



Appeal Decision

Site visit made on 10 January 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/J0405/W/23/3327583

The Stables, Church Street, Quainton, HP22 4AP

- 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 W Evans against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/03921/APP dated 21 November 2022, was refused by notice dated 6 June 2023.
 - The development proposed is removal of existing development and the construction of a self/custom build single storey dwelling.
-

Decision

1. The appeal is allowed, and planning permission is granted for removal of existing development and the construction of a self/custom build single storey dwelling at The Stables, Church Street, Quainton, HP22 4AP accordance with the terms of the application ref: 22/03921/APP dated 21 November 2022 subject to the conditions listed at the end of this decision letter.

Procedural Matters

2. Since the determination of this proposal the National Planning Policy Framework has been revised, twice, and is now the National Planning Policy Framework 2023 (the Framework) with the latest revision being 19 December 2023. Both parties have been given the opportunity to provide further comments, as appropriate, as to the implications of such revisions in the context of this appeal. I have taken any comments that have been received on this matter into account.

Main Issues

3. The main issues are i) whether the proposal is acceptable in principle with regard to the location and spatial strategy and ii) the impact of the proposal upon the character and appearance of the locality.

Reasons

Principle of Development

4. The appeal site is located to the northeast of Quainton and is outside the defined settlement boundary which is identified within the Quainton Neighbourhood Plan 2022 (NP). Quainton is categorised as a medium village within the Vale of Aylesbury Local Plan 2021 (VALP) and the site is adjacent to the Quainton Conservation Area (CA) as well as being within an Area of Attractive Landscape (AAL). The proposal seeks permission for a single storey

- dwelling which would replace an existing stable block in a similar position to where the stables are currently located in the southern part of the site.
5. At the time of my site visit I noted a large area of existing impermeable surfaces, (concrete pads/hardstanding), as well as storage containers and general outdoor storage and parking of vehicles/a lorry. I note that as part of the proposal the storage containers, storage and the stables would be removed. The area of impermeable surfaces would therefore be reduced from in the region of 405 square metres to 223 square metres with a new access being provided to the north of the existing access from Church Street and landscaping as set out within the submitted plans.
 6. At the time of my site visit, I found that the appeal site is within close proximity to the village and is only a short distance from the Quanton Settlement Boundary. Whilst the appeal site is located outside the defined settlement boundary and is, therefore, located within the open countryside by definition I do not find the proposal would result in a dwelling which could be considered as isolated. NP Policy QP1 has two parts (a and b). Part a) relates to character of the immediate locality and contribution to local distinctiveness as well as maintaining appropriate amenity of adjacent dwellings. Part b) places a presumption against any development of new homes outside the settlement boundary unless it complies with special circumstances set out within paragraph 80 of the Framework (now paragraph 84).
 7. It is a material consideration that the overarching objective of paragraph 84 of the Framework is to avoid the development of isolated homes in the countryside, unless one of the listed circumstances apply. Based upon the location of the appeal site, as seen during my site visit, I find that the appeal site is within close proximity to the settlement boundary, and other dwellings, and I do not consider it to be isolated. The Council's delegated report, paragraph 4.11, also sets out that in this sense the appeal site is not considered "isolated".
 8. Part a), albeit this will be considered further in the second main issue, requires proposals to respect the character of the immediate locality, contribute to local distinctiveness, and maintain appropriate amenity for adjacent dwellings. On the basis that, within the second main issue I find that the proposal respects the character of the immediate locality, contributes to local distinctiveness and no refusal reasons have been raised in relation to amenity of adjacent dwellings, I find that the proposal would be consistent with the overarching objectives of NP Policy QP1. Whilst the wording of specific policies themselves are noted, such as NP Policy QP1, the supporting text and commentary contained within the NP provides clear reasoning and guidance as to the overarching objectives that that policy seeks to achieve.
 9. I also note that the NP outlines that, in relation to housing location, extending out into open countryside is stated to erode the special qualities of the setting of the existing settlement. The requirement to retain development within settlement boundary is also stated to be to minimise negative impacts that unsuitable development would have on the landscape. In this case the proposal, for the reasons outlined within this decision letter, I find would improve the setting of the existing settlement which further supports consistency with the objectives of NP Policy QP1. The objectives of the spatial strategy of the NP are noted as being to retain the integrity and appearance of

the village (paragraph 6.2.2) whilst allowing for sustainable growth to meet housing needs over the planned period. I do not find that, in this case, the fact that the appeal site is located outside the defined settlement boundary of Quainton immediately results in conflict when considering the overarching objectives of the plan.

10. Whilst I note the wording, relating to sustainable growth within the settlement boundary I find that NP Policy QP1 ultimately seeks to avoid isolated new homes in accordance with the Framework as well as prevent erosion of the special qualities of the setting of the existing settlement within its landscape within the Conservation Area Review. In the case before me the Heritage Officer raises no concern, or objection, based upon the CA and the proposal is for redevelopment of a previously developed site which does not positively contribute to the immediate site setting. The NP states that housing, outside the settlement boundary, would be in conflict with the development pattern and could adversely affect existing residents due to traffic between and alongside houses and the potential for overlooking gardens. The policy (LP Policy QP1) is stated to seek control of this type of development to protect the amenity of residents and the adverse effect on the landscape and character of the village. The proposal before me is consistent with this commentary which provides reasoning as to LP Policy QP1.
11. I find that the Council's assessment is, to some extent, contradictory as within paragraph 4.11 the Council state that the appeal site is not considered isolated, however, in paragraph 4.13 the Council then consider the circumstances which would be applicable if the proposal was indeed for the development of an isolated home in the countryside. In this case, the site is not for development of an isolated home, albeit it is outside the settlement boundary, and I find this leaves the listed circumstances in paragraph 84 of the Framework, which seeks to avoid isolated homes, as being of limited relevance. The Framework does not explicitly seek to resist the creation of new dwellings in the countryside, such policies are largely related to accessibility and achieving sustainable development in locational terms.
12. Quainton is categorised as a medium village with moderate population size which has transport connections (whether limited or not), good employment provision and provision of other key services. The Council consider that Quainton is a moderately sustainable location for development and indeed some housing is allocated for delivery as part of the overall Local Plan. The appeal site is located approximately 50 metres east of the settlement boundary. The appeal proposal would be a short walk into the village and whilst it is located on a rural lane with no pedestrian pathways there is both streetlighting and wide verges, for the majority of this distance, which would offer informal refuge to pedestrians accessing the village. It is also noted, by the Council, that there is a bus stop within 0.3 miles west of the application site which offers some local services.
13. Paragraph 109 of the Framework is clear in its acknowledgment that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision making. I find that future occupiers would have genuine opportunities to maximise sustainable transport solutions given the location of the appeal site. It is possible that future occupiers would be able to make short journeys on foot to access day to day village services, and transport

links, particularly during daylight hours. In addition, especially given the short distance from the development boundary, there are genuine opportunities for future occupiers to cycle to local services and transport links and there are further opportunities for sustainable transport in the form of provision of electric vehicle charging points to be installed at the proposed dwelling. The definition of sustainable transport modes, within the Framework, is specific in its inclusion of walking and cycling as well as ultra-low and zero emission vehicles.

14. I also find that it is material to acknowledge that the existing stables will already attract vehicle movements in connection with caring for horses which could be kept on site in the five existing loose boxes. I therefore place further weight on the fact that, as a previously developed site in equestrian use, a single residential dwelling is not likely to produce significantly more vehicle movements on a day-to-day basis than the existing equestrian use regardless of the acknowledgement that residential dwelling is of a greater scale, in physical terms than the existing equestrian building.
15. Furthermore, whilst acknowledging the settlement boundary, I find that on the ground, the appeal site does read as part of the village due to lining up with the 30 mile per hour signs on Church Street which, regardless of the proposed access point to the appeal site, are generally positioned so as to slow traffic at the entrance to a village. The appeal site does, therefore, stand on a corner position entering the village from the east. Taking into account that the proposal would replace the existing built form, hardstanding, outdoor storage, and general paraphernalia I do not find that the proposal would result in any negative impact upon the existing settlement pattern into the village. The proposal is, in any case, largely screened by an established vegetation boundary on the corner of the site which can be further strengthened, and secured, by condition attached to any consent which may be granted. It is noted, within the NP, that the provision of a settlement boundary is primarily aimed at retaining the integrity and appearance of the village and the proposal before me would not harm the integrity and appearance of the village, in principle. It would not result in development extending further out into open countryside as a result of redevelopment of previously developed land.
16. Overall I am satisfied that, taking into account the considerations outlined above, the replacement of the existing stables with a dwelling would accord with the overarching objectives of the spatial strategy for housing set out within the VALP and NP whilst taking into account the specific acknowledgment within the Framework that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas (and this should be taken into account within decision making). In terms of principle, I find that the proposal would be consistent with the overarching objectives of NP Policy QP1 which seeks to avoid the development of isolated homes in the countryside in a manner which is consistent with paragraph 84 of the Framework. As a result of redevelopment of a previously developed site I find that the proposal would also be consistent with the objective of a settlement boundary which, as set out within the NP, is primarily aimed at retaining the integrity and appearance of the village.
17. The proposal would be consistent with VALP Policy S1 which requires that development must comply with the principles of sustainable development set out within the Framework (taking into account, as already discussed,

paragraph 84 in this case) as well as contributing positively to meeting the strategic objectives of Aylesbury Vale as well as giving priority to reuse of vacant or underused brownfield land and providing high quality accessibility through implementation of sustainable transport modes. The proposal would be consistent with VALP Policy S2 given its acknowledgement that the primary focus of strategic levels of growth and investment will be at locations which include medium villages. Quanton is a medium village where some housing is expected to come forward through the NP and, for the reasons outlined above, the location and site characteristics are in this case consistent with the overarching objectives of the delivery of housing.

18. The settlement hierarchy and cohesive development policy, set out in VALP Policy S3, is acknowledged to seek to avoid new development in the countryside especially where it would compromise the character of the countryside between settlements and result in a negative impact on identities or neighbouring settlements or communities leading to their coalescence. At this stage, in principle, I have no evidence before me to suggest that suitable development could not be achieved and do not find that the replacement of an existing stable building, with an appropriately designed proposal, would compromise the character of the countryside or result in coalescence between settlements. VALP Policy D3 is acknowledged to restrict proposals for non-allocated sites in small scale areas of land within the built-up areas of settlements. The proposal is acknowledged not to be within the settlement boundary; however, the proposal would replace existing development on a site which is part of the existing pattern of development in close proximity to the development boundary.
19. In this case I find that the proposal would consolidate the existing settlement pattern without harming important settlement characteristics and the proposal would not comprise partial development of a larger site. Had the proposal not been for the replacement of an existing building, which is classified as previously developed land and which could already create comparable daily traffic movement to and from the site in association with the five stables which exist, I find that there would be more limited support, in terms of material considerations, for the proposal against the overarching policy objectives as outlined.

Character and Appearance of Locality

20. The proposal located on a corner site at the eastern entry point to the village and would replace an existing equestrian building with a building of larger scale to provide a dwelling, however, I find that the proposed dwelling would be of a barn like style to give the impression of a rural building appropriate to the character of the immediate area. This would assist in the transition of the site from an equestrian development to the provision of a dwelling in this location. A dwelling would, evidently, require car parking and amenity space and I note that the Council raise concern in relation to domestic paraphernalia, but I do find that this would contribute to a generally more urban appearance, but I also note the existing use of the site and its impact as a material consideration.
21. At the time of my site visit I noted that there is expansive hard standing/concrete as well as informal outdoor storage of parked cars and storage containers. I find that the overall use of the appeal site, and existing paraphernalia, could already be said to contribute negatively to character of the

