



Appeal Decision

Site visit made on 7 November 2023

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/J0405/W/23/3322554

The Old Dairy, Aylesbury Road, Haddenham, Buckinghamshire HP17 8TN

- 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 Anthony Barker against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/03448/APP, dated 7 October 2022, was refused by notice dated 12 December 2022.
 - The development proposed is erection of barn.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is an appropriate location for the proposed development, with regard to the local development strategy; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Whether Appropriate Location

3. Policy E9 of the Vale of Aylesbury Local Plan (VALP) allows new agricultural buildings subject to certain criteria. This includes where they are necessary for the purposes of agriculture on the unit or locally where facilities are to be shared and size is commensurate with the needs of the holding.
4. The Town and Country Planning Act 1990 definition of agriculture includes the use of land as meadow land. The need to store machinery, including a tractor and other items, some of which I saw at my visit, is put forward as justifying a building of the size proposed. Moreover, given the size and planning status of the other outbuilding at the site, it is not clear that this could be used as an alternative to the proposed building.
5. However, while only a snapshot in time, from my site visit, there was no obvious agricultural use at the appeal site. The land behind the property, other than the part adjacent to the existing outbuilding, was not separated from the land more closely associated with the dwelling. In addition, the land behind the property had the appearance of being in domestic use rather than meadow. Therefore, there is no compelling evidence that the relatively small area of land

at the site, which while it would need some equipment to maintain it, is being used for agricultural purposes.

6. The land at Cold Harbour Farm and Chiltern Estate is not a significance distance from the appeal site. Nevertheless, no specific evidence relating to security problems, or whether there are existing buildings at these locations that could be utilised in place of the proposed building, has been provided. As such, regardless of the appellant's locational preference, it has not been demonstrated that a building, and one of this size, is reasonably necessary and commensurate with the needs of the holding.
7. Therefore, the appeal site would not be an appropriate location for the proposed development with regard to the local development strategy. It would be contrary to Policy E9 of the VALP where it requires it to be demonstrated that new agricultural buildings are necessary.

Character and Appearance

8. The mature landscape features on the boundaries of the fields make a positive contribution to the verdant appearance of the area with clearly defined road frontages and open fields behind. The proposed building would be near, and involve works close to, such features at the site boundaries. At my visit I observed changes in land levels between the frontage landscape features and further within the site where the building would be located.
9. While not requested during the application, no detailed information or assessment of the landscape features or the implication of the proposed construction works on them has been provided at that stage or since. It is also not clear whether there would be excavation or raising of levels near the landscape features to accommodate the proposed building. Given the uncertainty over what effects on the landscape features there would be and whether any appropriate mitigation is feasible, the imposition of a condition requiring further details would not be appropriate.
10. Consequently, I cannot be sure that the landscape features could be protected and retained. The harm or loss of these features would erode the positive characteristics of the area.
11. The style and materials of the proposed building would reflect that of agricultural buildings in the wider area. Notwithstanding this, I saw that such buildings were primarily set back from the road by some distance giving a spaciousness and open feel to the roadside fields. While it would not cause significant harm to the openness of the Area of Attractive Landscape, the position of the building, located very close to the roadside boundary, would be discordant with that pattern.
12. Although not a great distance from the other buildings at the site, the proposed building would be located much further forward and closer to the road and would be significantly taller than the other outbuilding on site. This means it would be highly prominent on the approach from both directions along the road above the hedgerow, if that were able to be retained.
13. Consequently, the proposed development would unacceptably harm the character and appearance of the area. It would fail to accord with Policies BE2, E9, NE4 and NE8 of the VALP where they require development to respect and minimise impacts on local character and distinctiveness and the countryside, as

well as preventing loss or damage to trees and hedgerows. Furthermore, it would be contrary to the Framework where it states schemes should be sympathetic to local character and recognises the intrinsic character and beauty of the countryside.

Other Matters

14. Even if I were to agree that there would be no harm to living conditions of nearby occupiers, highway safety, flooding and heritage assets. This would only be a neutral factor.
15. I am aware of previous applications at the site, including for a similar building for domestic use and that the dwelling on site was formerly an agricultural building. However, I have assessed the scheme on the evidence before me and found it would be harmful.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
17. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR