The Planning Inspectorate

Appeal Decision

Site visit made on 8 December 2023

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/J0405/W/22/3299934
Land to the east of New Road, Weston Turville, Aylesbury
Grid ref 485012/2126423

- 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 outline planning permission.
- The appeal, dated 27 May 2022, is made by Careys New Homes Ltd against Buckinghamshire Council.
- The application, Ref 21/03475/AOP, is dated 26 August 2021.
- The development proposed is a development of 11 dwellings, including 3 affordable dwellings, with associated access, landscaping and biodiversity net gain enhancement.

Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary matters

2. The appellant has submitted an application for costs against Buckinghamshire Council. This is dealt with in a separate decision.

3. The scheme is in outline with all matters reserved except for access.

Main Issues

4. The main issues in this case are, firstly, the effect of the proposed development on the character and appearance of the locality; secondly the effect on the Chiltern Beechwoods Special Area of Conservation (SAC); and thirdly, the effect on highway safety.

Reasons

The effect on the character and appearance of the locality

5. The site is a flat grassed area of 0.57ha which lies near the houses of Old Rickyard Piece, a recent 2 storey development with a closely built, tight knit form. The site is not public open space, it is not used formally for sport and recreation, and although people can walk on to it freely at the present time, it could be separated off and public access could be closed. It does not form part of a strategic gap in the normal sense of a wide well-defined policy-protected area, and on the implementation of Hampden Fields to the south, the site will no longer be on the edge of the built-up area.

6. Nonetheless, the appeal site has importance locally rather than strategically, as an open area which contrasts with, and provides pleasant visual relief to, Old

Rickyard Piece. It has the character of a green buffer and is a visual continuation of the open corridor which includes the play area immediately to the east of the site and the green area of landscaping adjacent to the homes on the opposite side of New Road. The open nature of the site contributes significantly to the character and appearance of the immediate locality.

7. Policy H1 of the Weston Turville Neighbourhood Plan supports the development of up to 12 homes within the defined boundary of the village provide it accords with the other policies of the Neighbourhood Plan and the Vale of Aylesbury Local Plan. The Council accept the principle of some residential development on the site, subject to an adequate landscape buffer. But as far as the appeal scheme is concerned, the development of 11 homes would occupy most of the appeal site, coming forward towards Old Rickyard Piece and back to the southern site boundary at the rear of the site, leaving inadequate room for a buffer. Whilst the scheme is in outline it would not be possible to lay the scheme out in such a way as to overcome this objection. The result, in combination with Old Rickyard Piece, would be a relatively dense residential development with insufficient visual relief. There would be some incidental landscaping and open space, but the development would remove the benefit that the present green open space confers on the appearance of the area, and would interrupt the continuity of the buffer.

8. The scheme would therefore harm the character and appearance of the locality and would conflict with Policy BE2 of the Vale of Aylesbury Local Plan, which requires new development to respect and complement the site and its surroundings; Policy D3(b) of the plan, which seeks to ensure that development in settlements does not harm important settlement characteristics; and Policy H2 of the Weston Turville Neighbourhood Plan, which seeks to protect local character.

The effect on the Chiltern Beechwoods Special Area of Conservation (SAC)

9. The site is within the zone of influence of this habitat site, within which development is likely to have a significant effect on its integrity through recreational pressure. The appellant has provided a unilateral undertaking (UU) under s106 to provide for contributions towards suitable alterative green space (SANG) and strategic access management and monitoring (SAMM) which are intended to mitigate these impacts. In respect of SANG, although the appellant suggests that suitable sites will be secured in time, no evidence has been provided of any SANG project or capacity, now or readily foreseen, to which the UU contribution could be put. Without clear evidence of such, the contribution could not make the development acceptable in planning terms, thus contravening the Community Infrastructure Levy Regulations 2010. The appellant also suggests a similar condition to that used in appeal 3295270 within Tewkesbury Borough Council, which seeks to mitigate impact on the Cotswolds Beechwoods SAC in the absence of an adopted mitigation strategy. However, that applies to a different set of circumstances and there is insufficient evidence in this case to indicate that such a condition would adequately mitigate the likely harm to the Chiltern Beechwoods SAC. The scheme would therefore be contrary to Policy NE1 of the VALP and Policy E3 of the Weston Turville Neighbourhood Plan.

The effect on highway safety

10. Neither the local planning authority nor the highway authority raise highway safety as an issue, but all parties will be aware that a number of local residents have expressed concern to the Council about the implications for the junction of New Road and Old Rickyard Piece. The scheme would take access from Old Rickyard Piece and would result in more vehicles using the entrance from New Road. The tight geometry at the junction has the benefit of slowing down vehicles which are entering Old Rickyard Piece, but on the other hand, as I observed a number of times while on site, vehicles waiting to emerge from Old Rickyard Piece often obstruct others turning in. This causes vehicles to slow and stop suddenly on New Road, which is free flowing with vehicles travelling at some speed: the speed limit on New Road is 40mph at the entrance to Old Rickyard Piece, and the national speed limit applies immediately to the south of the junction. Vehicles are forced to manoeuvre round each other at the entrance and there is clear evidence of kerbing and the overrunning of the footway. Whilst acknowledging that traffic is relatively light in the locality, the additional vehicles from up to 11 new homes would make vehicular conflict more likely at the junction. In this respect the scheme would be contrary to VALP Policy T5 which seeks to avoid unacceptable traffic impacts from new development. This adds to the other objections to the scheme.

Other matters

11. It is acknowledged that the proposal would have the benefit of delivering new homes including three affordable homes, would achieve net biodiversity gain on site, and would make a contribution towards off-site community sports and other items. It is also possible that the Council's concerns over layout and refuse collection might be capable of resolution through the submission of a reserved matters application. However, these factors do not outweigh the objections to the scheme described above.

12. I have considered all the other matters raised but they do not alter the balance of my conclusions.

Conclusion

13. For all the reasons given, the appeal is dismissed.

Jonathan Bore MRTPI

INSPECTOR