- surroundings more than the proposal which would reduce hardstanding, introduce planting, and generally improve the appearance as a result of high-quality design within views from both the street scene and the nearby public footpath. Whilst the proposal is not a particularly new or innovative architectural design, and indeed is not submitted as part of being reviewed by a design panel, I find that the design is appropriate taking account of the existing buildings on site as well as being a nod to the existing equestrian use of the site.
22. I acknowledge that the current use of the appeal site is one which is more associated with countryside uses, however, there are residential dwellings located in relatively close proximity to the appeal site. Whilst the prevailing character of the surroundings is of less developed land, more associated with open countryside, it should be kept in mind that the existing use of the site results in its classification as a previously developed site and results in existing structures and paraphernalia as outlined above. I find that the removal of a significant area of hardstanding, car storage and containers/storage to be replaced with landscaping would be a significant visual and landscape improvement compared to the current use of the site.
23. Whilst the Council consider that the existing site is understated and modestly proportioned, I do not find that the facilities i.e. the concrete and hardstanding, are commensurate with the use and nor is use of the site for storage of cars or shipping containers which are currently intrusively negative in terms of contribution to the character of the wider area. I have no evidence before me that the proposal would result in such introduction of domestic paraphernalia which would cause the site to become visually intrusive or negative. It is noted, and understood, that character and appearance are separate matters and that it is fully possible to have impact upon character without public views.
24. Whilst the existing, equestrian use could be considered characteristic of an open countryside use, the associated storage which I saw on site, and as is evidenced before me, would result in a more urbanising effect than the proposal. In relation to domestic paraphernalia there would, evidently, be some domestication of the site but generally this can be controlled in terms of further built form through the removal of permitted development rights to control overall impact as a result of the proposal which is approved.
25. I acknowledge that screening from hedges and trees would not completely screen the development when the trees are not in leaf, however, a landscaping condition can be applied to any permission granted to further strengthen the boundary treatments and I do not find that simply because a proposal is visible, that this automatically results in negative impact to visual amenity. On this basis, I do not find that the creation of an appropriately designed dwelling with appropriate landscaping would erode the rural character which would in term harm the character and appearance of the area or the Quanton Winghills AAL significance. I do not find that the erection of a dwelling on the site would be discordant to the rural character nor that it would result in harmful visual intrusion.
26. The Key Views and Vistas map, within the NP, is noted however, the appeal site is not identified within such views. Taking into account the nearby footpath and as a single storey building, it would still be viewed as such, and it would not impact on the skylines or wider views in the area in a negative manner.

- Ultimately, I find that the proposal would still read as having an agricultural/equestrian conversion feel/style and it would not sit uncomfortably within the existing street scene with the existing trees, and further planting, assisting the proposal to not become a prominent feature within the area.
27. Even if the use of vegetation for screening had been given limited weight, I do not find that the proposal is inappropriate, in visual terms, for the design reasons I have already set out. I acknowledge the appeal decision put forward by the Council (APP/J0405/D/22/3304361), however, that appeal decision related to demolition of an outhouse with a replacement garage and car port with the main issue being concerned with character and appearance of the Conservation Area. In that case, reference to screening was with specific reference to the living conditions of adjacent occupiers with regard to visual dominance and overbearingness. I do not, therefore, find it directly applicable to the proposal which is before me.
28. Even if there was limited retention of the trees and vegetation in question at a future date, I still find that the proposal would appear appropriate within its site context in terms of character and appearance as well as being an overall improvement to the site. I do not find that the site is closely associated with the transition between the built up area of the village and the open countryside as, whilst I acknowledge that equestrian uses are more synonymous with the countryside, the existing use of the site as outlined already results in intrusion into the countryside of a previously developed site which could be improved through the landscaping, reduction in hardstanding and general higher quality built form as a result of the proposal. I do not find that the proposal would result in a discordant addition to the location which would adversely impact on the character and appearance of the locality and countryside to the detriment of the settlement character of the village nor the AAL.
29. The proposal would be consistent with NP Policy QP1 which supports development where it respects the character of the immediate locality, contributes to local distinctiveness, and maintains appropriate amenity for adjacent dwellings. The proposal would also be consistent with NP Policy QP3 which requires that new buildings should be an asset to the street scene in terms of quality of materials, their location on a site and their relationship with existing development, must not significantly detract from those parts of the views on the Key Views and Vistas maps that are visible from locations that are freely accessible to members of the general public. The proposal, in relation to (h) would not necessarily result in new and innovative architectural design, however, this point relates to potential changes to design within the settlement boundary which is not applicable to the appeal site before me.
30. The second refusal reason sites VALP Policy S2, however, this policy is a spatial strategy for growth and seeks to direct development to sustainable locations and is not therefore directly applicable to the main issues identified within the second refusal reason. I acknowledge, however, that in medium villages there will be a housing growth at a scale which is in keeping with the local character and setting. This has been largely discussed within the first main issue. The proposal would also be consistent with VALP Policy S3 which seeks to avoid proposals compromising the character of the countryside between settlements and the perceived merging or coming together of separate settlements to form a single entity. The second refusal reason sites VALP Policy D3, however, I have already dealt with the proposals interaction with this policy in relation to

