



Appeal Decision

Site visit made on 25 January 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/J0405/W/23/3329082

Land at Hollingdon Road, Soulbury, Buckinghamshire LU7 0DN

- 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 Mrs Doreen Harman against the decision of Buckinghamshire Council.
 - The application Ref 23/02067/PIP, dated 29 June 2023, was refused by notice dated 16 August 2023.
 - The development proposed is for the erection of 2 bungalows.
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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. 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. PPG sets out that the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at this stage. Other matters should be considered at the technical details consent stage if permission in principle is granted.
4. The Council's reasons for refusal 2 and 3, refer to lack of details to assess the effect on protected species and archaeology. In relation to protected species, the Council's evidence contains an appeal decision¹ which considered protected species in a permission in principle appeal.
5. The PPG is clear that following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species and listed buildings². Therefore, protected species are dealt with at the technical details consent stage, and this decision is of no weight.

¹ APP/T2215/W/21/3279440

² Paragraph: 003 Reference ID: 58-003-20190615

6. I have also noted the Council's evidence in relation to heritage assets. The statutory duty in Sections 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990 does apply to the exercise of any functions under the Planning Acts which includes permission in principle. However, the asset the Council refer to is not a designated asset, but an archaeological notification area. This does not benefit from the same statutory protection.
7. The guidance presented by the Council from Historic England³ is noted. The potential for archaeological remains has been identified at an early stage and would be addressed at the technical details consent stage, if the appeal were allowed. Consequently, reasons for refusal 2 and 3 have not formed part of my consideration. These matters relate to the technical details consent.
8. The National Planning Policy Framework (the Framework) was published on 20 December 2023. I have had regard to it so far as relevant.

Main Issue

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

Reasons

Location

10. Located in the small hamlet of Hollingdon, the site is an agricultural field adjacent to a short row of dwellings. The proposal is for 2 dwellings.
11. The spatial strategy for this area is set out in Policies S1 and S2 of the Vale of Aylesbury Local Plan 2013-2033 (September 2021) (VALP). This seeks to direct new development to larger settlements, with a moderate amount of development in villages, and restricted development in other settlements that are not defined as villages in the settlement hierarchy. Policy S3 sets out the settlement hierarchy in Table 2. This does not identify Hollingdon as a settlement, meaning that it is defined as countryside. Policy S3 seeks to avoid new development in the countryside unless it would accord with policies which seek to support thriving rural communities. Therefore, there would be an in principle spatial policy conflict with developing houses in this location.
12. The appellant seeks to garner support from Policies D4 and D5, which relate to housing in smaller villages (D4) and infill housing in other settlements (D5). However, given the countryside location, these policies are irrelevant.
13. The site is accessed by narrow, single track lanes from both Stewkley Road and Bletchley Road. There are few passing places and the road conditions are poor, with grass growing in the middle of the track in places. Although there was no highways objection, the access to the dwellings would be unsatisfactory.
14. This is compounded by the rural location, such that future residents of the dwellings would be entirely reliant upon a private car to access shops and services in larger settlements. Whilst opportunities to maximise sustainable transport solutions vary between urban and rural areas, this location would not support sustainable transport modes that limit future car use. On the contrary, it would necessitate increased private car use.

³ Historic England Advice Note 17

15. Consequently, the location of the dwellings would be unacceptable. This would conflict with Policies S1, S2 and S3 of the VALP, and the Framework.

Land use

16. The proposal would result in the permanent loss of an agricultural field. The Council appear to suggest that the land could be best and most versatile agricultural land (BMVAL). Yet, it does not consider this would be harmful given the small land take and the extent of BMVAL in the area. I agree. The site is proximate to existing housing and there is also residential development diagonally opposite the site. Thus, the land use would be appropriate.

Amount of development

17. The Council raise no objection to the amount of development. I agree.

Planning balance

18. The Council details that it is unable to demonstrate a 5 year supply of housing sites. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.
19. The appellant details the dwellings would be self-build plots, of which they claim there is an identified need. Nonetheless, the permission in principle route does not enable the application of conditions to restrict the future use. This attracts neutral weight in the balance.
20. The addition of 2 dwellings to the housing market would be positive and attracts significant weight, given the Framework seeks to boost the supply of homes. The dwellings would also modestly support local and rural services, and the construction would have benefits for the local economy. Yet, even accessing local and rural services would require travel by private car.
21. On the other hand, the countryside location of these homes would not be in the right place, resulting in increased traffic movements by private cars, on narrow roads, to access all shops and services in larger settlements. It would not allow people to live near the services they rely on, and this would not be sustainable development. Thus, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits.

Conclusion

22. No material considerations exist to outweigh the conflict with the development plan, and for the reasons set out above, the appeal is dismissed.

Katie McDonald

INSPECTOR