



Appeal Decision

Site visit made on 23 January 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI
an Inspector appointed by the Secretary of State
Decision date: 2nd April 2024

Appeal Ref: APP/Y0435/W/23/3320666

Willow House, Watling Street, Little Brickhill, Milton Keynes MK17 9LS

- 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 J Dearman against the decision of Milton Keynes Council.
 - The application Ref 22/01287/FUL, dated 18 May 2022, was refused by notice dated 29 December 2022.
 - The development proposed is described as erection of detached carport, two detached dwellings with associated garages/carports and alterations and extension of existing access drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are inconsistencies in the appellants statement as to the reference of Plots 1 and 2. For the avoidance of doubt, I refer to Plots 1 and 2 as annotated on drawing no 2022/1020/01F Site Location & Block Plan.
3. The appellant's statement included a plan providing details of the site layout and replacement wall. However, mindful that the appeal process should not be used to evolve a scheme, and in the interests of fairness to all parties, including those who were consulted during the course of the application, I have determined the appeal on the basis of the plans that were before the Council when it made its decision.
4. Subsequent to the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published in December 2023. Both parties have been given opportunity to comment on the revised Framework. I have had regard to the comments received, and the revised Framework, in determining the appeal.
5. The appeal site is situated within the Little Brickhill Conservation Area and is proximate to a number of Grade II listed buildings. I have therefore borne in mind the statutory requirements placed upon decision-makers by section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act).

Main Issues

6. The main issues are:

- i) the effect of the proposed development on the character and appearance of the Little Brickhill Conservation Area (CA), including its effect on the significance of a non-designated heritage asset;
- ii) whether the proposed development would preserve the setting of the Grade II listed building known as Grove Cottage North Cottage;
- iii) whether the appeal site offers an appropriate location for development having regard to the development plan policies; and
- iv) whether the proposed development would be provided with adequate means of drainage.

Reasons

Character and appearance

- 7. The boundaries of the CA encapsulate the built form, that addresses Watling Street, the principal route through the small linear settlement, as well as undeveloped garden plots and green fields to the rear. The significance of the CA is partly informed by the quality and range of its buildings that together, with traditional materials, historic boundary treatments, plot layouts, land uses and associations, reveal its evolution over many centuries. Significance is also derived from the CA's connection to the countryside that surround it. Consequently, remnants of undeveloped spaces, views out to the wider countryside, trees and planting are also of value to the character and appearance of the CA as a whole and contribute to its special interest and significance.
- 8. The appeal site comprises part of the undeveloped garden associated with Willow House, a detached dwelling set back from the north side of Watling Street via a long, narrow access track. To one side of the driveway are a group of Grade II listed buildings fronting Watling Street, to the other is a traditional red brick boundary wall and a large stone barn, identified as a non-designated heritage asset (NDHA).
- 9. For the purposes of the Council's Little Brickhill Conservation Area: Village Appraisal & Character Statement Conservation Area Appraisal September 2006 (CAA), the appeal site lies within Settlement Character Area 2. The stone barn is labelled a 'significant historic building' within the CAA, which also identifies that the survival of farm buildings and views of open fields are an important reminder of the closer links the village once had with its rural surroundings.
- 10. The existing undeveloped appeal site has an open and verdant character, and in combination with neighbouring parcels of land, provides undeveloped open space that is of value to the character and appearance of the CA. The traditional red-brick material and construction of the wall also contributes positively to the townscape and historic interest of the CA.
- 11. The stone barn is a survival of the farm buildings that provides legibility of the village's rural origins that is of value to the significance of the CA as a whole. Despite changes in uses and its surroundings, to this day, the barn has retained its authentic agricultural character while the relatively open and

undeveloped surroundings provide it with a degree of spaciousness. Consequently, the undeveloped areas close to the barn, which include the appeal site, are a part of its setting that better reveal its significance as a NDHA.

12. The appeal scheme proposes the introduction of two detached dwellings onto the appeal site. One dwelling (Plot 1) would be located to one side of Willow House, within a portion of the undeveloped land between Belle Vue and an undeveloped green field to the north. Plot 1 would be accessed via an extended access drive, feature a double carport and reach close to the site boundaries on one side. It is also proposed to introduce a triple-bay car port within the grounds of Willow House, which would be demarcated by a new 2m high fence and gates at the head of the access drive.
13. The Council's reason for refusal does not cite any objection in respect of Plot 1. However, as decision maker I am required to pay special attention to the desirability of preserving the character or appearance of the CA. I consider that the introduction of a relatively substantial dwelling and associated landscaping, boundaries and access would lessen the open, green nature that contributes to the semi-rural character and appearance. A 'significant' view towards the appeal site is not identified within the CAA. However, the local topography means that the development of this part of the site would occupy an elevated position relative to the public footpath that runs to the north.
14. The second dwelling (Plot 2) would be sited to the east of the access track, on rising land, closer to the Watling Street frontage and close to the long stone barn. Plot 2 would introduce a detached garage forward in the plot and adjacent to the barn. Although Plot 2 would benefit from a garden to the front, being sited close to the side boundaries with very little space to the rear, it would feel uncomfortably squeezed in. The development proposed on Plot 2 would be cramped and an unsympathetic form of development that would undermine and weaken the semi-rural qualities of the access track as well as intrude into the sense of spaciousness around the barn.
15. The setting of the stone barn has clearly changed over time and the evidence suggests that an agricultural building had been sited close to the stone barn historically, albeit it is no longer standing. That pre-existing structure, even if close to the stone barn, would likely have been a remnant farm building typical in an agricultural context. The appeal scheme, however, would introduce a two-storey domestic structure, garage, boundary walls and hard landscaping that collectively would urbanise this part of the appeal site and encroach into the spaciousness setting of the stone barn. The latest iteration has sought to re-position the dwelling further away from the corner of the stone barn, features a roof pitch that slopes away from it, with lower eaves and dormers. Even so, the proposed dwelling would be higher than it. While noting that planning permissions for a detached three-bay garage close to the stone barn may have been granted, the cumulation of the scale and nature of the proposed built form, the proposed development would harm the significance of the stone barn through development within its setting.
16. It is also proposed to widen the existing access and to reposition a section of the red brick wall to facilitate the provision of visibility splays onto Watling Street. The proposals would involve partial demolition and re-building of the red brick boundary wall that runs alongside the access driveway, along with the

removal of vegetation and resurfacing of the driveway with a bound surface. Whilst the existing driveway may be in a poor state of repair the proposed works would be suburban in appearance and a stark contrast to the current semi-rural character of the driveway. Surface materials for the driveway and bricks for the walls could be conditioned, this aspect of the scheme would formalise the track and cause it to be more akin to suburban driveway.

17. For the reasons stated above, overall, I consider that the proposed development would fail to preserve or enhance the character or appearance of the CA. It would also, through development affecting its setting, harm the significance of the stone barn as a NDHA. Conflict therefore arises with s72(1) of the Act. There would also be conflict with Policies HE1 and Policy D1, D2 and D3 of Plan:MK 2016-2031, adopted March 2019 (Plan:MK) insofar as these require development to sustain and, where possible, enhance the significance of heritage assets for the character of the development be locally inspired in conservation areas, and that the appearance of the building contributes to the enhancement or creation of a positive character.
18. Given the scale of the impact of the proposals, the degree of harm to the significance of the CA as a designated heritage asset would be less than substantial. The Framework indicates that this harm should be outweighed by wider public benefits. The scale of harm to the significance of the stone barn NDHA would be moderate, which requires a balanced judgment. I turn to this in the overall heritage and planning balance later in my decision.