the first main issue. I do not find that it is directly applicable to the character and appearance matters which has been raised in the second refusal reason.

31. The proposal would also be consistent with VALP Policy BE2 which requires that all development proposals shall respect the physical characteristics of the site and its surroundings including scale and context of the site and its setting, local distinctiveness and vernacular character of the locality, natural qualities and features of the area and the effect on important views and skylines and VALP Policy NE4 which requires that development should consider the characteristics of the landscape character by minimising impact on visual amenity, respecting local character and distinctiveness in terms of settlement form, considering spacing, height, scale and other design characteristics as listed as well as ensuring that the development is not visually prominent in the landscape.
32. The proposal would be consistent with the overarching objectives of Section 12 of the Framework which seeks to ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture and are sympathetic to local character and history including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Planning Balance and Overall Conclusions

33. At the point of determination, the Council considered that they could demonstrate a 5-year housing land supply (5YHLS). Their Statement of Case (submitted at the end of November 2023) confirms, however, that they can no longer demonstrate a 5YHLS as a result of a position statement published in September 2023. The Council have been given the opportunity to comment on the revised Framework (December 2023), but no further comments have been received. The Council's Statement of Case comments refer, therefore, to the 2021 Framework with specific regard to the implications of paragraph 14 which has since been amended as of December.
34. As a result of changes to the Framework, Councils will not have to continually demonstrate a deliverable 5YHLS if their Local Plan is less than 5 years old and an identified 5-year supply of specific, deliverable sites was demonstrated at the time examination was concluded (paragraph 76 of the Framework). I acknowledge that the VALP was adopted in September 2021. Despite this footnote 79, within the Framework, confirms that the policy contained in paragraph 76 and the related reference in footnote 8 of the Framework should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework. This application was made before this version of the Framework.
35. The Council cannot demonstrate a 5YHLS so the presumption in paragraph 11d) of the Framework is engaged. As a result of my findings, I do not find that the adverse impacts of granting permission, for a single residential dwelling, on a previously developed site and in close proximity to the settlement boundary would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework as a whole.
36. I also acknowledge that the proposal is for a self-build dwelling and also place weight upon the fact that paragraph 70 of the Framework notes that small and medium sites can make an important contribution to meeting the housing requirement of an area. The Framework highlights that to promote the

development of a good mix of sites, planning authorities should seek opportunities, through policies and decisions, to support small sites to come forward for self-build and custom-build housing. The definition of self-build and custom-build housing, within The Framework, confirms that such housing can either be market or affordable housing.

