



Appeal Decision

Hearing held on 10 December 2024

Site visit made on 10 December 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/J0405/W/24/3352124

Tythrop Park Farm, Thame Road, Kingsey, Buckinghamshire HP17 8LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ed Clark against the decision of Buckinghamshire Council.
 - The application Ref is 24/00489/APP.
 - The development proposed is retrospective full planning application for the placement of 83 shipping containers for use as storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional landscaping plans have been submitted with the appeal (2748-LLA-ZZ-00-DR-L-0201 rev P01 (Page 1 of 2), 2748-LLA-ZZ-00-DR-L-0202 rev P01 (Page 2 of 2) and 2748-LLA-ZZ-00-DR-L-0301 rev P01). The Council has been given the opportunity to comment on these plans. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to these plans in my decision. I will return to this matter later in my decision.

Main Issues

3. The main issues are:

- the effect of the proposal on the character and appearance of the area; and
- whether the appeal site is a suitable location for B8 storage use having regard to local planning policies relating to sustainable development.

Reasons

Character and appearance

4. The appeal site is 0.36 hectares in size and forms part of Tythrop Park Farm. The main farm buildings are located to the northeast of the site. Views of the site from nearby public vantage points are limited. It is nonetheless highly visible from the immediate site setting. The site is bordered to the west by an area of woodland which is protected by a blanket Tree Preservation Order. This woodland is highly visible within the wider landscape including from the public right of way to the north and, in combination with other areas of woodland

within the wider landscape, contributes positively to the historic parkland character of the area.

5. The appeal proposal is for the stationing of 83 shipping containers, most of which are arranged in a 'U' shape around the site perimeter. The proposal is described as being retrospective and the containers were in place at the time of my site visit. The site is enclosed by close boarded fencing to the south and is accessed from a private track from the A4129 to the south of the site.
6. The Vale of Aylesbury Local Plan (2021) (LP) Policy NE8 sets out that where trees within or adjacent to a site could be affected by development, a full tree survey and arboricultural impact assessment (AIA) will be required as part of the planning application. This policy goes on to state that development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees, hedgerows, community orchards, veteran trees or woodland which make an important contribution to the character and amenities of the area will be resisted. The policy also states that where the loss of trees is considered acceptable, adequate replacement provision will be required that use species that are in sympathy with the character of the existing tree species in the locality and the site.
7. The appeal is not supported by an AIA or tree survey. At the Hearing, neither party was able to evidence their assertions regarding the type of vegetation cleared to facilitate the development with survey information. The main parties nonetheless agree that there has been some vegetation clearance to facilitate the proposal. It is readily apparent from aerial photographs supplied by the main parties that this clearance took place close to the woodland to the west and I saw that the containers are sited close to this area of woodland. Notwithstanding the type of vegetation cleared to facilitate the proposal, in the absence of survey information I cannot be certain that the vegetation clearance and stationing of the containers has not had an adverse impact upon these trees or that the proposal does not threaten their continued well-being.
8. Whilst the proposal reuses land which was covered in hardstanding associated with the farm, it is clear that this hardstanding has been extended to accommodate the proposal. The extended area of hardstanding, shipping containers and the accompanying boundary enclosure are readily apparent from the site's immediate setting, in particular given the limited vegetation screening in these views. Whilst the occasional siting of shipping containers and buildings of a similar scale may not be uncharacteristic in the countryside, the quantity of containers and the expansive area of fencing nonetheless results in a substantial and intrusive development which appears as a discordant and visually obtrusive industrial feature in this rural landscape.
9. In reaching a conclusion on the acceptability of the landscape and visual effects of the proposal, I have carefully considered the Landscape and Visual Impact Assessment (LVIA) evidence of the appellant. That evidence assessed the landscape and visual impact of the development on the basis that the whole of the site comprised hardstanding. However, it is common ground that the hardstanding was increased in size and vegetation cleared to accommodate the appeal proposal. Given this, it appears that the observations in the LVIA did not include an accurate assessment of the site as it stood prior to its current use. Whilst it was suggested in the Hearing that the LVIA would have reached a similar conclusion if an assessment was made prior to the expansion of the

hardstanding, given the lack of survey information relating to the vegetation within and adjoining the site, I cannot be certain that that would be the case.

