



Appeal Decision

Site visit made on 23 May 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/Y0435/W/22/3309237

1 and 2 Highfield, Cranfield Road, Moulsoe, Newport Pagnell MK16 0HL

- 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 Highfield Homes Limited against the decision of Milton Keynes Council.
 - The application Ref 22/01770/PIP, dated 12 July 2022, was refused by notice dated 14 September 2022.
 - The development proposed is erection of between 6 and 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appellant suggests that an alternative reduced range of dwellings could be considered, however, the appeals process should not be used to evolve a scheme and it is important that other parties who might wish to express a view on an alternative range are not prejudiced. Consequently, I have determined the appeal based on the range noted in the application form.

Main Issue

5. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

6. The area is rural, characterised by low density dwellings primarily fronting Cranfield Road dispersed between open fields. A limited amount of tandem development is apparent with dwellings set back from the road on private

drives. The appeal site comprises a pair of semi-detached houses and a number of outbuildings towards the west, with the remainder of the site to the east used as paddock land. The site boundaries are clearly defined on all sides by a combination of fencing and hedging. Existing dwellings surround the appeal site on three sides with views across the paddock area to open countryside in the south.

7. The proposed dwellings would not be isolated in terms of the Braintree Judgement¹ and would sit within an existing group of residential properties. The proposal would introduce dwellings set back from Cranfield Road, replicating the existing tandem pattern of development seen to the east of the appeal site. Although the density would be commensurate with the density of properties fronting Cranfield Road, the development of this plot with 6-9 dwellings and associated features, including a significant amount of hardstanding, would result in a tightly spaced development which would urbanise the plot. The proposal would introduce built form on the southern boundary of the village adjacent agricultural land, which when viewed from surrounding properties, would significantly diminish the contribution the appeal site makes to the area's dispersed, low-density appearance and harm the rural character of the area.
8. Policy DS1 and DS2 of the Plan:MK 2016 – 2031 (March 2019) (PMK) outline the spatial strategy for the distribution of housing development within the Borough, with development largely focussed on urban areas. The policies however do support rural development in compliance with a made neighbourhood plan or within defined settlement boundaries. Moulsoe does not benefit from a neighbourhood plan, nor has the appeal site been allocated within PMK. Although the appeal site is partially within the defined settlement boundary of Moulsoe, the majority of the site is designated open countryside as defined by Policy DS5.
9. Policy DS5 Part A supports specific types of development within the countryside, however none of these are relevant in this case. The policy goes on to support other development types which would be wholly appropriate to the rural area or where other policies indicate that development would be appropriate. The proposal would contribute to the supply of housing within rural windfall sites, meeting the nationally described space standards with the potential to provide a mix of housing tenure, type, and size. However, given the harm I have identified to the character of the area above, it would not be appropriate to the rural area.
10. Policy DS5 Parts B and C relate to the development of limited extensions, ancillary structures and replacement dwellings and do not support the proposed development type. Part D supports residential development within the countryside where dwellings would be of exceptional quality or innovative in their design. Policy HN10 provides further exceptions for development associated with the provision of rural affordable housing. However, due to the type of application, insufficient information has been provided to establish whether the proposed dwellings would meet these criteria, nor has the appellant indicated that they would.

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

11. In addition, the Council can demonstrate a 5.98-year housing land supply. Consequently, I am satisfied that the policies within PMK are effective, and the Council has identified a sufficient number of housing sites which fully align with the spatial strategy and that this proposal would conflict with the Council's desire to direct development to urban areas.
12. Therefore, I conclude that the site is not suitable for residential development, with regard to its location, the proposed land use, and the amount of development. The proposal would conflict with Policies DS1, DS2, DS5, HN10 and SD1 of the PMK which collectively outline the spatial strategy for the area by identifying where growth and development should be focussed and ensuring development relates well to the surrounding built and natural environments.

Other Matters

13. In addition to the matters addressed above, concerns have been raised regarding a number of other matters. These include the effect of the proposal on the living conditions of neighbouring occupiers, disturbance during the construction period, drainage, and highway safety. These are all matters which would be addressed as part of the second stage of the permission in principle process, technical details consent, where layout and design would be assessed and are not considerations to be dealt with at this stage.
14. My attention has been drawn to two other linked appeal decisions² at a site in Hertfordshire. However, I do not have the full details of these appeals before me. Further, I note that elements of these appeals, including the number of proposed dwellings, the Council's housing land supply position and the relevant development plan, are different. In any event, each case must be determined on its own merits.

Conclusion

15. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR

² APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926