37. I am mindful of paragraph 14 of the Framework. The NP was made in 2022, so within the last 5 years and does contain specific policies and allocations to meet identified housing required (paragraph 67 to 68 of the Framework) within 4.3 of the NP as well as within figure 7 of the policies map which shows allocations for housing. Despite this, I do not find that the proposal directly conflicts with the NP taking into account my findings within this decision letter but also taking into account the fact the supporting text and rationale behind the policies within the NP. The NP specifically confirms that the objective of the settlement boundary is primarily aimed at retaining the integrity and appearance of the village as well as the intrinsic character and beauty of the countryside. Furthermore, paragraph 6.2.3, of the NP, confirms that beyond the settlement boundary, NP Policy QP1 sets out conditions where new housing development will be supported, and the proposal is consistent with the objectives of sustainable development noted in paragraph 6.5.2 of the NP.
38. I find that this wording does not apply an automatic resistance or assumed refusal for proposed housing developments outside the settlement boundary, but rather sets circumstances against which they should be considered and allowed if appropriate considering the objective of protecting the countryside and village setting. I find the proposal is consistent with the overarching objectives of NP Policy QP1 for the reasons I have already outlined within this decision letter. I find that the integrity and appearance of the village is retained, as a result of re-using an existing site, a genuine opportunity to improve the site appearance as well as there being genuine opportunities for sustainable modes of transport taking into account its rural location where opportunities to maximise such opportunities will differ as acknowledged within the Framework.
39. Each case must be considered on its own merits; however, I find that the key characteristics of this appeal are quite specific, and I am of the opinion that it would be unlikely that this decision would set a precedent. The combination of factors including the existing use and condition of the site, the design of the proposal, the close proximity to the settlement boundary and its relationship with surrounding built form results in a proposal which is suitable with positive benefits on this occasion. This falls to be considered within the context of a tilted balance in the absence of a 5YHLS. Whilst the contribution of one dwelling is modest in the overall context of housing delivery, I still do not find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Other Matters

40. I acknowledge third party comments and objections to the proposal both within the original application and at appeal stage. The Parish Council are noted to not support the proposal as a result of being outside the settlement boundary, however, I have dealt with this within the main issues above. Further comments, relating to conflict within the NP, are noted but have also been dealt with within the main issues of this decision letter under both of the main

issues. The proposal is acknowledged to be within an AAL, close to the CA as well as designated Green Space. The proposal does not, however, impact upon heritage assets with the Council's Heritage consultee confirming no objection to the proposal and I have no evidence before me to conclude differently on that matter. The NP was noted to be adopted as part of the Local Development Plan for the area and indeed it forms part of the process for determining planning applications. Whilst the starting point for determination is the Local Plan, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, it is also relevant to take into account all material considerations as I have outlined within this decision letter. The stables do constitute previously developed land in accordance with the definition of previously developed land provided within the Framework.

41. Each case must be considered on its own merits and fear of a precedent is not sufficient reason for refusal and future intentions for the site, if any, should be considered on their own merits at the point any application is made and cannot be utilised as a refusal reason in relation to the proposal which is before me. I note it is contended that Aylesbury Vale's housing is being delivered at the anticipated rate with a 5.2-year housing supply, however, as discussed within the Planning Balance and Overall Conclusions, the Council have confirmed that they cannot currently demonstrate a 5HYLS.
42. Comments have been made regarding the existing junction from Denham out to Church Street, however, I did not find this junction to be of such limited visibility that it raised concern at the point of my site visit and furthermore, I note that County Highways, as a consultee, have not objected to the proposal on the grounds of highway safety subject to the imposition of conditions as set out and as have been applied to permission granted. I note comments regarding visibility splays and being located along a stretch of road subject to the national speed limit road due to the positioning of the access. I would reiterate there has been no objection from County Highways and, from my perspective, the lane off which the proposal would be accessed is a No Through Road and I find that, due to the proximity of the junction with Church Street, it is unlikely that relevant speeds would be near 60 miles an hour in this location.
43. In addition, I would note that the new vehicular access is a replacement for an existing access point to the site, which would be closed, with the access point actually being moved away from the junction with Church Street which is likely to be an improvement overall in terms of access to the site for road users. I have no evidence before me, nor reason from my site visit, to conclude that the proposal would result in sub-standard access and visibility.
44. The photomontages submitted are noted, however, I am not convinced that they accurately represent the proposal with no confirmation as to who has prepared them, and, in any case, the proposal would be approved subject to a landscaping condition which would improve the hedgerow boundary which is noted as being of concern.
45. I understand that there is concern as to the status of the NP and that interested parties wish to ensure that the NP remains credible and part of the Local Plan. I would reiterate that the wording of NP Policy QP1 does not apply automatic resistance or assumed refusal for proposed housing developments outside the settlement boundary, but rather sets circumstances against which they could be considered and allowed if appropriate. I have found the proposal

is consistent with the overarching objectives of this policy, and objectives of the settlement boundary, as confirmed within the supported text which accompanies the NP policies within the NP documentation. I find that the direct reference to paragraph 80, now paragraph 84, of the Framework is of relevance to the overarching objectives of the Framework which is to avoid isolated homes in the countryside.

