



---

# Appeal Decision

Site visit made on 6 December 2022

**by Tamsin Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 February 2023**

---

**Appeal Ref: APP/J0405/W/22/3290594**

**Hillside Farm, Oakley Road, Brill, HP18 9SH**

- 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 Leach against the decision of Buckinghamshire Council.
  - The application Ref 21/00382/APP, dated 29 January 2021, was refused by notice dated 4 November 2021.
  - The development proposed is the redevelopment of yard and buildings at Hillside Farm comprising the demolition of two disused agricultural barns, a milking shed and a garaging block and the erection of six dwellings with associated access, parking and hard and soft landscaping incorporating wider landscape and ecological enhancements.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Planning permission was granted on the appeal site for the conversion of a barn to a residential dwelling in 2016 (16/01491/APP). A certificate of lawfulness was granted in 2020 (19/04308/ACL) confirming that building work had commenced and the permission was extant. Prior approval was granted at the appeal site for the conversion of agricultural barn into five dwellinghouses in 2020 (20/01778/COUAR). This permission is extant until July 2023.

## Main Issues

3. The main issues are;
  - The effect of the proposal on the character and appearance of the area;
  - Whether the site is a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities; and
  - The effect of the proposed development on surface water drainage and flood risk.

## Reasons

### *Character and Appearance*

4. The appeal site is an area of land adjacent to Hillside Farm on Oakley Road, between the settlements of Oakley and Brill. The site consists of a number of agricultural buildings which have been developed over time with an access off Oakley Road. The site's rural appearance has a strong connection with the

surrounding countryside. The area is characterised by dispersed development of a residential and agricultural nature surrounded by agricultural fields.

5. The existing agricultural barns are steel portal framed barns and a brick and timber milking shed and pole barn. They are of a functional design that is typical of agricultural buildings that could be expected with a rural countryside location. The buildings have an irregular built form, appearing to have been developed over time as the needs of the enterprise have grown or changed.
6. Whilst these existing agricultural buildings do not contribute positively to the area they are linked to the agricultural use of the site and the surrounding land and I noted that these were a common feature within the landscape during my site visit. Based on the evidence before me and what I viewed during my site visit the existing agricultural buildings have a neutral impact on the character and appearance of the area.
7. The appellant asserts that the proposed development has been specifically designed for its context to harmonise with the agricultural setting and it would reduce the overall built development at the site. However, the construction of six dwellings in a formal courtyard arrangement would appear at odds with the surrounding dispersed rural character of the area. Along with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having a suburbanising effect upon it. The proposal would therefore appear as an incongruous addition to the area, adversely affecting the rural character and appearance of the site and its surroundings.
8. The planning permission and prior approval consent would re-use the existing structures and retain the agricultural appearance. In contrast, the appeal proposal would appear as a uniform courtyard of modern dwellings with formal parking areas bin store and garden areas, and would not re-use the existing structures, which form part of the rural landscape. The proposal would therefore fail to reflect the form of the existing agricultural structures and would not retain any of its existing agricultural features, which are characteristic of the surrounding rural landscape.
9. The planning permission and prior approval consent represents the fall-back option for the appellant. There is no evidence to demonstrate that the prior approval consent could not be implemented, nor be economically viable. Additional information was submitted with the appeal detailing the structural soundness of the existing barns. Therefore, there is a real prospect that the fall back schemes would be implemented. However, having regard to the above, I consider that the proposed development would have a greater harmful impact on the character and appearance of the area than the fallback position. Therefore the potential fallback schemes carry little weight in this case and do not provide any significant justification for the approval of the current appeal scheme.
10. The proposal would therefore conflict with the Vale of Aylesbury Local Plan (2021) (VALP) Policies BE2, BE4 and NE4 which seek, amongst other things, to ensure that development respects local character and distinctiveness and takes account of the scale and context of the site and its surroundings. The proposed development would also be contrary to paragraph 130 of the National Planning Policy Framework (the Framework) that seeks, amongst other things, to ensure developments are visually attractive and sympathetic to local character.

