



Appeal Decision

Site visit made on 30 April 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 MAY 2024

Appeal Ref: APP/Y0435/W/23/3328474

33 Cross End, Wavendon, Milton Keynes MK17 8AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs Colin and Julia Frost and Cox against the decision of Milton Keynes Council.
 - The application Ref is 23/00745/PIP.
 - The development proposed is the erection of one detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance 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 and 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. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023 and therefore I have referred to that revised document in my determination of this appeal. I am satisfied that the parts of the Framework most relevant to this appeal have not substantively changed from the previous iteration.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. The appeal site is not located within a settlement boundary as defined by the development plan, Plan:MK 2019 (PMK). Instead, it is located within an area

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

defined as open countryside. Policy DS5 of the PMK sets out a number of scenarios whereas development will be acceptable within the open countryside, including where other policies within the plan indicate that development would be appropriate. The appellant seeks to demonstrate that the proposal would comply with that part of Policy DS5 and thus with the development plan, owing to its compliance with Policies DS1 and DS2 of the PMK. Specific reference is made to a previous appeal decision² relating to proposed residential development in the Council area.

7. Policy DS1 sets out a settlement hierarchy, which does not include reference to the provision of homes in areas of open countryside. Whilst the Inspector in the Gravel Walk appeal found that the policy does not expressly exclude sites which are outside of defined settlement boundaries, it does not offer any support for development in such locations either. Likewise, whilst the Inspector also found that Policy DS2 does not expressly preclude residential development beyond the specified areas, it too does not offer support. Neither policy indicates that the appeal development would be appropriate in this location. Although the appellant refers to Part B of Policy DS2, the proposal is not for a C2 use. As the proposal does not meet any of the other criteria set out in Policy DS5 it fails to accord with that policy.
8. The parties are in agreement that the land is previously developed land and I find no reason to disagree. Paragraph 124c) of the Framework sets out that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Notwithstanding that the site is not within a settlement in the development plan, the appellant contends that it should be considered to form part of a settlement as it is immediately adjacent to the existing residential development on Newport Road and Cross End. Furthermore, they highlight that the appeal site is close to bus stops and that it is possible to walk to Woburn Sands via an existing pavement. They further refer to three recent developments approved close by, which they consider have had an impact upon the urban fabric.
9. However, whilst a dwelling on the appeal site would undoubtedly have a close visual relationship to the existing built form on this side of Newport Road, in that it would be clustered together with it, I am not persuaded that these dwellings form a settlement or part of one. They are instead a collection of dwellings arranged mainly in a linear fashion along a main road which connects the two settlements of Wavendon and Woburn Sands. They are not visually read as part of either settlement, even on consideration of recent nearby development, and there is no apparent provision of services and facilities needed for day-to-day living in the immediate vicinity. I find therefore that the appeal site is not in a settlement and consequently the proposal does not find support from paragraph 124c) of the Framework.
10. At the present time the appeal site is laid out mainly to provide parking in association with the existing building at 33 Cross End and is thus generally devoid of built development. From views taken on Cross End in particular, the appeal site contributes positively to the character and appearance of the area which, even noting the more recent housing development on Cross End, is firmly rural in its feel. The erection of a dwelling on the appeal site would erode the sense of spaciousness that the site provides and would result in a dwelling

² APP/Y0435/W/21/3286461

set uncharacteristically closer to Newport Road than the existing dwellings immediately adjacent. Whilst I acknowledge that detailed design matters would be for later consideration, for these reasons any kind of dwelling on the site would result in significant harm to the character and appearance of the area.

11. The appellant refers to several other developments. The site at 42 London Road, Newport Pagnell³ was located within the open countryside but also within the settlement boundary. It was for a C2 planning use. Land West of Boars Tye Road⁴, is within a different local authority area and subject to a different development plan. But in any event, that site was adjacent to the settlement boundary and the Inspector noted that it was a reasonably short walk to village facilities and amenities. Land at Dovedale Close⁵ is again in another local authority area and it was found that the proposal was visually and functionally well related to the existing village and that it would be experienced as more of an infill development, than an isolated development or extension to the settlement. It does not appear that the circumstances in any of those cases are directly analogous to those arising in this appeal. Therefore, whilst I have had regard to them, I have made my assessment of the appeal before me on its own merits.
12. In conclusion, the erection of a dwelling in this location would fail to accord with Policy DM5 of the PMK, where it seeks to safeguard the countryside from inappropriate development and safeguard its character.

Other Matters

13. The proposed development would boost the supply of homes on a small site, which are both aims of the Framework. It is stated that the development would provide housing for older people, the provision of which the appellant contends will not necessarily occur just because the Council has a 5 year housing land supply. In that regard, my attention is drawn to Policy HN9 of the PMK and paragraph 63 of the Framework. There would also be some economic and social benefits arising during construction and after occupation. Given that only one new dwelling would be provided, these considerations collectively carry moderate weight in support of the proposal.

Planning Balance and Conclusion

14. The proposed development would fail to accord with Policy DM5 of the PMK and with the development plan taken as a whole. Balanced against this it would provide the benefits I have outlined which collectively offer moderate weight in its favour. Those benefits do not outweigh the harm I have identified and the conflict with the development plan.
15. In conclusion therefore, I find that the other considerations in this case do not indicate that a determination should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR

³ 22/02190/FUL

⁴ APP/Z1510/W/21/3289751

⁵ APP/W3520/W/22/3310678