46. I note that interested parties have submitted decision letters, but no plans or further information, relating to APP/J0405/W/16/3157098 (land south of The Strand) and APP/J0405/W/23/3317499 (135 Station Road). The appeal on land south of The Stand is not in any way comparable to the proposal before me given that it was for residential development comprising up to 31 dwellings. Furthermore, the decision was made based upon previous versions of the LP, NP and the Framework. I also note in that case that the Inspector concluded the proposal would have very significant and adverse effects for the rural landscape and the site was considered to make a significant contribution to the significance of the CA. These are two key issues which is not the case with the proposal before me combined with the fact that the Council could, within that appeal, demonstrate a 5YHLS. There is significant difference between the proposal which was the subject of this appeal and that which is before me.
47. I note the comments made by the Inspector in the appeal 135 Station Road which I note was for the erection of 12 new dwellings as a result of demolition of an existing dwelling house, stables and barn. I note the Inspector, within that appeal, reached the conclusion that NP Policy QP1 requires schemes outside the settlement boundary to meet one of the exceptions under paragraph 80, now paragraph 84 of the Framework. This was also when taking into account the specific confirmation within the NP that the purpose of the settlement boundary is to protect the integrity and appearance of the village. The proposal before me, I find would represent a notable improvement as a result of reusing a previously developed site for the reasons I have outlined, and again is to be considered in the context of the Council not being able to demonstrate a 5HYLS.
48. I note comments have been made regarding a lack of planning notice having been displayed and lack of notification during the application period, however, these are procedural matters which do not fall within the scope of this appeal.

Conditions

49. The Council have, within their statement of case, provided a list of conditions which they consider should be applied in the event of this appeal being allowed. The appellant has acknowledged these within their final comments and agrees with the suggested conditions, with the exception of condition 11. The panels have been proposed upon the south facing elevation of the proposal to, presumably, receive maximum sunlight over the course of the day as this would generate more than other orientations. I note the reasoning, from the Council, relating to this condition but in this case, I do not find that such a feature would be inappropriate taking into account the historic setting and nearby NDHA.
50. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans and in accordance with any other conditions imposed by this planning permission, is required to control and

define the development which is granted consent. A condition relating to accessible and adaptable standards is required to ensure the provision of accessible and adaptable dwellings in accordance with the VALP and a condition relating to parking, manoeuvring and electric vehicle charging points is required in the interests of highway safety as well as to secure more sustainable modes of transport in line with the objectives of VALP, NP and The Framework. A condition relating to covered and secured cycle parking is required for similar reasons relating to sustainable transport options for future occupiers and a condition relating to the new means of access is required in the interests of highway safety. A condition relating to the proposed hardstanding being made of porous material or having direct water run off to a permeable or porous area is required to reduce flood risk in accordance with VALP, NP and The Framework.

51. An external material condition, and a condition relating to samples of roof tiles and ridge tiles, is required to ensure a satisfactory appearance of the development and to ensure that materials are in keeping with those found in the locality in accordance with the VALP, NP and the overarching objectives of The Framework relating to high quality design. A condition relating to water consumption is required to promote sustainability in water use in accordance with the VALP. A condition requiring implementation in accordance with the agreed measures set out within the submitted preliminary ecological appraisal is to ensure that measures are undertaken throughout the site clearance and construction period in accordance with the submitted documents for the benefit of wildlife in accordance with the requirements of the VALP and NP.
52. A condition relating to landscaping details is required to ensure a satisfactory appearance as well as ensuring biodiversity net gain in accordance with the VALP and NP. I do not, however, find that this condition needs to be timed relating to progression beyond slab level in terms of submission and approval in writing as, ultimately, the condition requires that such works be carried out prior to first occupation. By keeping the second required timescale, i.e. implementation prior to first occupation, the first timescale within the proposed condition is not required. A condition requiring replacement of any failure of any tree or shrub which forms part of the approved landscaping scheme is required to ensure the ongoing satisfactory appearance of the proposal and biodiversity net gain.
53. Condition 14 removes permitted development rights relating to enlargement, improvements or alterations, additions to the roof, other alterations to the roof, porches and buildings incidental to the enjoyment of the dwelling house to allow the Council to consider and control any future proposals for enlargement or alterations to the approved dwelling having regard for the existing development and setting at the point of application. A condition removing permitted development rights relating to gates, fences and walls is required in the interest of visual amenity to control the development in accordance with that which has been specifically approved either via the approved plans or through information which is subsequently discharged at condition stage.

