



Appeal Decision

Site visit made on 9 April 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2025

Appeal Ref: APP/J0405/W/24/3353847

Stugots, Stoke Lane, Great Brickhill, Buckinghamshire MK17 9AQ

- 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 and Mrs Williams against the decision of Buckinghamshire Council.
 - The application Ref is 24/00106/APP.
 - The development proposed is erection of a detached dwelling with associated earthworks, landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached dwelling with associated earthworks, landscaping and parking at Stugots, Stoke Lane, Great Brickhill, Buckinghamshire MK17 9AQ in accordance with the terms of the application, Ref 24/00106/APP, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's second reason for refusal stated that insufficient evidence had been provided to establish whether the proposed development would be harmful to Great Crested Newts or their habitats. The appellant submitted additional evidence to address the matter at appeal, including the NatureSpace Great Crested Newt District Licensing Scheme, District Licence Report (August 2024). In light of this, the Council considers that the second reason for refusal has been overcome, subject to suitably worded conditions. Therefore, this is not a main issue within this appeal. I return to this under Other Matters.

Main Issue

3. The main issue is the effect of the proposed on the character and appearance of the surrounding landscape.

Reasons

4. Stoke Lane (the Lane) has a generally linear pattern of development. However in the vicinity of the appeal site, the pattern of development is more ad hoc. For example, Haines Farm is set well back from the end of the Lane and accessed via a track from the Lane. Ammonite House is also positioned on higher ground and accessed from the shared appeal site access. This more varied layout of buildings at this end of the Lane contributes to the rural character of the site and its surroundings.

5. As a steeply sloping meadow that provides wide views over the surrounding countryside, bound by mature vegetation and trees, the appeal site is characteristic of the Brickhills Scarp Landscape Character Area and thus contributes to The Brickhills Area of Attractive Landscape. An adjacent bridleway (GBR/9/2) runs down the side of the appeal site, separated by mature vegetation. Further to the south of the appeal site another bridleway (GBR/10/1) runs approximately east/west.
6. The appeal building would be set well back from the Lane. The more formalised appeal site access would be visible from the Lane. However the appeal building is proposed to be positioned to fit into the steep topography of the site. This would involve the raising of ground levels between the site entrance and the appeal building. In addition, the lower ground floor would be set into the hill slope. Consequently, when viewed at the site entrance from the Lane, the appeal scheme would appear subterranean and would retain open views out to the surrounding landscape.
7. The adjacent bridleway would offer the potential for glimpsed views of the appeal building. Where visible, the proposal would diminish the open, rural character of the appeal site to a certain extent. Nonetheless, existing mature vegetation would mean views are mostly filtered. More open views would be likely in winter months and users of bridleways would likely be sensitive to change. However, additional planting is proposed along that boundary, the details of which could be secured by condition. This would limit the extent to which the proposed building and the domestic nature of the proposed land use would be perceptible from there. Furthermore, in the section of bridleway alongside the appeal site, views into the surrounding countryside are somewhat limited due to the presence of mature vegetation on either side. This would tend to focus users' attention on views along the route, rather than sideways into the appeal site. As a result, the harm experienced by users of the bridleway would be very modest.
8. From GBR/10/1 there would be some visibility back to the appeal scheme. The appellant's Landscape and Visual Appraisal (by Artemis Landscape Architects, revised September 2023) provides some viewpoints from that bridleway based on tree cover when in full leaf. Whereas, there would be greater visibility of the appeal scheme in winter months. Also, the steep topography of the appeal site would limit the ability of landscaping along the site's southern boundary to screen the appeal scheme from that bridleway and the wider landscape. Maintenance of hedgerows in the foreground may also provide a clearer view.
9. Nevertheless, views of the appeal scheme from GBR/10/1 would be from a distance at which the appeal scheme would appear as a small part of a much wider scene. In addition, the appeal building's design, set into the appeal slope, and with a green roof, would help it blend into the hillside. The integral garage would also minimise the extent of built form. In addition, the extent of access track required to connect the Lane to the garage would be limited. Subject to controlling the surfacing of this by condition, the access track would appear in keeping with its rural location rather than having an urbanising effect in views from the surrounding landscape.
10. Moreover, the submitted landscape plan indicates how the remainder of the site could be enhanced to help the scheme further blend into its rural surroundings. Furthermore, the existing landscape is not devoid of built form. For example, the