Listed building setting

19. The Grade II listed building known as Grove Cottage North Cottage (List Entry No 1289351) comprises an attached pair of cottages on the north side of Watling Street. The frontage of the listed building sits directly at the back edge of the pavement with its flank wall tight up to the appeal site access. The statutory list description identifies it as originally one 16th century timber framed house. The significance of the listed building is derived in part from its age, surviving historic fabric and its relationship to the evolution of the village, as well as the integral contribution the listed building makes within a series of historic vernacular buildings fronting Watling Street, indicative of its wider group value.
20. Although there has been development to the rear of the listed building the unmade, narrow nature of the existing access route provides an unobtrusive gap before the flank wall of the cottages. Coupled with the traditional brick wall on the opposite side of the access, the opening contributes to an unobtrusive semi-rural part of the streetscene that is part of the setting of the listed building.
21. The widening of the access would materially alter the visual appearance of the drive, exacerbated by the use of modern surface materials at the entry point. The suburbanising impact of the widened and re-surfaced access would be prominent and conspicuous, competing with the Grade II listed building from the Watling Street context. Consequently, the proposed development would fail to preserve the setting of the Grade II listed building, leading to conflict with the statutory presumption under s66(1) of the Act.
22. Through development within the setting of the Grade II listed building there would be some small harm to significance. Accordingly, the proposal would fail

to comply with Policy HE1 of Plan:MK insofar as it seeks to ensure development sustains, and where possible, enhances the significance of heritage assets including listed buildings. Bearing in mind the scale and nature of the proposal relative to the listed building, the degree of harm to its significance would be less than substantial, which I consider further in the overall heritage and planning balance.

Whether an appropriate location

23. Policy DS1 of Plan:MK sets out a broad development strategy in the form of a hierarchy stating that development for housing will be focused on and adjacent to the existing urban areas of Milton Keynes and three key settlements. Elsewhere within the rural area new development will occur within villages and other rural settlements at locations identified in made neighbourhood plans.
24. Although the development plan was adopted prior to the publication of the latest version of the Framework its policies in respect of protecting the countryside and sustainable patterns of development are broadly consistent with national policy.
25. For the purpose of the Councils settlement hierarchy, Little Brickhill is identified as a village settlement, wherein, subject to compliance with other relevant policies Policy DS2 of Plan:MK permits development proposals within the defined settlement boundaries. It is not disputed between the parties that Plot 2 lies within the settlement boundary of Little Brickhill and accordingly the principle of residential development would accord with the development plan. However, given my findings in respect of the first two main issues, the proposed development would not be in accordance with other relevant policies.
26. The appellant contends that, in visual and physical terms, the appeal site is more related to the village and appears part of it rather than the open countryside; and that the proposal would 'round off' the settlement. I observed the wall along the northern boundary of the appeal site, however, the wall does not obviously correlate with the settlement boundary defined in the Policies Map. Policy DS5 (A) of Plan:MK states that Open Countryside is defined as all land outside the development boundaries defined on the Policies Map. Although Plot 1 is adjacent to the settlement boundary on two sides, and behind the rear garden of Belle Vue, it lies just beyond the defined settlement boundary, and for planning policy purposes, located within open countryside.
27. The Council has raised concerns that Little Brickhill is not a suitable location, having limited facilities, however, Policy DS5 of Plan:MK is not predicated on accessibility to such services and facilities. Nevertheless, Little Brickhill does offer some services and facilities which include a church, village hall, children's play park, public house, hair salon, bed and breakfast accommodation and a number of small businesses. I also understand that there is an on-demand bus service available. Mindful that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I do not consider the location of the appeal site would be harmful in respect of access to services and facilities and a lack of choice to travel by sustainable modes.
28. Notwithstanding that the appeal site's location is neither isolated nor harmfully remote from some services and facilities, Policy DS5 of Plan:MK seeks to resist development within the open countryside unless it meets the list of exceptions.

Plot 1 would not fall within any of the exceptions listed in Policy DS5 of Plan:MK and its location beyond the settlement limits would run counter to the Council's settlement hierarchy.

29. For the reasons outlined above, I conclude that Plot 1 would not be an appropriate location for residential development, having regard to the development plan policies. I therefore find conflict with Policies DS1 and DS5 of Plan:MK which seeks to restrict development in the countryside. It would also conflict with the Framework which seeks to protect the open countryside.

Drainage

30. The appeal site is located within Flood Zone 1, defined as having a low probability of flooding, and at very low risk of surface water flooding. The appellant submitted a drainage strategy which proposes to discharge surface water from building roofs to soakaways subject to infiltration testing and proposed attenuation to be provided via permeable paving. The Lead Local Flood Authority request infiltration testing to support the surface water strategy prior to determination.
31. Despite the lack of details before me, the imposition of an appropriately worded pre-commencement condition could secure details of a suitable surface water drainage system, even if soakaways were not achievable. Subject to the imposition of conditions, I am satisfied that the proposed development could provide an adequate means of drainage in accordance with Policies FR1 and FR2 of Plan:MK and the Framework, which seek to ensure development provides appropriate drainage systems and that appropriately manage surface water. A lack of harm in respect of drainage, however, does not alter my findings in respect of the other main issues.

Other Matters

32. Concerns regarding due process during the processing of the planning application fall outside of the remit of this appeal, which has been decided on the evidence and merits of the proposals before me.
33. The appellant advances that the appeal scheme would have a similar impact to an extant planning approval at Willow House¹. Even if there would be some similarities to the appeal scheme, the overall design differs significantly. Reference is made to planning permission² granted adjacent to Plot 1 for two dwellings. I am not party to the evidence before the decision-maker to reach a view as to whether they are comparable or not. This scheme would have been assessed in light of its own particular context and so does not set a precedent that I am bound to follow with this appeal. In any event, I have decided the appeal bearing in mind the statutory duties as a decision-maker, the site-specific circumstances and the proposals before me.
34. I have had special regard to whether the settings of other nearby listed buildings would be preserved, notably the Grade II listed buildings Sunnyside (List Entry No 1289420) and the Grade II listed Green Man public house (List Entry No 121674). However, the location of the appeal scheme and the nature of the proposals relative to these other listed buildings leads me to the view that their settings would be preserved.

¹ 18/00368/FUL

² 12/01409/FUL

Heritage and Planning Balance

35. The proposal would deliver two open-market dwellings that could be built-out quickly, add to the choice of homes and supporting the Government's objective to boost the supply of housing. There would be some economic benefits associated with the construction phase and as future occupiers would feed into the local economy. There would be some social benefits derived from support to local services and facilities within the village. There could potentially be some improvement to highway safety from a widening of visibility splays at the site's access.
36. The clearing of the driveway and providing an additional passing place and turning space may provide some limited benefit to the users of the access, however, the benefits would largely be private ones and not to the wider public. Even cumulatively, the wider public and planning benefits associated with two dwellings would be modest and carry moderate weight in favour of the proposal. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether there would be less than substantial harm to significance. On balance, the weight of public benefits in favour of the proposed development would not be sufficient to outweigh harm to the significance of designated heritage assets identified. The proposal therefore fails to accord with the historic environment protection policies of the Framework.
37. I note that an appropriate level of car and cycle parking would be provided to serve the future occupiers of the development. I am satisfied that the proposed dwellings would cause no harm in respect of the living conditions of existing occupiers of neighbouring properties. Nor would there be harm in respect of appropriate provision of drainage. However, these are neutral matters that neither weigh for or against the proposal.
38. On the other hand, I have found conflict with the statutory presumptions under s66(1) and s72(1) of the Act, which carries considerable importance and weight. I have also found that there would be conflict with the Council's development plan policies in relation to heritage assets, and the settlement strategy.

Conclusion

39. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
40. For the reasons given above, I therefore conclude that the appeal should be dismissed.

R. Gee

INSPECTOR