Conclusion

54. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

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 approved shall be carried out in accordance with the details contained in the planning application hereby approved and the following drawings: PA 101 Location Plan (received 21 November 2022), PA 102 Rev A Proposed Site Plan (received 05 January 2023), PA 103 Proposed Plans and Elevations (received 21 November 2022), Unnumbered Plans and Elevations of existing development (received 21 November 2022) and in accordance with any other conditions imposed by this planning permission;
3. The residential dwelling 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;
4. Prior to the initial occupation of the dwelling hereby approved, the scheme for parking and manoeuvring (including the location of the electric vehicle car charging point) as shown on approved drawing number PA 102 Rev A shall be laid out and those parking and manoeuvring areas and associated electric vehicle charging infrastructure shall thereafter be retained as such in perpetuity and shall not be used for any other purpose. The electric vehicle charging point shall thereafter be made available for use and maintained to a useable standard;
5. Prior to the first occupation of the dwelling hereby approved, details of covered and secure cycle parking for at least one bicycle shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be made available for use before the dwelling is occupied and shall be retained as such in perpetuity and shall not be used for any other purpose;
6. No other part of the development shall be occupied until the new means of access has been sited and laid out in accordance with approved drawing number PA 102 Rev A and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access within the Public Highway";
7. The proposed hardstanding indicated on approved drawing number PA 102 Rev A, shall be made of porous materials, or provision shall be made to direct run-off water from the hard standing to a permeable or porous area or surface within the curtilage of the site;

8. The external materials, excluding roofing materials, to be used in the construction of the development hereby permitted shall be as specified on approved drawing number PA 103 received by the Local Planning Authority on 21 November 2022;
9. Prior to any development above slab level, samples of the proposed roof tile and ridge tile shall be submitted to and approved in writing by the Local Planning Authority. The samples shall be accompanied by details of source/supplier. The development shall be carried out thereafter in accordance with the approved details;
10. The dwellinghouse 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);
11. The development hereby permitted, including site clearance, shall be implemented in accordance with the agreed measures set out in Section 5 'Recommendations' of the Preliminary Ecological Appraisal (Windrush Ecology, November 2022) received by the Local Planning Authority on 21 November 2022;
12. Notwithstanding the landscaping details shown on approved drawing number PA 102 Rev A, full details of both soft and hard landscaping works proposed shall be submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include details of all means of enclosure and details of all proposed hard surfacing materials. For soft landscape works, the details shall include a schedule of all proposed trees and plants, noting species, sizes and numbers/densities, details of all trees and hedges to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment).

These works shall be carried out as per the approved details prior to the first occupation of the dwelling hereby permitted so far as hard landscaping and boundary treatments are concerned and for soft landscaping, within the first planting season following the first occupation of the dwelling hereby permitted or the completion of the development whichever is the sooner and shall be retained as such thereafter in perpetuity;
13. Any tree or shrub which forms part of the approved landscaping scheme approved by Condition 12 which within a period of five years from the date of planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity as shown on the approved landscaping scheme;
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development falling within Classes A to E inclusive of Part 1 of Schedule 2 of the Order shall be undertaken to or within the curtilage of the dwellinghouse hereby approved;

15. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 2015 (or any Order revoking or re-enacting that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, constructed or altered within or along the boundaries of the application site, except in accordance with the boundary treatments/means of enclosure details approved by Condition 12 of this permission.