



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: 6 July 2023

Appeal Ref: APP/J0405/W/22/3305497

**Land to the rear of The Pilgrim Public House, 25 High Street,
North Marston MK18 3PD**

- 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 Brett Newman against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/03814/APP, dated 24 September 2021, was refused by notice dated 13 April 2022.
 - The development proposed is for two new dwellings and associated services.
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Decision

1. The appeal is allowed and planning permission is granted for two new dwellings and associated services at Land to the rear of The Pilgrim Public House, 25 High Street, North Marston MK18 3PD in accordance with the terms of the application, Ref 21/03814/APP, dated 24 September 2021, subject to the conditions set out in the attached schedule.

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 word "proposal" because this is not a description of development and is not necessary.
3. Since the Council issued the decision the North Marston Neighbourhood Plan (NMNP) has been adopted. Both parties have referenced it in their appeal statements and taking account of the fact that it is now adopted I have given full weight to it.
4. An updated ecology assessment has been submitted by the appellant since the Council issued the decision. The Council has provided comments on it, and I have had regard to it in determining the appeal.

Main Issue

- The main issue is the effect of the proposed development on the character and appearance of the area; and whether the proposals would preserve or enhance the character or appearance of the North Marston Conservation Area.

Reasons

5. The appeal site is located to the rear of linear rows of street facing buildings within the settlement of North Marston. It is a small field on a hill, being on higher ground than the buildings fronting High Street, where the access to the site is located. Although currently open, the appeal site is seen in the context

- of the existing settlement and only extending as far as the school grounds, with a distinct contrast in character beyond the side boundary hedge of the appeal site, with agricultural fields forming the countryside beyond. The boundary to the rear meets the playing field of a school, a public footpath adjoins the front boundary, and beyond the other side boundary are the rear gardens of houses.
6. Policy D3 of the VALP restricts development for non-allocated sites that are not allocated in the plan or made in a neighbourhood plan, only allowing infilling or consolidation of existing settlement patterns. Although not previously considered to be within the settlement boundary, the appeal site is within the settlement boundary of North Marston as identified on Policy Map 5 of the NMNP. In any case, the proposal could be considered to consolidate the existing settlement pattern, subject to not harming any important settlement characteristics, which would accord with VALP Policy D3 part 1b.
 7. The appeal site is within North Marston Conservation Area (CA). The CA is characterised by two storey terraced and large detached Georgian and Victorian buildings which face the street. Many of these buildings have rear out buildings which are single storey with pitched roofs and are not arranged in a linear pattern. These building types and layouts contribute to the significance of the CA as far as it is relevant to the appeal proposal. The CA contains a number of listed buildings, several of which are located near to the appeal site. The relationship of buildings which face the street and outbuildings to the rear are important settlement characteristics.
 8. The proposed two, 1.5 storey houses would be built orientated at right angles to one another. There would be a driveway leading from the high street extending beyond the rear of the public house to the front, with hard surfacing proposed for parking next to the houses. The design of the new houses is utilitarian with wooden clad elevations and a dark grey aluminium corrugated gable roof.
 9. Though the proposed gable design, footprint, use of utilitarian materials with little articulation or interest and 1.5 storey scale is different to the design and scale to those of nearby road fronting buildings, this proposed design takes cues from the existing outbuildings positioned at the rear of those properties. The pitched roof design and height together with the utilitarian materials proposed, would reflect the existing nearby outbuildings. The position of the appeal site to the rear of the road fronting buildings means that it is seen in the context of the nearby outbuildings. Therefore, the design and scale of the proposed development would respect and compliment the physical characteristics of the surrounding settlement and the CA.
 10. Though it does not replicate it, the proposed development respects the linear form of nearby development by reflecting the more ad hoc arrangement of buildings seen to the rear of the road front buildings so would preserve the character and appearance of the CA.
 11. Although prominent, currently open land, on an elevated position, the proposed retention of trees, hedges and proposals for additional landscaping and appropriate external lighting, means that there would not be harm resulting from the proposed hard surfacing or other outdoor domestic paraphernalia, that would be reasonably expected at a domestic residence, ensuring there wouldn't be an inappropriate urbanising effect and maintaining a visual break, providing a transition from the taller street frontage buildings to the rural

character of agricultural fields beyond the appeal site. Furthermore, the effect on any views from the public footpath would not be harmful, taking account of the context of nearby existing gardens, residential properties and the nearby school.

12. The public house is a listed building as is the dwelling adjacent to the access to the car park and the proposed dwellings, and 5 School Hill. A key part of the significance of these buildings and their setting is derived from their linear arrangement fronting the street. The Council has raised no concern about the proposed development in relation to these buildings, and as I have concluded above, the location, design and scale of the proposal is similar to other rear outbuildings which share the same context so consequently there would be no harm to the setting of these listed buildings.
13. I conclude that the proposed development would be compatible with the character and appearance of the area; and would preserve the character and appearance of the North Marston Conservation Area. It therefore accords with policies S1, S2, S3, D3, NE4, BE1 and BE2 of the Vale of Aylesbury Local Plan (VALP) 2013-2033, Adopted Plan September 2021, policies E1, E2 and SD3 of the NMNP and relevant policies of the National Planning Policy Framework (Framework). It also complies with guidance contained within the North Marston Conservation Area Guide December 2008, the Council's Guide on Conservation Areas 2016, and guidance contained within the National Design Guide. These policies and guidance amongst other things seek to support development in accessible locations which preserve or enhance the setting of heritage assets, are sympathetic to local character and history and are appropriate in scale and design contributing positively to an areas character.

Other Matters

14. Within the Council's Ecology Officer comments were specific comments from Nature Space UK regarding the appeal site and Great Crested Newts (GCN). The comments concluded that the development falls within the red impact risk zone for GCNs which means that such species are present in the area, although the comments recognise that the appeal site is not a suitable habitat. Nevertheless, it was noted that it could be used for foraging and dispersal by GCNs. These comments requested that further information was provided to demonstrate that impacts could be addressed. Further information has been provided by the appellant during the course of the appeal, which includes an updated Ecology Report. The Council consulted on this and is satisfied that, subject to the imposition of a condition requiring compliance with the report, that the proposed development would not be harmful to GCNs.

Conditions

15. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed a condition requiring a construction management plan in the interests of public safety prior to commencement because the impact of construction work on neighbours takes effects as soon as work commences. However, I have not included the requirement for decorative displays and facilities for public viewing or wheel washing facilities as this would not be reasonable given the scale of development.

16. I have imposed a condition requiring mitigation measures for great crested newts, bats, birds and bees in the interests of nature conservation, and a condition for details of a biodiversity enhancement scheme and for landscaping in the interests of Biodiversity Net Gain and the character and appearance of the area. I have imposed a condition to ensure that the parking and manoeuvring details are implemented prior to occupation to ensure adequate parking and in the interests of public safety. A condition for managing surface water run-off is imposed to ensure the development does not increase flood risk elsewhere, but I have omitted the option to subject details of an alternative scheme as this is not necessary. I have imposed a condition ensuring that the development complies with optional Building Control accessibility and water consumption standards in the interests of adaptability and sustainable water management.
17. I have not imposed the suggested condition regarding materials because the submitted plans have sufficient detail that this requirement is unnecessary. I have not imposed a condition for electric vehicle charging points because this is a requirement of building regulations so is not necessary. I have also not imposed the suggested condition regarding the removal of permitted development rights as such a condition is not justified having regard to the scale and nature of the proposal and to paragraph 53 of the Framework, which states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so.

Conclusion

18. For the reasons given above and having had regard to the development plan as a whole and all other matters, I conclude that the appeal should be allowed.

S Crossen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: 742_PL_001_ELP_B, 742_PL_102_PLP_B, 742_PL_103_PBP_B, 742_PL_201_GF, 742_PL_204_FF, 742_PL_401_FE, 742_PL_402_RE, 742_PL_403_SE-1, 742_PL_404_SE-2, 743_PL_201_GF, 743_PL_201_FF, 743_PL_401_FE, 743_PL_402_RE, 743_PL_403_SE-1, 743_PL_404_SE-2.
- 3) Prior to the commencement of any works on the site, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following:
 - a) The routing of construction vehicles.
 - b) Construction access details, temporary or otherwise.
 - c) The parking of vehicles of site operatives and visitors.
 - d) Loading and unloading of plant and materials
 - e) Storage of plant and materials used in constructing the development.
 - f) Operating hours.
 - g) Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

- 4) Prior to development above slab level, details of bat, bird and bee enhancement measures shall be submitted to and agreed in writing by the local planning authority.
- 5) Prior to development above slab level, biodiversity enhancement and soft and hard landscaping schemes shall be submitted to and approved in writing by the Local Planning Authority.

The biodiversity enhancement scheme shall set out the means by which a measurable net gain will be achieved, and the agreed scheme shall be fully implemented prior to the occupation of the dwellings and retained thereafter.

The soft landscape scheme shall include details of; new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.

The hard landscape scheme shall include details of; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant.

Any trees, plants or areas of turfing or seeding comprised in the approved schemes which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased,

shall be replaced in the next planting season with others of similar size and species.

These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

- 6) The development hereby approved shall be fully implemented in accordance with the submitted mitigation plan titled Great Crested Newt Ecological Method Statement, The Pilgrim, 25 High Street, North Marston, Buckingham, MK18 3PD, Cherryfield Ecology, February 2023.
- 7) The development hereby approved shall store all additional surface water run-off within the site and either reuse it or release it into the ground through infiltration. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.
- 8) The residential dwellings hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. Such provision shall be maintained for the lifetime of the development.
- 9) The dwellings hereby permitted shall be built and fitted out so as not to exceed the optional water consumption standard of 110 litres per person per day, as set out in Approved Document G of the Building Regulations 2010 (as amended). Such provision shall be maintained for the lifetime of the development.