



Appeal Decision

Site visit made on 3 January 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/J0405/W/24/3347297

Lake View, Oakley Road, Worminghall, Buckinghamshire, HP18 9UN

- 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 S Gascoyne against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 23/00679/APP.
 - The development proposed is removal of the existing mobile home unit/caravan and provision of replacement mobile home unit/caravan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In their appeal statement the appellant confirmed that the existing mobile home/caravan had already been removed following a fire which I confirmed at the site visit, and I have determined the appeal on that basis. As part of the appeal process the appellant has submitted drawing number P103 which is a Land Use Plan and shows how the proposed mobile home/caravan would relate to the existing uses on the appeal site. In my view, the amended plan provides context and is not inconsistent with the plans submitted during the application stage and as a result I am satisfied that no-one would be prejudiced by me accepting this plan and consequently I have taken it into account in the determination of the appeal.
3. At the application stage, a planning obligation had not been executed to ensure that in the event planning permission was granted for the proposed mobile home/caravan that the mobile home/caravan that benefits from a Lawful Development Certificate dated 30 June 2016 would be removed and would not be replaced. As a result, the Council included a reason for rejection on that basis. However, during the appeal process, a certified copy of an executed planning obligation has been submitted which addresses this issue. As a result, this matter has been satisfactorily addressed and I have not included it as a main issue.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises an existing access track that links to Oakley Road, an area to the north of Lake View which is an existing residential dwelling, and open

fields to the north-east of Lake View. The access track also serves a commercial fishing lake which has an associated parking area.

6. The open fields included in the appeal site forms part of a larger expanse of open fields that are also in the ownership of the appellant. To the east is a traveller's site which is located adjacent to Oakley Road. The fishing lake, Lake View and the open fields that form part of the appeal site create a tranquil and attractive area set away from Oakley Road which contrasts with the more urban development that is located adjacent to the road including the traveller's site, and a waste transfer station.
7. As outlined above, the open fields that form part of the appeal site are part of a large expanse of open fields which provides an important open space between the travellers' site and the more low-key development at Lake View and the attractive fishing lake. Although there is an existing animal shelter, this is compatible with this countryside setting and does not undermine the sense of openness.
8. Although the appellant indicates that there may have been buildings on the appeal site they have been removed and there does not appear to be any trace of them left on the appeal site. As a result, this open space creates a sense of spaciousness within the countryside which makes an important contribution to the character and appearance of the area. Moreover, the area meets some of the key characteristics and landscape character of the Bernwood Forest area of the Aylesbury Vale Landscape Character Assessment as it has a dispersed settlement pattern and is predominantly pastureland with a tranquil character.
9. Oakhall Court is a more recent development which includes an existing farmhouse and six detached houses, and which is set back from the road. However, this development is separated from the appeal site by open fields which also contribute to the open spacious character of the area. As a result, the existence of this development does not diminish the contribution that the appeal site makes to the overall character and appearance of the area.
10. Similarly, although planning permission has been granted at Oakley Airfield for a testing track and ancillary uses, including re-use of an existing hangar, this development is compatible with the former use as an airfield where there was a runway, hardstanding and existing buildings. Moreover, this site is separated from the appeal site by the lake and by open fields and much of the site remains open and green. As a result, this site does not relate closely to the appeal site and does not diminish the contribution it makes to the character and appearance of the area.
11. Although now removed, the previous mobile home/caravan was located close to and related well to Lake View. Conversely, the proposed development would be set away from the existing residential development and would be separated by an open field and would introduce a harmfully urbanising feature into an area of open land. The proposal would be largely screened from any public views from Oakley Road, but would be clearly visible from the access track that serves the commercial fishing lake.
12. The appellant could reintroduce a mobile home for residential purposes in accordance with the details contained in the certificate of lawfulness for existing use or development and this is a legitimate fall-back position. However, given the close relationship the previous mobile home had with the existing residential use it

would not result in the same level of harm as the proposed development and consequently I give limited weight to this fall-back position.

13. I accept that the parking area to serve the proposed development would be located away from mobile home/caravan which would be reached by a footpath. Nevertheless, there would be a garden surrounding the proposed mobile home/caravan which would result in the introduction of domestic paraphernalia associated with the residential use of this part of the appeal site. This would further exacerbate the unacceptable harm the proposal would have on the character and appearance of the area.
14. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. Consequently, the proposal would conflict with policies BE2 and NE4 of the Vale of Aylesbury Local Plan 2012-2033 September 2021 and policy RC1 of the Worminghall Neighbourhood Plan April 2018 which among other things seek to ensure that development respects and complements its surroundings, local distinctiveness and the rural character as well as minimising the impact on visual amenity.

Other Matters

15. I have taken account of the other developments that have been brought to my attention. However, these are materially different from the proposal before me. For example, as outlined above, the travellers' site which was granted planning permission at appeal¹ is located adjacent to Oakley Road and consequently its impact on its surroundings are significantly different.
16. In any event, in allowing the appeal and granting temporary permission the Inspector found that the proposal would have a significant adverse visual impact on the landscape and would materially harm the character and appearance of the area which resulted in conflict with the development plan, but other considerations based on the particular circumstances outweighed that conflict. That is not the situation here. The fact that the appellant points out that the temporary permission has expired, no further planning permission has been granted for the site, more caravans are now on the site and the Council has not taken any action against the activity does not alter my view that the existence of this site does not justify harmful development at the appeal site.
17. Similarly, I have considered a change of use of land to residential garden on land at 3 Oakhall Court which was allowed at appeal². In that case, the Inspector was clear that the proposed change of use would be viewed in the context of the existing residential property and would not look out of character and the garden extension would be visually self-contained and would not be harmful to the countryside landscape character and appearance of the area. That is materially different from this case where the proposed development would not be viewed in the context of Lake View but rather would be visually separate from it. Consequently, this previous appeal decision is afforded limited weight in the determination of the appeal.
18. The fact that the Council has now granted planning permission for a garage and associated hard landscape works on this site at Oakhall Court does not alter my

¹ APP/J0405/W/15/3005295

² APP/J0405/W/21/3282189

view that the circumstances of this other development and its related impact on its surroundings are materially different from the case before me.

19. Further, the development at Oakley Airfield for a testing track and ancillary uses, again is materially different from the proposal before me, as it involved the redevelopment of a brownfield site and its impact on its surroundings are materially different from the scheme before me. So again, the fact that the Council has granted planning permission for a development on this other site having undertaken a planning balance has limited weight and does not alter my view that the proposal would unacceptably harm the character and appearance of the area.

Conclusion

20. 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. Consequently, the appeal should be dismissed.

S Rawle

INSPECTOR