appeal scheme would be seen in the vicinity of Ammonite House, which is situated on higher ground. Whereas, as described, the appeal scheme would be set into the slope. Internal lighting of the appeal scheme would likely be visible from that bridleway and the surrounding landscape. Nonetheless, as a single dwelling with a simple, two storey form, such lighting would not appear unduly prominent or incongruous given the presence of houses in the vicinity and scattered within the existing landscape.

11. In drawing together the effects of the proposal on this main issue, the appeal scheme would alter the appearance of the appeal site through the addition of the proposed dwelling, its access and associated residential paraphernalia. Therefore, it would result in a small degree of harm to the character and appearance of the surrounding landscape. Given the site's topography and seasonal changes to leaf cover, this harm would not be wholly offset by the proposed landscaping.
12. Policy D4 addresses housing at smaller villages such as this and includes a number of criteria that should be met. The proposal would not lead to coalescence with neighbouring settlements (criterion (b)). It would retain natural boundaries and key features (criterion (d)). The proposal would not have a significant adverse impact on environmental assets such as landscape (criterion (e)). Also, in the absence of evidence to the contrary, it would be served by existing infrastructure (criterion (f)).
13. However, whilst bordered by Ammonite House on one side, the appeal site also borders the adjacent bridleway, and open countryside. Therefore, the location of the proposal would not meet Policy D4 criterion (a) of the Vale of Aylesbury Local Plan (September 2021) (Local Plan). This requires that proposals are substantially enclosed by existing development. Also, as reasoned above, it would cause a small degree of harm to the surrounding character and appearance in conflict with (criterion c)). Therefore, with respect to this main issue, the proposal would conflict with Policy D4.
14. It would also conflict with Policy NE4 of the Local Plan which seeks to avoid harm to landscape character, including in areas of attractive landscape such as this. Policy BE2 generally seeks to ensure proposals are designed to accord with the physical, natural and built characteristics of the site and its surroundings. Given the small degree of harm identified above, there would be a small degree of conflict with this Policy.
15. Local Plan Policies S1 and S2 are also referenced in the Council's reason for refusal. These primarily relate to the Local Plan development strategy and as such are not relevant to this main issue. I return to these subsequently. Policy S3 of the Local Plan also requires that the scale and distribution of development accords with the settlement hierarchy, to which I return subsequently. However, for applications for development in the countryside, the Policy requires that proposals do not compromise the individuality of the character of Great Brickhill or lead to coalescence between settlements. As neither would occur as a result of this proposal, it would comply with Policy S3 with respect to this main issue.

Other Matters

Location of development

16. As reasoned above in respect of Policy D4, the proposal is not within the existing developed footprint of the village or substantially enclosed by existing built development. Policy S2 of the Local Plan sets out the spatial strategy for growth. Great Brickhill is described as a smaller village where limited housing growth can be accepted through windfall applications (criterion (i)). However, as the proposal is not within the settlement, I consider criterion (j) applies. This relates to other rural locations, where housing development is to be strictly limited. Consequently, the location of development conflicts with the spatial strategy set out in Policy S2. It would thus also conflict with the requirement in Policy S3 for proposals to comply with the settlement hierarchy.

Great Crested Newts

17. The site is located within an amber impact zone for great crested newts, a European protected species. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) therefore impose a duty to consider whether the great crested newts would be adequately protected. The appellant has provided a District Licence Report received from Naturespace Partnership. This confirms that the proposal can be authorised under District Licence WML-OR152 or a further licence, subject to two conditions.
18. The first condition requires the development is undertaken in accordance with the Council's Organisational Licence. The second condition requires provision of a certificate from the delivery partner confirming that great crested newt compensation measures have been addressed. I consider that these conditions are necessary to ensure that any potential adverse impacts on great crested newts are suitably mitigated and the necessary compensation measures are undertaken. Subject to these conditions, I am satisfied that the proposal would safeguard great crested newts in line with the Regulations. Accordingly, the proposal would comply with Policy NE1 of the Local Plan which seeks to avoid harm to protected species. The second condition is required to be pre-commencement in order to comply with the terms of the District Licence. The appellant's appeal statement provides written confirmation of their agreement to the imposition of this condition.

Biodiversity

19. The proposal is supported by a biodiversity net gain assessment (Bernwood Ecology, October 2023). This finds that the proposed enhancements to habitats on site would result in a habitat gain of over 68%. Although the built form on site would increase, this represents a considerable net increase. However, evidence of a policy requirement in the Local Plan for a specific percentage of net gain is not before me. Moreover, the application was submitted prior to the Government's statutory framework for biodiversity net gain coming into force for this type of development. Consequently, a condition could not reasonably be imposed to address the implementation of biodiversity enhancement measures of this scale.
20. In addition, in the absence of a suitable mechanism such as a legal agreement, there is uncertainty over the ability of a single domestic plot to fund the maintenance of such biodiversity enhancements over the longer term. Given such uncertainty, this benefit attracts only modest weight in favour of the proposal.

Historic Environment

21. The appeal site is outside but close to the boundary of the Great Brickhill Conservation Area (CA). For the purposes of this appeal, the significance of the CA is derived from the range of traditional buildings and its rural surroundings. Whilst the proposed development comprises part of the rural surroundings, its discreet design when viewed from the Lane, would not harm the significance of the CA as a whole.
22. As there is a grade II listed building, known as Fossey's, in the vicinity of the appeal site I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Insofar as it relates to this appeal the significance of Fossey's relates to its architectural merit and its rural village setting. There is no indication that the appeal site comprises anything more than a small part of the wider rural setting of the listed building. Therefore, and given the degree of separation and limited visibility of the proposed dwelling from the Lane, it would not harm the listed building's setting or the ability to appreciate its significance. As such, it would satisfy the requirements of the Act.

Access

23. Concern has been raised locally that the Lane is too narrow to accommodate further traffic generated by the proposal. Nonetheless, the Lane already provides access to a number of houses along its length, whose occupants are likely to need to walk or ride in the Lane. Also, the likely increase in traffic from one additional home would be limited. Moreover, given the space constraints and that it is not a through route, cars are likely to be travelling at relatively low speeds. As such, the proposal is acceptable with respect to highway safety. The construction phase would likely cause some local disturbance from construction vehicles and noise, however this would be a temporary inconvenience and not sufficient to indicate that permission should be withheld.

Precedent

24. Substantive evidence of other similar sites on the Lane or in the locality that might come forward in the event of this appeal being successful is not before me. In any event, each case must be considered in light of its particular circumstances. Consequently, allowing the appeal would not be likely to set a precedent resulting in pressure to grant other proposals of a similar nature. In the event of proposals coming forward for further housing on the appeal site, these would need to be considered afresh, and this appeal can only be determined in light of the specific appeal scheme.

Planning Balance

25. The Council's officer report referred to a housing land supply of 4.7 years. At that time, a housing land supply in excess of four years meant that paragraph 11.d) of the National Planning Policy Framework (Framework) was not engaged here. However, changes to the Framework were introduced in December 2024. Consequently, as the Council is unable to demonstrate a five year supply of housing, paragraph 11.d) of the Framework is now engaged. The main parties are in agreement on this. The level of the shortfall has not been provided, albeit the Council's housing requirement is said to have increased in light of the new Framework. No substantive information indicates otherwise.