### *Location*

11. Policy S2 of the VALP sets out the spatial strategy for growth. The site is not located within any defined development boundary or within any of the listed villages, consequently the site is located within the countryside. Policy S2 strictly controls development within rural areas and limits only certain forms of development, such as development specifically permitted by other VALP policies, in particular Policy D5 which limits housing development in rural areas to infilling of small gaps in developed frontages with one or two homes and the replacement of existing homes.
12. The principle of converting the existing agricultural barns on the appeal site was established under a planning permission and prior approval consent and remain extant. This has created a fallback position that is a material consideration to this appeal. As such, the principle of residential use on this site has already been established, notwithstanding my concerns set out above regarding the effect upon character and appearance. However, the proposal seeks permission for the demolition of the agricultural barns and replacement with new dwellings. The proposal would not meet the requirements of Policy S2 or D5.
13. The appeal site is located on Oakley Road, which according to the Councils submission is approximately 0.7 miles from the settlement of Brill and 1.2 miles from the settlement of Oakley. These settlements provide local services, such as a small shop, public house and GP. However, due to the location of the appeal site, the dwellings would be physically separated from either settlement, and its services, by intervening land.
14. Oakley Road, which leads to both settlements, is a fast road, being national speed limit, and there is no separate footpath, so pedestrians would have to share the carriageway with vehicles. These factors, together with the absence of lighting, would be likely to deter occupants from using sustainable travel options to obtain the services in Oakley and Brill.
15. The unsuitability of these routes for sustainable access to services means that occupants would be likely to resort to private vehicles to make the journey into Oakley and Brill. No public transport services the appeal site. Occupants of the proposed dwellings would therefore be largely dependent on private transport to access services and facilities. As such it would not therefore be sustainable development.
16. However, there is a realistic fallback position which would result in the same amount of housing being delivered in the same location, and in these circumstances, I afford the conflict with the development plan moderate weight. The appeal proposal would not however deliver significant benefits to the appearance of the site compared to that fallback position, as identified above, nor would it offer any benefits regarding accessibility to services and facilities. Overall, taking account of the Framework and the above considerations, I find that the proposed development compared to the identified fallback position is not a material consideration which outweighs the conflict with the development plan.
17. The proposal would not provide a suitable location for housing having regard to the Council's spatial strategy and accessibility to services and facilities. Therefore, it would not accord with VALP Policy S2 which, amongst other

things, seeks to strictly limit housing development in rural areas. It would also not meet the aims of paragraphs 8 and 130 of the Framework in terms of ensuring accessible services and facilities.

### *Flood Risk*

18. The appeal site is located within Flood Zone 1. The Council have raised concerns regarding the potential for the proposal to increase surface water and associated flooding.
19. Although full technical details have not been provided to show how surface drainage would be dealt with, the appellant has detailed the use of permeable paving within the development, the provision of a new attenuation pond and the management of existing ponds and drainage ditches. Additionally, the appellant has detailed the extensive land beyond the appeal site that is within the appellants ownership that could be utilised for drainage features.
20. I am not aware of any technical reasons that would prevent the installation of a suitable drainage scheme. The Council has suggested a planning condition requiring further details to be provided and for a drainage scheme to be implemented prior to proposed dwellings being brought into use. The appellant has no objection to the recommended condition.
21. Whilst some detailed information has not been provided with the submission, this could be conditioned, were I minded to allow the appeal. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
22. I therefore conclude on this issue that, subject to the suggested planning conditions, adequate arrangements would be made for drainage. In my view, this would adequately address the provisions of Policy I4 of the VALP which seeks, amongst other things, to ensure that development provides effective surface water measures, not to increase flooding elsewhere and takes account of the need to adapt to climate change. The proposal also complies with paragraph 167 of the Framework which seeks to ensure that flood risk is not increased elsewhere.

### **Other Matters**

23. The appellants submission references the need to increase housing supply. The Council's submission details that it can demonstrate a 5.47 year housing land supply. As such, paragraph 11 of the Framework does not apply. Even if paragraph 11 did apply as the fall back position already provides six dwellings there would not be an increase in the number of housing provided. As such I can only afford this little weight.
24. The appellant notes benefits of the scheme, such as landscaping, provision of ponds and ditches and biodiversity net gain. Additionally, there would be socio-economic benefits in terms of the creation of employment opportunities within the construction industry. Nevertheless, the benefits would be limited due to the small scale nature of the proposed development. I therefore give them limited weight and they do not outweigh the conflict with the development plan.

### **Conclusion**

25. For the above reasons, the proposal would not accord with the development plan considered as a whole and there are no relevant material considerations,

including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

*Tamsin Law*

INSPECTOR