



Appeal Decision

Site visit made on 13 September 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/J0405/W/22/3292975

Gawcott Hill Farm, Gawcott Road, Buckingham MK18 1TL

- 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 Martin Giblin against the decision of Buckinghamshire Council.
 - The application Ref 19/00513/AOP, dated 11 February 2019, was refused by notice dated 24 January 2022.
 - The development proposed is described on the application form as 'I hope to develop an eco-friendly house with wheelchair access, modest in size with a separate garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is expressed to be in outline with access, appearance and landscaping reserved for later consideration. The application seeks explicit approval for the layout and scale of the proposed development at outline planning application stage. In this context scale means the height, width and length of each building proposed within the development. A block plan has been submitted which shows where the buildings would be located on the site, and details are provided of the width and depth, of the proposed 'house', however there is no indication of its height. Therefore, I have considered scale insofar as it relates to width and depth, but not height.
3. Access is explicitly reserved for further consideration at the 'reserved matters' stage, however, I am conscious that the Council has refused the application on highway safety grounds. In this regard I note that the details contained on the application form indicate that no new or altered vehicular or pedestrian access is proposed to or from the public highway. Moreover, the drawings and details don't show any point of access other than the existing. Consequently, I have proceeded on the basis that any future access, be it vehicular or pedestrian, would utilise the existing access to Gawcott Hill Farm.

Main Issues

4. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposal with reference to the spatial strategy in the development plan;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on highway safety;

- The effect of the proposal on biodiversity; and
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Reasons

Spatial Strategy

5. Policy HP7 of the made version of the Buckingham Neighbourhood Development Plan (BNDP) provides guidelines for windfall sites and indicates that development for small sites, of 10 dwellings or less, within the settlement boundary, including previously developed land, will be supported. It flows from Policies S1, S2 and S3 of the Vale of Aylesbury Local Plan (VALP) and seeks to guide new development to sites within defined settlement boundaries to protect the countryside and promote sustainable patterns of development. The corollary is that development outside the settlement boundary is not supported.
6. The appeal site is located to the south west of Buckingham and is separated from the main urban area by the A421, which serves as a southern by-pass to the town. Residential properties comprising of large detached and semi-detached houses, arranged in a linear format, lie immediately to the east of the site. In consequence the appeal site is physically attached to the town with no intervening countryside between it and other developed parts of the settlement.
7. The appellant disagrees with the Council's contention that the appeal site is outside the built-up area of Buckingham and asserts that it falls within the curtilage of a dwelling and has residential use. In this regard I saw on my site visit that the appeal site was directly accessible from the host property and comprised of a mown field, enclosed by mature hedges. Within the site was a small domestic shed, overgrown with vegetation. Based on what I saw, and the evidence before me, I find it likely that the appeal site was used as a garden in connection with the host property.
8. Notwithstanding the above, the appeal site falls outside of the Buckingham settlement boundary, as defined in Figure 4.2 of the BNDP. The settlement boundary encompasses the main urban area and would appear to be logical.
9. I have also taken into account Policy D3 of the VALP which indicates that development proposals that are not allocated in the plan, or in a made neighbourhood plan, will be restricted to small scale areas of land within the built-up areas of settlements. This policy supports developments that comprise infilling of small gaps in developed frontages, or development that consolidates existing settlement patterns. In this regard, for the reasons given above, I find that the proposal is not within a built up area. Moreover, it would not constitute an infilling of a developed frontage, nor, given its separation from the host property, would it consolidate an existing settlement pattern.
10. In light of the above, the proposal would not be in a suitable location with reference to the spatial strategy in the development plan. Consequently, it would be contrary to Policy HP7 of the BNDP and Policies S1, S2, S3 and D3 of the VALP, which jointly seek to guide new development to sites within defined settlement boundaries to protect the countryside and promote sustainable patterns of development. These policies are consistent with paragraph 66 of the National Planning Policy Framework (the Framework) which seeks developments

that reflects the overall strategy for the pattern and scale of development and any relevant allocations.

Character and Appearance

11. The appeal site is roughly rectangular in shape and has a frontage onto Gawcott Road on its eastern boundary. Open countryside lies immediately to the west and south. The appeal site is bounded on the western, southern and eastern boundaries with continuous hedges. To the east of the site the properties comprise of large detached and semi-detached houses set back from the highway by a significant distance, on a well-defined building line, and within generous plots. The combination of these factors gives the area a rural and spacious character and appearance.
12. The proposal seeks outline approval however permission is expressly sought for the scale and layout of the proposed house and garage. Irrespective of its height of the house and garage parts of the proposal would be located close to the highway. Moreover, it would occupy a significant proportion of the site. As a result, it would contrast significantly with other dwellings in Gawcott Road, in terms of its relationship with the highway, its plot coverage and plot size. It would appear cramped upon its plot. Consequently, it would significantly erode the spacious qualities of this part of Gawcott Road.
13. Furthermore, it would seem that the proposed dwelling would be side onto Gawcott Road and some sections of the hedgerow on the highway frontage may need to be removed to accommodate the buildings. Any hedge removal would erode the contribution the site makes to the street scene and the rural character of this part of the road.
14. Accordingly, I conclude that the proposal would have a significantly harmful impact on the character and appearance of the area. This would be in conflict with Policy BE2 of the VALP which, amongst other matters, seeks developments that respect and complement the physical characteristics of the site and its surroundings. This policy is consistent with paragraph 134 of the Framework which seeks well designed development that reflects local design policies.

Highway Safety

15. The application is expressed to be for outline planning permission, with access reserved for subsequent approval. Based on the evidence provided, including the details provided on the layout plan and the application form, it is likely that access to the proposal would be across the yard that serves the host property, with access to and from the highway being via the existing vehicular access.
16. On my site visit, which took place in the afternoon, I saw that Gawcott Road and the A421 were busy, with a steady flow of traffic at all times. I acknowledge that this only represents a snapshot in time but there is nothing to suggest what I observed was untypical. I saw that the existing vehicular access is located close to a traffic roundabout with good visibility in all directions if entering the carriageway in a forward gear.
17. The amount of traffic generated from one additional dwelling is likely to be small, but there would be a risk of collision with other motorists if vehicles had to reverse into the road from the appeal site. In the absence of clear details, such as swept path analysis, and of parking space and manoeuvring areas, there is no certainty that adequate facilities could be provided to accommodate

the parking needs of future occupiers within the appeal site, or that access would be available on land within the control of the appellant.

18. Accordingly, on this main issue I conclude that it has not been demonstrated that there would be adequate provision to accommodate the required parking, and manoeuvring space within the appeal site to enable vehicles to enter the highway in a forward gear. As a result, there would be an adverse impact on the adjoining roads to the detriment of highway safety. Consequently, the proposal would be contrary to Policy T6 of the VALP, Buckinghamshire County Local Transport Plan 4 and the Buckinghamshire Council Highways Development Management Guidance Document. This policy and guidance support developments that, amongst other matters, have safe and suitable access, with appropriate parking, and where the impacts of development are appropriately mitigated so that their effects are not severe.

Biodiversity

19. Policy NE1 of the AVLP indicates that when there is a reasonable likelihood of the presence of protected or priority species or their habitats, development will not be permitted until it has been demonstrated that the proposed development will not result in adverse impacts on these species or their habitats. In these cases, the Council expect ecological surveys to accompany planning applications. In this instance the Council's ecologist was consulted on the proposal and stated that there is a reasonable likelihood of the presence of protected species and therefore the proposal would be likely to have a negative impact upon biodiversity if unmitigated. A request for the submission of a Preliminary Ecological Appraisal (PEA) was made by the Council.
20. Given the presence of significant hedgerows on the site and its proximity to open countryside I agree that there is a reasonable prospect of protected species being present. Consequently, I consider that the need for a PEA, to inform the decision making process, is a reasonable requirement. In the event that protected species were present on the site, and development was allowed, construction activity would potentially harm existing habitats in this relatively untouched area. This would be harmful to biodiversity. Moreover, it is reasonable to expect that future occupiers would make more frequent use of the garden compared with the current situation, with the possibility that they would have pets. This increased activity could disturb any wildlife that is present.
21. Accordingly, on this main issue, I conclude that it has not been demonstrated, with substantive evidence, that the proposal would not have a harmful impact on the hedgerows and biodiversity. As a result, the proposed development would be contrary to Policies NE1 and NE8 of the VALP, ODPM Circular 06/2005 and the Conservation of Habitats and Species Regulations 2017 which seek, amongst other matters, development proposals that avoid the unacceptable loss of, or damage to, hedgerows and biodiversity. These policies are consistent with paragraph 180 of the Framework which seeks, amongst other matters, to promote the conservation, restoration and enhancement of ecological networks.

Living Conditions

22. The Council, in their Officer's report, acknowledge that the appeal site is set well away from neighbouring properties, and accept that an appropriately designed dwelling and garage could be provided without adversely affecting the

living conditions of occupiers. Given layout submitted and the position of neighbouring properties I agree that a house could be erected on the appeal site without detriment to the living conditions of occupiers. Therefore, whilst noting the Council's concern, about the lack of detail provided relating to the scale, and more particularly the height of the proposed house, I find that in the event that the appeal was allowed, these are matters that could be reasonably addressed at the reserved matter stage.

23. Accordingly, with regards to this main issue, I find that the proposal would be consistent with the objectives of local and national policies with regards to the living conditions of the occupiers of neighbouring properties. Consequently, there would be no conflict with BE3 of the VALP or paragraph 130 f) of the Framework. This policy and guidance jointly seek to provide a high standard of amenity for existing and future users.

Other Matters

24. The appellant has indicated that he and his wife are getting older and wish to have their own independence and desire a house that would be modest in size, eco-friendly and with wheelchair access. However, I have no evidence before me that the occupation would be restricted to particular individuals, or that it would be designed in an eco-friendly manner, with enhanced accessibility. Moreover, I have no evidence before that the personal circumstances could not be met elsewhere. In any event the development would exist long after the personal circumstances ceased to exist. Consequently, this matter carries only limited weight and does not outweigh the significant harm I have identified above.
25. The Council has indicated that the scheme has been considered acceptable in terms of its impact on housing mix, promoting sustainable transport and flooding and drainage. There would also be economic benefits in terms of the construction of the development itself, and the resultant increase in population that would contribute to the local economy. That said, the proposal is for only one dwelling and therefore any benefits would be limited and would not outweigh the significant level of cumulative harm that I have identified.
26. I have also taken into account the appellant's concerns with regards to the significant amount of time taken to determine the application, the lack of feedback from the Council and the lack of opportunity to submit further information. In this regard it seems to me that the engagement between the parties has not been as constructive or effective as it should have been. That said, I am required to decide the appeal based on its planning merits.

Conclusion

27. There are no other relevant material considerations worthy of sufficient weight that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR