
Appeal Decision

Site visit made on 18 March 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/J0405/W/24/3358067

The Robin Hood, Bufflers Holt, Buckingham MK18 5DN

- 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 David Shranks of EGON ENVIRONMENTAL against the decision of Buckinghamshire Council
 - The application Ref is 24/01067/APP.
 - The development proposed is 3 x four bedroom detached properties
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal differs from the application form to the decision notice. The description above has been taken from the application form, which adequately describes the proposal.
3. The main parties have drawn my attention to Policy D5 of the Vale of Aylesbury Local Plan (2021) (VALP) and the Aylesbury Vale Landscape Character Assessment (AVLCA) (2008). These documents were not submitted as part of the evidence for this appeal. I have therefore viewed the publicly available versions on the Council's website.

Main Issues

4. The main issues are:
 - whether the appeal site would be in a suitable location, having regard to the Council's strategy for the location of housing; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. Policies in the VALP seek to ensure development is in the most sustainable locations. At a strategic level, VALP Policy S1 requires development to fit with the intentions and policies of the plan and to comply with the National Planning Policy Framework's (the Framework) principles of sustainable development.
6. VALP Policy S2 is the Council's spatial strategy for the distribution of development. The policy identifies the scale of housing development appropriate for different types of settlements in the Council area. This is informed by Policy S3 and Table 2

of the VALP which define the settlement hierarchy for the area. Policy S3 states that the scale and distribution of development should accord with the settlement hierarchy.

7. The appeal site is located in Bufflers Holt, a small, dispersed hamlet. Bufflers Holt is not identified as a settlement in the settlement hierarchy. For planning policy purposes, the site is therefore in the countryside, where Policy S3 states development should be avoided.
8. The appellant suggests the proposal should be assessed against part J of Policy S2, which requires housing development in rural areas to be principally in line with Policy D5 of the VALP. Policy D5 applies to those areas defined as 'other settlements' in the settlement hierarchy. As discussed above, the appeal site is not located within any of the settlements listed in the VALP settlement hierarchy and, as such, Policy D5 does not apply in this case.
9. The closest settlements to the appeal site, with a range of services and facilities, are Brackley and Buckingham. Both main parties refer to a bus stop close to the appeal site, although I did not see evidence of a bus stop on my site visit. The appellant states there is an hourly bus service to Buckingham and Brackley whilst the Council state it is an infrequent service with only two services per day to Buckingham and Brackley. No evidence though has been submitted to support these conflicting claims. As a result, it is unclear if the appeal site would be served by a regular bus service during the day. The appellant states they are willing to enter into a legal agreement for contributions towards improving the bus service, but no such document has been submitted as part of this appeal.
10. There are no dedicated footpaths, cycle lanes or streetlights for much of the routes between the appeal site and Buckingham and Brackley. Furthermore, the roads are predominantly at 40 and 50 per mile an hour speed limits. As such, they are not particularly desirable routes for cycling and walking, especially during winter months. I note the appellant's commitment to providing electric vehicle charging points for the proposed dwellings. However, this does not overcome the lack of sustainable transport choices, and I attribute this benefit limited weight.
11. The appellant makes reference to RTPI Report The Location of Development 4 (2024). They suggest the findings of the report mean an over reliance on the private car should receive minimal weight in the planning balance. However, I have not been provided with a copy of the report and it does not form part of the development plan against which this appeal is assessed. In any event, the Framework expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use.
12. Based on the evidence submitted and my observations on site, I am not satisfied that development on the appeal site would represent a sustainable location and promote walking, cycling and public transport, as required by the VALP and the Framework.
13. The main parties agree that part of the site, which was used as a car park for the adjacent public house, meets the Framework definition of Previously Developed Land (PDL). Paragraph 125d) of the Framework specifically identifies car parks as land which could be utilised to meet housing needs. Furthermore, paragraph 125c) of the Framework does give substantial weight to the value of using suitable brownfield land within settlements for homes, unless substantial harm would be

caused. VALP policy S7 is also supportive of the reuse of PDL in sustainable locations. However, as identified above, the appeal site is not located within a settlement defined by the VALP and it has not been demonstrated that the site is in an otherwise sustainable location.

14. Permitting the proposed dwellings would be harmful in that the strategy for the distribution for housing would be undermined as the site is not in a sustainable location, as defined by the VALP. Given that the proposal is inconsistent with an important element of the Council's approach to development I have judged the magnitude of harm to be substantial.
15. Taking all of the above into account, I find that the proposed dwellings would not be in a suitable location having regard to the Council's strategy for the location of development contained in VALP Policies S1, S2, S3 and S7. It would also conflict with the Framework in respect of sustainable transport and PDL.

Character and Appearance

16. The appeal site is located in an area where there is sparse built development. The site comprises an area of hardstanding which was formerly used as a car park for the adjacent, now closed, public house. The remainder of the site is grassed and was used as a garden associated with the public house. To the right of the appeal site is a residential property. To the left of the appeal site is the public house building and beyond that, a residential property. There is a further small cluster of built development a short distance along the A422 road at its junction with Welsh Lane. The site is otherwise surrounded by agricultural fields, providing an open and verdant character.
17. The appellant contends that currently, the appeal site detracts from the overall appearance of the area due to the presence of dilapidated buildings and stored materials on the site. On my site visit, I did observe some small timber structures to the rear of the adjacent public house building. However, these structures appear to be within the blue line boundary shown on the submitted plans, rather than the red line of the appeal site. At the time of my visit, the appeal site was devoid of built development and, as such, I found it makes a positive contribution to the open character of the area.
18. The appeal site is located within the Upper Great Ouse Valley Landscape character area. The AVLCA identifies this area is predominantly pasture in land use with very little settlement beyond the small villages of Radclive and Water Stratford. The site shares a boundary with the Stowe Area of Attractive Landscape (AAL) which also has a sparsely settled character. VALP Policy NE4 sets out the considerations for development in relation to landscape character.
19. The proposal would result in the loss of a visual gap in the landscape. The proposed built development would also alter the character of the appeal site such that it would detract from the open character of the area. Furthermore, the plot sizes of the proposed dwellings would be smaller than surrounding residential properties. This would result in a higher density development which would be at odds with the prevailing form of dispersed, low density built development contrary to Policy NE4 which, amongst other matters, requires that the impact on visual amenity and plot sizes are considered. The use of locally sourced sustainable materials and the elevated rear of the proposed properties would not overcome the significant adverse effects described.

20. Paragraph 129 of the Framework supports development that makes efficient use of land, but in doing so, requires account be taken of the desirability of maintaining an area's prevailing setting and character. As I have found that the appeal proposal would not maintain the area's prevailing open setting and character, it would therefore not comply with this paragraph.
21. The Council raises concerns regarding the proposed siting of Plot 3 within the appeal site which they say bears no relationship to the site and its surroundings. Plot 3 is set further back in the site than the other two plots. I am aware that the adjacent site, currently occupied by the public house, has planning permission for the demolition of the existing building and the erection of one dwelling. The approved plans show this dwelling would be sited in line with Plot 3 of the appeal site. Whilst this may overcome the concerns regarding the siting of Plot 3 and its relationship to the appeal site's surroundings, this does not outweigh the harm I have found would arise from the appeal proposal.
22. The appellant suggests that the appeal proposal has a similar layout to other small developments between the site and Buckingham. I have not been provided with details of such sites. I therefore cannot draw any comparisons with the appeal proposal, which I have considered on its own merits.
23. The Council raises no objection to the appearance of the proposed dwellings, and I have no reason to reach a different conclusion. However, this does not overcome the significant adverse effects that I have described above.
24. Taking all these matters into account, I therefore conclude that the proposal would significantly harm the character and appearance of the surrounding area. As such it would conflict with VALP Policies BE2, BE4 and NE4 which together require development to complement the character and context of its site and surroundings, including considerations of density and visual amenity. I also find conflict with Policy S3 which states that development in the countryside should be avoided, especially where it would compromise the character of the countryside between settlements. Furthermore, there would be conflict with Policy S7 which, although supportive of the reuse of PDL, requires consideration of the impact on local character.

Other Matters

25. I am aware that land adjacent to the appeal site has two current planning permissions. The first¹ is for the conversion of the public house building to residential use. The second² is for the demolition of the public house and the erection of one self-build dwelling. However, as neither scheme would result in a significant increase in built development, they are not considerations that alter my findings in relation to the main issues.
26. The proposed development would have limited social and economic benefits. Three additional houses would make little difference to the overall supply of housing and the support that their construction and future occupancy would provide to construction employment and the local economy would be limited.
27. My attention has been drawn to a Ministerial Statement dated 30 July 2024, which sets out the Government's intention to prioritise development on brownfield land.

¹ Planning Application Reference 23/02684/APP

² Planning Application Reference 24/03033/APP

As discussed above, although part of the appeal site does meet the Framework definition of PDL, it does not meet the locational requirements of the Framework or the VALP. As such, this consideration does not alter my overall conclusions on the main issues of this appeal.

28. It is suggested by the appellant that the policies in the VALP are out of date because it was adopted more than 5 years ago. The Framework requires plans to be reviewed once every 5 years and updated as necessary. The copy of the Plan submitted as part of this appeal states an adoption date of September 2021, which is less than 5 years ago. As a result, for the purposes of the Framework in this regard, the policies in the VALP are not out of date.

Planning Balance

29. The appeal site location conflicts with VALP policies S1, S2, S3 and S7 which direct development to the most sustainable locations in the Local Plan area. The proposal also conflicts with policies BE2, BE4, NE4, S3 and S7 in respect of its impact on the character and appearance of the area.
30. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use. Furthermore, the countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework which also indicates development should maintain the prevailing setting and character. Therefore, the conflict between the proposal and Policies BE2, BE4, NE4, S1, S2, S3 and S7 should be given significant weight in this appeal.
31. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
32. The Council has confirmed that it cannot currently demonstrate a five year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. The balance in paragraph 11 d) ii) of the Framework is therefore engaged.
33. Paragraph 11 d) ii) states planning permission should be granted unless “any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Having particular regard to key policies for directing development to sustainable locations,...”.
34. The Framework seeks to significantly boost the supply of homes. The Council states its current supply is 4.0 years and this has not been contested by the appellant. Three dwellings would make a minor contribution to the overall supply of housing and, as described above, the benefits associated with three additional dwellings would be limited, even taking into account the Framework’s objective of significantly boosting housing land supply.
35. The Framework also gives substantial weight to the value of using suitable brownfield land within settlements for housing rather than land in the countryside

and for development to facilitate access to high quality public transport as far as possible.

36. Consequently, the adverse impacts on the Council's development strategy and of increasing travel by private vehicle would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

37. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A O'Neill

INSPECTOR