10. The main parties agree that strengthening the landscaping surrounding the containers would assist in screening the containers and the appellant has submitted a comprehensive landscape mitigation plan which in time would screen the containers. However, as this landscaping would take place on land outside of the appeal site, there is no mechanism before me to ensure that this mitigation would be delivered and maintained in perpetuity. Without this assurance I cannot be satisfied that the landscape impacts would be effectively mitigated or that the loss of vegetation removed to facilitate the proposal would be compensated for.
11. It is suggested that, notwithstanding the outcome of the appeal, the land cannot be returned to its original form. Even if that were the case, that does not override the harmful effects arising from the siting of the containers on the land and their physical form and presence in the landscape. I therefore afford this suggestion limited weight.
12. Taking all of the above together, I find that the proposal is atypical of the surrounding landscape, such that it has an unacceptable, harmful effect on the character and appearance of the area. Accordingly, it conflicts with those aims of LP policies BE2, NE4 and NE8 as set out above and which also seek to ensure that development proposals respect and complement the physical characteristics of the site and ensure that development is not visually prominent in the landscape.

Location of the development

13. LP policies S1 and S2 seek to ensure that development contributes positively to meeting the vision and strategic objectives for the district with the primary focus of growth within settlements. The site is located in the open countryside. The nearest rail services are some distance away and the nearest bus stops are not within realistic walking distance. Nonetheless, as the containers are required for the storage of typically large bulky items, it is inevitable that the method of delivery and collection of items to and from the containers would be solely by private vehicles. It would therefore be unrealistic to expect public transport to be provided to serve the development. Additionally, the appeal site is well-located in relation to a number of local settlements including Kingsey, Thame and Haddenham, which are not so distant that long journeys would occur.
14. The proposal is described as a farm diversification scheme. The financial evidence that has been provided suggests that the shipping containers are necessary to subsidise the farm business which in turn allows the employment of one full time member of staff in addition to the appellant and his wife. It appears that the shipping containers contribute towards making the holding viable, without which I heard that the financial stability of the farm business would be compromised, meaning that it may be necessary to restructure the farm business which could include a reduction in employment. Given this it appears that the farm diversification scheme is necessary to safeguard the continued operation of the farm. It would thereby comply with LP Policy D6, which sets out that employment development will generally be supported in sustainable locations as part of a farm diversification scheme.

15. In light of the above I find that the appeal site is a suitable location for B8 storage and distribution. I therefore find no conflict with LP policies S1, S2 and D6 as set out above.

Other Matters

16. Tythrop House, a grade I listed early 17th century country house, lies approximately 140m to the east of the site, and the associated grade II listed stables and coach house are sited approximately 290m to the east. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting¹. Intervening development within the wider farm complex visually and spatially separates the site from these buildings and intervisibility between the site and the buildings is limited. There is no indication that the site has any form of historic significance in association with these listed buildings. Consequently, the proposal preserves the setting of these listed buildings.

Planning Balance and Conclusion

17. The proposal would result in harm to landscape character without an appropriate mechanism to mitigate against this harm. I therefore find conflict with LP policies BE2, NE4 and NE8. The proposal therefore conflicts with the development plan, when taken as a whole.
18. The main public benefit of the scheme would result from the income generated by the containers, which from the evidence, would not be insubstantial and would help support the farm business and the employment associated with it. This benefit attracts weight in favour of the scheme.
19. However, the harm and development plan conflict I have found is significant. I do not consider that the totality of the public benefits amounts to a consideration of such materiality that it outweighs the conflict with the development plan. Accordingly, there is no reason to indicate that a decision should be taken other than in accordance therewith. Therefore, the appeal is dismissed.

N Robinson

INSPECTOR

¹ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

APPEARANCES

FOR THE APPELLANT:

Ed Clark, Appellant

Mark Flatman, Director and Head of Landscape Planning, Liz Lake Associates

Sean Bennett, Principal Planning Consultant, Berrys

Lauren May, Senior Planning Consultant, Berrys

William Tongue, Partner and Agricultural Business Consultant, Berrys

Megan Rogers, Rural Enterprise and Land Management, Berrys

FOR THE LOCAL PLANNING AUTHORITY:

Carrie Chan, Senior Planning Officer

Neil Pasmore, Arboricultural Officer/Inspector