



Appeal Decision

Site visit made on 29 January 2025

by **Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal Ref: APP/J0405/W/24/3353488

Rectory Farm, Buckingham Road, Weedon HP22 4DR

- 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 Chris Halliday against the decision of Buckinghamshire Council.
 - The application Ref is 24/01182/APP.
 - The development proposed is 2-bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Both parties have had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. I have had regard to the latest version in determining this appeal.

Main Issues

3. The main issues in this appeal are:
 - whether the appeal site would be an appropriate location for the proposal with regards to the Council's spatial strategy for the area;
 - whether the appeal site would be an appropriate location for the proposal with regards to its accessibility to services and facilities; and
 - whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Reasons

Spatial Strategy

4. Policy S2 of the Vale of Aylesbury Local Plan 2013-2033 (2021) (Local Plan) sets out where strategic growth and investment will be permitted in the district. The policy strictly limits any housing development in rural areas outside of the strategic settlements and the larger, medium and smaller villages. In these areas, it

considers it likely for housing development to be incremental infill development principally in line with Policy D5 and other relevant policies in the Local Plan.

5. Policy D5 of the Local Plan permits new homes in 'other settlements' in specific circumstances. The appeal site is located within a small cluster of dwellings, which is not identified as an 'other settlement' in the Council's settlement hierarchy set out at Table 2 of the Local Plan, and there is no dispute between the parties that the cluster of dwellings does not comprise a settlement. Therefore, while it may be that the proposal would comprise incremental infill development principally in line with Policy D5, the policy would not be applicable in this case. The corollary of the lack of support from Policies S2 or D5 of the Local Plan is that the proposal would be at odds with the spatial strategy.
6. In conclusion, the appeal site would not be a suitable location for the appeal proposal when applying the spatial strategy set out in the development plan. This would harm the public interest of having a genuinely plan-led system that provides consistency and direction. As a result, the proposal would also conflict with Policy S3 of the Local Plan, which seeks to ensure that the scale and distribution of development accords with the Council's settlement hierarchy, and that new development in the countryside is avoided.

Accessibility to service and facilities

7. The appeal site is a reasonably short walk from the smaller villages of Hardwick and Weedon. However, I agree with the Inspector of a previous appeal at the appeal site¹ that the routes to these settlements are not an attractive environment for pedestrians.
8. While I saw on site that there is a continuous footpath between the appeal site and Hardwick, it is narrow and would not accommodate certain users, such as those with children in prams or pushchairs and wheelchair users. The section of footway nearest Hardwick is not bordered by a grass verge and, as a result, pedestrians are very close to the fast-moving traffic and would likely feel vulnerable and unsafe. In addition, for pedestrians to pass one another they would have to step onto the highway, which significantly increases the risk of conflict between pedestrians and vehicles.
9. The footway to Weedon is not continuous. Therefore, although there are significantly less vehicle movements along High Street compared to the A413, this route would also be unpleasant and unsafe and would increase the risk of conflict between pedestrians and vehicles.
10. There are no dedicated cycle lanes or paths between the appeal site and these nearest villages.
11. For the reasons above, occupants of the proposed dwelling would not be encouraged to walk or cycle to the nearest settlements.
12. Notwithstanding this, even if the routes were more attractive, both Hardwick and Weedon have very limited services and facilities, which would not meet the daily needs of future occupants.

¹ Appeal Ref: APP/J0405/14/2222357

13. The appeal site is very close to bus stops providing services to Aylesbury, Whitchurch and Buckingham. These services are more frequent than when the previous appeal at the site was dismissed. However, the waiting areas at the bus stops are not attractive. There are no shelters and pedestrians waiting for services in the direction of Buckingham and Whitchurch must wait on a narrow grass verge, close to the fast-moving traffic. Again, this would likely make them feel vulnerable and unsafe, which would discourage future occupants of the proposed dwelling from accessing the bus services on a regular basis.
14. Accordingly, for the reasons above, future occupants of the proposed dwelling would likely choose to access many of their day-to-day services and facilities by private car rather than more sustainable forms of transport. The proposal would therefore conflict with Policy T1 of the Local Plan, which seeks to ensure that development proposals encourage a modal shift with greater use of more sustainable forms of transport.

Planning Balance

15. There is no dispute between the parties that the Council cannot demonstrate a five-year supply of deliverable housing sites. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. Permission should therefore only be withheld where any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
16. I have found that the proposal would be at odds with Council's spatial strategy. It would not be well located in relation to settlements within the settlement hierarchy or accessing day-to-day services and facilities by more sustainable forms of transport. I afford this significant weight. Consequently, it would conflict with Policies S3 and T1 of the Local Plan and the development plan as a whole.
17. Policy S3 of the Local Plan is broadly consistent with Paragraph 84 of the Framework. The appellant contends that the proposed dwelling would not be isolated, as it would be located within an existing and well-established cluster of dwellings and adjacent to the A413, a principal highway. Nevertheless, the cluster of existing buildings is not a settlement. In the case of *Braintree*², it was clarified that in the context of Paragraph 84 of the Framework, the word "isolated" in the phrase "isolated homes in the countryside", simply connotes a dwelling that is physically separate or remote from a settlement. In this case, there are open fields separating the appeal site from the villages of Hardwick and Weedon and no intervisibility between the appeal site and these villages. The appeal site is physically separate from the nearest settlements and the proposed dwelling would therefore be isolated in the context of Paragraph 84 of the Framework. As none of the specific circumstances set out in Paragraph 84 of the Framework would apply to the proposal, it would conflict with the Framework's aim to avoid the development of isolated homes in the countryside. As an isolated dwelling it would also fail to enhance or maintain the vitality of the nearby communities.

² *Braintree DC v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610

18. Policy T1 of the Local Plan is broadly consistent with Paragraph 115 of the Framework, which seeks to ensure that, in assessing specific applications for development, sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
19. I understand that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, Paragraph 117 of the Framework, which seeks to ensure that applications for development give priority first to pedestrian and cycle movements; and second – so far as possible – to facilitating access to high quality public transport with, among other things, appropriate facilities that encourage public transport use. Also, that they address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive – which minimise the scope for conflict between pedestrians, cyclists and vehicles. The proposal's limited accessibility to day-to-day services and facilities in terms of walking and cycling, and the unattractive and potentially unsafe bus stop waiting areas, would mean that it would conflict with these aims of the Framework.
20. The proposal would make an effective use of land and there would be a meaningful benefit from the delivery of an additional dwelling on a small-sized site, which could be delivered quickly and is supported by the Framework. Nonetheless, even if the extent and duration of the Council's shortfall in housing supply was acute and the dwelling could be secured as a self-build, in this case, a single self-build dwelling would only make a moderate contribution to the area's housing supply.
21. The proposal would also have some modest social and economic benefits resulting from the construction of the proposed dwelling and the spending associated with its occupation.
22. Overall, I find that the significant adverse impacts of the proposal would significantly and demonstrably outweigh these moderate benefits. Thus, in this case, material considerations do not justify allowing the appeal. Consequently, the proposal would also conflict with Policy S1 of the Local Plan, which has similar provisions to paragraph 11 of the Framework.

Conclusion

23. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR