



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: 3rd February 2023

Appeal Ref: APP/J0405/W/21/3288199

Twyvidale Orchard, Eythrope Road, Stone, HP17 8PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms H Coleman against Buckinghamshire Council.
 - The application Ref 21/01189/APP, is dated 19 March 2021.
 - The development proposed is the erection of 1.no log cabin with a partial change of use of land from equestrian to residential (Class C3) to facilitate the replacement/relocation of 1no. residential use (Use Class C3), and a partial reversion to equestrian use from an existing residential use (Class C3).
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Decision

1. The appeal is dismissed and planning permission for the erection of 1.no log cabin with a partial change of use of land from equestrian to residential (Class C3) to facilitate the replacement/relocation of 1no. residential use (Use Class C3), and a partial reversion to equestrian use from an existing residential use (Class C3) is refused.

Preliminary Matters

2. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its grounds of appeal, that had it been in a position to determine the application, it would have refused planning permission due to the impact of the proposed development on the character and appearance of the area and the rural landscape.

Main Issues

3. I consider the main issue to be the effect of the development on the character and appearance of the area, including the wider rural landscape and the Area of Attractive Landscape (AAL).

Reasons

4. The site is a triangular shaped former orchard, which during my site visit was mainly being used for the keeping of horses and goats. The site is accessed via a gateway off Eythrope Road, which connects with the village of Stone to the south. A number of dwellings front on to this road, especially on the western side, but the site is further north than most of the houses where there is a more rural character with primarily sporadic houses. When travelling along the road the area has a rural character with nearby agricultural fields, mature trees and hedgerows and grass verges adding to its character. The site is located on a single track road with no footpaths or street lighting. As such, due to its rural

character and the surrounding agricultural fields the site is beyond the extent of the village and within the countryside.

5. The site is part of a pleasant rural hilly landscape, with the River Thames valley close to the north of the site and lies within an area defined as the Brill-Wichendon Hills AAL. In this regard, Paragraph 174 of the Framework states that planning decisions should protect and enhance valued landscapes and also recognise the intrinsic character and beauty of the countryside.
6. The site contributes positively to the landscape, character and appearance of the area, in that it is an open field/orchard which slopes down towards the Thames Valley. The existing buildings on the site have the typical appearance of rural buildings, such as the existing stables, albeit this is in residential use.
7. The proposed dwelling would not replace any existing building on site, with the existing residential use within the stables ceasing and it reverting to an equestrian use. Therefore, it would add significantly to the volume of built development on the site. It would also be located further west than the existing stable, thereby furthering the proliferation of built development into the countryside. It would also have a clearly residential character and would appear as an additional dwelling in the landscape. Whilst there are sporadic dwellings in this area of the countryside, the addition of a further dwelling beyond the extent of the village would undermine and erode the open rural character of this important landscape.
8. The proposed development would have a cabin style design and it would be modest in scale with a sedum roof, but nonetheless it would significantly add to the volume of built development on this site. I have had regard to the appellant's submitted Landscape and Visual Impact Assessment (LVIA) which notes that the proposed development would not be overly visible from many long range views. However, even with the proposed landscape mitigation, which once matured would aid in screening some of the long range views of the proposed development, I am not satisfied that it would not be visible from nearby view points, such as the Public Right of Way network or from near the access into the site. As noted within the LVIA adverse impacts would continue from nearby viewpoints even after 15 years of landscape maturation. Whilst the site has a sloping topography the location of the proposed development, close to the access to the site, means it lies at a higher level than land to the north and northwest. Whilst it is located at a slightly lower level than the access, with a height of approximately 4 metres, it would still be visible in the landscape from nearby views. This would result in a harmful impact to the character and qualities of the AAL as designated
9. I note that since a previous appeal¹ at the site the proposed development has been amended to remove decking and reduce the residential curtilage. Whilst this has reduced the scope for domestic paraphernalia, it does not overcome the harm I have identified above to the rural character of the landscape.
10. My attention has been drawn to a number of other nearby developments, in particular the 'barn site' located to the west of the appeal site. I have limited information regarding this permission; however, it appears to be a barn conversion rather than a new dwelling and contributed to the housing supply, which as a replacement dwelling the appeal proposal does not. As such, based

¹ APP/J0405/W/19/3239623.

on the information provided to me it is not directly comparable to the proposal subject to this appeal. I have therefore considered this appeal on its own merits.

11. I have had regard to the public benefits noted by the appellant in their submission. However these largely appear to detail a lack of harm, such as no impact on the living conditions of nearby residents and retention of existing trees and hedgerows, or mitigation for the proposed development such as, additional landscaping and the design of the proposal. As such, these are neutral impacts and accordingly I afford them limited weight.
12. The proposed development would undermine the rural openness of the site to the extent that it would be harmful to the character and appearance of this valued countryside landscape. The proposal therefore conflicts with the policies S1, S2, S3, D3 and NE4 of the Vale of Aylesbury Local Plan (2021) (VALP) which seek, amongst other things, to ensure that development minimises its impacts on landscapes and visual amenity and ensures that it is not visually prominent in the landscape. The proposal also conflicts with Paragraphs 130 and 174 of the National Planning Policy Framework (the Framework) which seek to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and protect and enhance valued landscapes.

Conclusion

13. For the above reasons, 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