26. The development of one dwelling would make a small contribution to meeting housing need within Buckinghamshire. There would be small economic benefits arising from its construction and occupation. I am not persuaded that the proposal meets the threshold of being of outstanding or innovative design as referenced in paragraph 139 of the Framework. Nonetheless the design of the building itself is acceptable, which is a neutral consideration.
27. Whereas, the location of the proposal would result in a small degree of harm to the character and appearance of the surrounding landscape. This would give rise to conflict with Policies D4, NE4 and BE2 of the Local Plan. In addition, there would be conflict with the Council's development strategy as set out in Local Plan Policies S2 and S3. Nonetheless, although a rural location, the proposal would be closely associated with existing houses on the Lane rather than being a standalone rural development, remote from any settlement. Moreover, a settlement boundary to Great Brickhill is not precisely defined. Further, it is not a matter in dispute between the main parties that future occupants of the appeal scheme would have access to some local services and facilities, and public transport links. Access to these would likely require occupants to walk on rural, poorly lit roads. Nevertheless, its location would provide opportunities for some trips to be made by sustainable transport modes.
28. The development may also help to support rural services and facilities in Great Brickhill and the surrounding area. This aspect of the proposal would be supported by Policy S1 of the Local Plan, which includes a requirement to give consideration to accessibility to sustainable transport and facilities, as well as building integrated communities. As such, the level of harm arising from conflict with the development strategy in this instance would be small. Furthermore, the Council's development strategy is currently failing to deliver the level of housing growth required to meet its needs. As such, in the specific circumstances of this appeal, I afford limited weight to this harm.
29. Consequently, I have found that taken together, the scale of the harms would be small. Also, the combination of its benefits would be small. Therefore, the adverse impacts of the proposal would not significantly and demonstrably outweigh the combination of its benefits, when assessed against the policies in the Framework as a whole. Despite a degree of conflict with the development plan, material considerations indicate in this case that permission should be granted.
30. The appellant has sought to address concerns raised in the previously dismissed appeal for this site (Ref APP/J0405/W/22/3305937), relating to harm to the character and appearance of its surroundings. This includes provision of an integrated rather than detached garage, which would contain the built form to one area of the appeal site. Also, the extent of hardstanding is said to be reduced relative to the previous scheme. In addition, access to the subterranean parking area has been moved outside of tree root protection areas, assisting with retention of existing trees. Furthermore, it does not appear that paragraph 11.d) of the Framework in respect of the Council's housing land supply was a relevant consideration at the time of that decision. As such, there are differences in the nature and form of the proposal and the national planning policy context that justify a different conclusion.

Conditions

31. I have had regard to the conditions suggested by the Council in the event of the appeal being allowed. In addition to the standard time limit condition (1), a condition (2) specifying the approved plans is necessary for certainty. A condition (3) relating to submission of a Landscape and Ecological Management Plan is necessary to ensure the development achieves an acceptable appearance and makes suitable provision for ecology and biodiversity. This condition is simplified to avoid making it unduly onerous and unenforceable for a single dwelling scheme. It is necessary for this to be a pre-commencement condition in order for the development to be carried out in full compliance with it. The appellant provided their agreement in writing to this condition. A separate condition relating to compliance with the ecological appraisal is not imposed to avoid duplication.
32. Conditions addressing submission of material details (6), hard landscaping details (7), provision of landscaping (9), and bin storage details (13), are necessary in the interests of character and appearance. I have imposed a condition (8) requiring submission of an energy statement to ensure the development is designed to be as energy and resource efficient as possible. A condition (10) requiring provision of parking and manoeuvring spaces is required in the interests of highway safety. Conditions (11 and 12) requiring compliance with optional accessible and adaptable standards and water consumption standards are appropriate in light of the requirements in the Local Plan. A condition (14) requiring details of cycle parking is appropriate in the interests of maximising sustainable travel whilst having regard to the effect on surrounding character.
33. In light of the appeal site's location in an area of attractive landscape and proximity to the adjacent bridleway, there is clear justification in the interests of character and appearance for a condition (15) to remove permitted development rights for installation of boundary treatments, other than those approved by this decision. Similarly, there is clear justification for a condition (16) relating to the removal of permitted development rights under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Specifically, in relation to enlargements (Class A), additions or other alterations to its roof (Classes B and C), construction of a porch (Class D), and buildings incidental to the enjoyment of the dwelling (Class E). Class AA (construction of additional storeys) would not comply with the conditions of the GPDO as the building would be constructed after October 2018. Therefore, reference to it in the condition is excluded.

Conclusion

34. For the above reasons, and having regard to all other matters raised, the appeal should be allowed.

Rachel Hall

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawing nos, received by the local planning authority on 11 January 2024:
 - 21-01 (Site Location Plan);
 - DD 21/215.2 (Proposed elevations, floor layouts & location plans); and
 - ART.213.01.B (Soft Landscape Proposals).
- 3) No development shall take place (including demolition, ground works and vegetation clearance) until a Landscape and Ecological Management Plan (LEcMP) has been submitted to and approved in writing by the local planning authority. The content of the LEcMP shall include the landscape management, biodiversity enhancement, maintenance and monitoring measures to be implemented, including a timetable for their implementation. The development hereby permitted shall be undertaken and maintained in accordance with the approved LEcMP.
- 4) No development shall take place (including demolition, ground works and vegetation clearance) until a certificate from the Delivery Partner (as set out in the District Licence WML-OR152, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the authority has provided authorisation for development to proceed under the district newt licence.
- 5) The development hereby permitted shall not take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR152, or a 'Further Licence') and with the proposals detailed on plan "Stugots, Stoke Lane: Impact plan for great crested newt District Licensing (Version 1)", dated 23rd July 2024.
- 6) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Such details shall include a product specification, photograph, source and supplier for each of the materials. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 7) Notwithstanding the development hereby approved, no development above slab level shall take place until full details of the proposed hard landscaping works, including details of all means of enclosure and hard surfacing materials shall have been submitted to and approved in writing by the local planning authority. These works shall thereafter be carried out in accordance with the approved details prior to first occupation of the dwelling hereby permitted and shall be retained as such thereafter.
- 8) No development above slab level shall take place until an energy statement shall have been submitted to and approved in writing by the local planning authority. The energy statement shall detail the ways in which the development will achieve efficiency in the use of natural resources, including measures to minimise energy use, maximise water efficiency and promote

- waste minimisation and recycling. The development shall thereafter be implemented in accordance with the approved energy statement.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the completion of the development, whichever is the sooner; and any retained trees or plants which within a period of 10 years from the occupation or completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 10) The development hereby permitted shall not be occupied until the vehicle manoeuvring and parking spaces have been provided in accordance with drawing no DD 21/215.2 (Proposed elevations, floor layouts & location plans). Thereafter those spaces shall be retained for the parking of vehicles only.
 - 11) The development hereby permitted shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. Such provision shall be maintained for the lifetime of the development.
 - 12) The development hereby permitted shall be built and fitted out so as not to exceed the optional water consumption standard of 110 litres per person per day, as set out in Approved Document G of the Building Regulations 2010 (as amended).
 - 13) Before the development hereby permitted is first occupied, bin storage shall be provided in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The approved bin storage shall thereafter be retained as such for the lifetime of the development.
 - 14) Before the development hereby permitted is first occupied, details of covered and secure cycle parking for at least one bicycle shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be made available for use before the dwelling is first occupied and shall be retained as such for the lifetime of the development.
 - 15) Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, constructed or altered within or along the boundaries of the application site, except in accordance with the boundary treatments/means of enclosure details approved by condition 7 of this decision.
 - 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 of the Order shall be undertaken to or within the curtilage of the dwellinghouse hereby approved.