he considered that the proposal would be '*undesirable*'. The appeal decision is a material planning consideration and I do not consider that the reduced number of proposed dwellings would overcome the harm identified in the earlier decision letter.
14. Taking everything into consideration, I consider that the proposed development would have an urbanising effect adversely affecting the linear form of the village. Having regard to the open landscape character of the site, it would not form part of its developed footprint.
15. I acknowledge that the proposal would seek to boost the supply of homes in the area. However, this is not a matter that outweighs the harm that would be caused by the proposal to the character and appearance of the area.
16. The appeal site abuts the Nash Conservation Area (NCA) and the proposed access along All Saints Close lies within it. The NCA appraisal stresses its linear form and agricultural feel. While the majority of the appeal site lies outside of the CA, its development for housing would adversely affect its linear form and introduce built development within what is otherwise an undeveloped and softer edge to the setting of the NCA. In this regard, I find that some harm would be caused from the development to the significance of the NCA arising from the impact upon its setting.
17. In the context of paragraph 202 of the Framework, I find that the harm caused to the significance of the CA would be less than substantial. However, there are no identified public benefits which would outweigh the less than substantial harm.
18. So far as the listed buildings (LBs) are concerned, I have considered the separation distances of the appeal site from them. I do not find that harm would be caused to their settings: the proposal would therefore preserve the settings of the listed buildings. This is, however, a matter of neutral consequence in the planning balance.
19. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area, including the setting of the NCA. Consequently, it would not accord with policies BE2 and D4 of the VALP and chapter 12 of the Framework, which aim to protect the character and appearance of the area and heritage assets.

Sustainability

20. Nash is classified in the VALP as a 'small village' and where new housing development will be supported, with reference to policy D4 of the VALP, subject to proposals contributing to the sustainability of the village and meeting specified requirements including that development is 'small scale', defined in the policy as normally five dwellings or fewer, and as long as it is in keeping with the existing form of the settlement and would not adversely affect its character and appearance.
21. The Framework stresses that the purpose of the planning system is to contribute to sustainable development. It states at paragraph 8 that sustainability has three inter-dependant elements: an economic, a social and an environmental objective. The social objective is to support strong vibrant and healthy communities which, amongst other things, have access to services.
22. Nash village has very limited services and facilities such that occupants of the proposed development would likely be reliant on private cars to visit such facilities and services in other towns such as Milton Keynes. On the evidence that is before me, I therefore consider that the proposed development would not be sustainably located. In making this assessment, I have taken into account that the Framework notes that development in one community might support services and facilities in another rural settlement, and also that the availability of public transport in rural areas should not be compared to its availability in more urban areas.
23. I conclude that while there would be some conformity with policy D4 of the VALP in that the proposal would result in the erection of no more than five dwellings, it would not be sustainably located. Consequently, there would be conflict with policy D4 of the VALP and the Framework.

Off-site sport and leisure financial contribution

24. Policies I2 and I3 of the adopted VALP require new housing development of more than 10 units or which have a combined gross floorspace of more than 1,000sqm (GIA) to provide contributions towards sports and recreation facilities, as well as community facilities and infrastructure.
25. The proposals comprise a development of only five dwellings. It is not disputed that the development would have a combined floorspace of less than 900sqm.
26. The LPA has now withdrawn its objection to the proposed development based on this reason for refusal and following the adoption of the LP. Therefore, I conclude that there is no policy or other basis on which to require a financial contribution towards off-site sport and leisure facilities.

Conclusion

27. For the above reasons, and taking into account all other matters, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR