



Appeal Decision

Site visit made on 13 December 2022

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/J0405/W/22/3299445

Ruby Farm, Piddington Road, Ludgershall, Buckinghamshire HP18 9PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Christopher McNally against the decision of Buckinghamshire Council.
 - The application Ref 22/01021/PIP, dated 20 March 2022, was refused by notice dated 25 April 2022.
 - The development proposed is demolition of existing Hay Barn and construction of minimum 1 new build dwelling, maximum 1 new build dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for demolition of existing Hay Barn and construction of a minimum 1 new build dwelling, maximum 1 new build dwelling at Ruby Farm, Piddington Road, Ludgershall, Buckinghamshire HP18 9PJ in accordance with the terms of the application, Ref 22/01021/PIP, dated 20 March 2022, and the plans submitted with it.

Preliminary Matters

2. The description of development in the banner heading and decision is taken from the application form, however for clarity I have removed the full stop after "Barn".
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters including the submitted plans which show the footprint of the proposed house, access track and amenity space would be considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

5. The main issues are:
 - whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

¹ Paragraph: 012 Reference ID: 58-012-20180615

- whether there are any material considerations which indicate a decision otherwise than in accordance with the development plan.

Reasons

Suitability of location and proposed land use

6. The appeal site is not located within a settlement and is accessed off Piddington Road via an unsurfaced single lane access road which provide access to a barn serving a larger agricultural field. The nearest settlement is Ludgershall which is approximately 1km away. There are a number of houses on Piddington Road which all occupy spacious plots. The appeal proposes a private access drive from the untreated road and a single house.
7. The appeal site is isolated from any other buildings. Policy D5 of the Vale of Aylesbury Local Plan 2013 – 2033, adopted September 2021 (VALP) identifies gaps between development frontages and replacement houses in their original curtilages, as being suitable sites for infill development outside of settlement boundaries. As the appeal site is not between houses and does not replace an existing house it cannot be considered infill.
8. A new dwelling here would be a significant distance from any settlement or services so would be contrary to Policy S2 of the VALP and would not be located where it would enhance or maintain the vitality of rural communities. The appellant makes no case that the proposal would comply with any of the VALP policies that allow new housing in the countryside. Moreover, the scheme would not accord with any of the situations when isolated homes may be acceptable as specified in the National Planning Policy Framework (the Framework).
9. The character and appearance of the immediate surrounding area is that of agricultural fields with associated buildings and equipment related to that use. The appeal site is sufficiently detached from the houses on Piddington Road for it not to form part of the same character area. The proposed presence of a house, regardless of the design combined with parking and garden area, including the domestic paraphernalia that can be reasonably expected from such a use, are all alien to the agricultural surroundings and so would result in unacceptable harm to the character and appearance of the area.
10. I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use and the amount of development. It is therefore contrary to policies S2, D5 and NE4 of the VALP, and the policies contained within the Framework in particular Chapter 12 which requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Material Considerations

11. The site benefits from an approval as required under permitted development rights that allow the barn to be converted to a dwellinghouse (Ref 21/03468/COUAR). This approval is extant and capable of being implemented. As stated, the scope of permission in principle is limited to location, land use and amount of development. On these issues, the prior approval has established the principle of one dwelling on the appeal site and the proposal is similarly for one dwelling. Whilst the prior approval is to re-use the existing building rather than to demolish it and build a new dwelling as is the case with

the proposal, in terms of location, land use and the amount of development, the fallback approval and the proposal are very similar.

12. The Council state that under Class Q², the external elevations and appearance of the existing barn would be retained so it is not a comparable fallback position. However, permission in principle cannot require or consider technical details about the design of a proposal. Therefore, the scope of any design could include one which has the same appearance as the barn, so this is not a reason in itself to discount the fallback position.
13. I can see no reason to doubt that the fallback scheme might take place at some point in the future. Consequently, I attach significant weight to it as a material consideration which, for the reasons stated, would have a similar effect to the proposal. Although in its present form the proposal as a new build dwelling would be contrary to Policy D5 of the VALP, were the fallback to be implemented then the principle of a proposed replacement dwelling would not be contrary to that policy and as stated, the effect of the proposal would be similar. Under these circumstances, I find the material consideration of the fallback, outweighs the conflict with policy.

Other Matters

14. It is not possible to impose conditions on a permission in principle. When granting permission in principle, local planning authorities can provide information about what they expect the detailed proposals to include at the technical details stage. The Council's statement of case sets out such information and the appellant is therefore aware of them.

Conclusion

15. The existence of the Class Q consent is a material consideration that in this case leads me to determine this appeal otherwise than in accordance with the development plan. Therefore, for the above reasons, I conclude that the appeal should be allowed.

S Crossen

INSPECTOR

² The Town and Country Planning (General Permitted Development) (England) Order 2015, Class Q - agricultural buildings to dwellinghouses