
Appeal Decision

Site visit made on 21 May 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/J0405/W/25/3358819

Upper Dean Farm, Dean Road, Stewkley, Buckinghamshire LU7 0EU

- 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 Scharff against the decision of Buckinghamshire Council.
 - The application Ref is 24/00135/APP.
 - The development proposed is demolition of an existing barn, removal of caravan and replacement with 2No new build dwellings with associated parking and new internal driveway.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing barn, removal of caravan and replacement with 2No new build dwellings with associated parking and new internal driveway at Upper Dean Farm, Dean Road, Stewkley, Buckinghamshire LU7 0EU. The permission is granted in accordance with the terms of the application Ref 24/00135/APP, dated 12 January 2024, subject to the conditions included in the Schedule at Annexe A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal site and the surrounding area; and related to this, the effect on agricultural land.

Reasons

3. Upper Dean Farm is located in open countryside outside the settlement of Stewkley, which is around 700 metres to the east. The appeal site comprises an area of hardstanding that lies immediately to the west of a large detached dwelling and a range of ancillary buildings. The site currently accommodates a modern agricultural barn and a caravan. A strip of land adjacent to the existing driveway also forms part of the site, to provide an independent access from Dean Road to the proposed dwellings. The surrounding area is open countryside with a small number of farms and other commercial premises accessed from Dean Road.
 4. Policy BE2 of the Vale of Aylesbury Local Plan 2013 – 2033 (2021) concerns the design of new development, requiring it to respect and complement the physical characteristics of the site and its surroundings, local distinctiveness and the natural qualities and features of the area. Policy NE4 requires development proposals to recognise the individual character and distinctiveness of particular landscape
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- character areas set out in the Landscape Character Assessment, their sensitivity to change and contribution to a sense of place. Policy NE7 says that the Council will seek to protect the best and most versatile farmland for the longer term.
5. Policy STK1 of the Stewkley Parish Neighbourhood Plan 2013 – 2033 (2021) says that development proposals on land outside the defined settlement boundary will not be supported, except for a limited number of development types. The appeal site is outside the defined boundary and the proposal for two dwellings does not qualify as one of the exceptions referred to in the policy.
 6. My attention is drawn to an extant planning permission for converting the existing barn on the appeal site into three dwellings¹; and to a more recent grant of prior approval also for the change of use and conversion of the barn into three dwellings². There is no reasonable basis to doubt that the appellant would seek to implement the permitted or approved barn conversion in the event of the appeal's failure. Consequently, the potential conversion of the barn into three dwellings as a credible 'fallback' to the current proposal is a material consideration to which I give significant weight.
 7. Despite the location outside the defined settlement boundary, the extant permission and approval establish the principle of permitting residential development at the appeal site. Accordingly, the principal consideration is the effect of the appeal proposal in the context of the main issue, specifically in comparison with the 'fallback' scheme.
 8. The current proposal involves the removal of the existing barn and caravan and their replacement with two detached dwellings. These comprise a part single storey, part one and a half storey dwelling; and a two storey dwelling with a small single storey side projection. The layout of the two dwellings would extend built development across more of the site than is covered by the footprint of the existing barn. However, the effects of the bulk and height of the two storey dwelling would be reduced by it being positioned perpendicular to the road frontage, thereby mitigating its visual profile and presence. Similarly, the front elevation of the other dwelling facing the road would largely be seen as single storey with a taller gable end of limited width as part of the overall dwelling frontage.
 9. By comparison, the existing barn is a substantive structure of broadly two storey height. The creation of three dwellings within this built form would result in a much bulkier and prominent building facing the road frontage, with a greater presence and visual prominence than the two proposed dwellings. Moreover, the front elevation includes extensive glazing, which is likely to make the building particularly prominent at night.
 10. While the barn is currently screened by a row of trees, these are likely to be removed to facilitate occupiers' outlook, thereby increasing the building's visual prominence. Views of the proposed dwellings, however, are more likely to benefit from a landscaping scheme, which would help to soften the visual effects within the landscape setting. I am not aware that the Council has made any specific

¹ Ref 21/03456/APP.

² Ref 25/00023/COUAR.

comments on the effect of the proposal on landscape character in the context of the provisions of Policy NE4.

11. The proposed driveway would run from Dean Road to the site, parallel with and relatively close to the existing driveway. As such, it would appear more closely associated with the existing residential curtilage rather than harmfully urbanising the rural setting. The driveway would take a limited amount of land from the paddock to the west, but would not inhibit the continued use of the majority of this land for agricultural purposes. Furthermore, the classification of this land is considered by Natural England to be Grade 4, which is poor agricultural land. Consequently, there is no conflict with Policy NE7, which seeks to protect the best and most versatile farmland.
12. Taking these findings as a whole, I conclude that the 'fallback' of the barn conversion for three dwellings would have a materially more harmful effect on the character and appearance of the appeal site and the surrounding area than the appeal proposal. Therefore, as I have found the 'fallback' to be a material consideration of significant weight, it outweighs any conflict with the development plan, specifically Policies BE2 and NE4 of the Vale of Aylesbury Local Plan 2013 – 2033 and Policy STK1 of the Stewkley Parish Neighbourhood Plan 2013 – 2033, as described. Furthermore, for the reasons given, there is no conflict with Policy NE7 of the Local Plan with regard to the effect of the proposal on agricultural land.

Other Matters

13. I have had regard to the representations made by interested parties, which principally raise matters addressed under the main issue. With regard to other matters, the application form indicates that the dwellings are proposed as market housing and, therefore, questions of occupation and matters relating to self-build are not directly relevant. Concerns raised about pre-application engagement and other procedural matters are also not for me to consider as part of this appeal, which is concerned only with the planning merits of the proposal.
14. There is no evidential basis to find that construction and occupation of two additional dwellings in this location will materially adversely affect local road conditions or utilities provision. The nearest neighbouring properties are sufficiently well-separated from the appeal site that there would be no harmful effects from the proposed dwelling on neighbouring occupiers. With regard to concerns about light pollution, the Council suggests a condition to avoid any adverse impacts from external lighting.
15. The Council indicates that it cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the National Planning Policy Framework (the Framework). However, given the conclusion on the main issue it is not necessary to consider this matter further.

Conclusion and Conditions

16. For the reasons given above, the appeal should succeed.
17. Of the Council's suggested conditions, I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with

the approved plans; as well as a condition requiring that the external materials should accord with the relevant approved plans, in the interests of the character and appearance of the surrounding area. A condition is also necessary to ensure that the caravan is removed in accordance with the proposal.

18. Conditions to require completion of the access and parking areas before occupation are necessary in the interests of safety and the proper functioning of the development. The requirement for hard surfaces to be porous is necessary to reduce the risk of surface water flooding, while conditions relating to water and energy efficiency, and cycle storage are necessary in the interests of sustainability. Ecological mitigation should be required by condition in accordance with the appraisal report submitted with the proposal. The dwellings should be accessible and adaptable in accordance with policy requirements, while controls on external lighting are needed to avoid adverse impacts on the landscape and wildlife.
19. Four of the suggested conditions are pre-commencement conditions. The Framework indicates that this type of condition should be avoided unless there is clear justification³. The conditions concern the protection of trees, landscaping and ecological management (given that the site is identified as highly suitable habitat for great crested newts, a protected species). The appellant has provided written agreement to these conditions, as required by the relevant statutory provision, and I consider that justification does exist for their imposition.
20. The Framework also says that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so⁴. Given that the site is in the open countryside and the appellant has agreed to the proposed conditions which restrict the relevant rights, I consider that in this particular case there is clear justification for the suggested conditions.
21. Finally, the condition requiring the provision of electric vehicle charging points for each dwelling is not necessary as it replicates the same requirement in Building Regulations⁵.

J Bell-Williamson

INSPECTOR

³ Paragraph 57.

⁴ Paragraph 55.

⁵ The Building Regulations (Amendment) (England) (No. 2) Regulations 2021 and approved Document S, "infrastructure for the charging of electric vehicles".

Annexe A

Schedule – 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 approved plans: 001A (site location/block plan), 101A (site layout), 102A (site layout), 110B (Plot 01 floor layouts), 111B (Plot 02 floor layouts), 115C (Plot 01 elevations 1 of 2), 116B (Plot 01 elevations 2 of 2), 120C (Plot 02 elevations 1 of 2), 121B (Plot 02 elevations 2 of 2) and 230831-RAP-XX-XX-DR-TP-4100 Rev P01 (swept path analysis 8.62m refuse vehicle and estate car).
- 3) The external materials to be used in the construction of the development hereby permitted shall be as per those shown/annotated on approved plan nos. 115C (Plot 01 elevations 1 of 2), 116B (Plot 01 elevations 2 of 2), 120C (Plot 02 elevations 1 of 2) and 121B (Plot 02 elevations 2 of 2).
- 4) No site clearance works or development, including demolition, shall take place until an updated Tree Protection Plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained has been submitted to and approved in writing by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
 1. There shall be no changes in ground levels;
 2. No materials or plant shall be stored;
 3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan;
 4. No materials or waste shall be burnt within 20 metres of any retained tree; and
 5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.
- 5) No site clearance works or development, including demolition, shall take place until full details of landscaping works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include as a minimum: proposed finished levels or contours; means of enclosure; bin storage areas; and hard surfacing materials, where relevant. For soft landscaping works, these details shall include: a scaled plan of any proposed landscaping features (including a minimum of 30 replacement trees alongside any additional planting) and all trees and landscaping features to be retained, showing their species, spread and maturity, and planting plans; a written specification (including cultivation and other operations associated with plant and grass establishment including support measures, guards or other protective measures); schedules of plants noting species, plant sizes and proposed numbers/densities; biosecurity procedures including best working practices to reduce the spread of pests and

disease; the type and dimension of the proposed planting pits of all new trees; specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and methods to improve the rooting environment for retained and proposed trees and landscaping including watering, weed control, pruning, etc. Any species selected must be suitable to the soil and enhance climate resilience. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping and boundary treatments is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

- 6) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.
- 7) No development shall take place (including demolition, ground works, vegetation clearance) unless and until the 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 following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity net gain assessment (Arbtech, September 2024)
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEcMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEcMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 8) Prior to first occupation of either of the dwellings hereby approved, the new means of access shall be sited and laid out in accordance with the approved drawings and

constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2001. The access shall thereafter be retained as such in perpetuity.

- 9) The areas shown for parking and manoeuvring indicated on the approved plans (drawing nos. 101A and 102A) shall be laid out prior to first occupation of the development hereby permitted and those areas shall thereafter be retained as such in perpetuity and shall not be used for any other purpose.
- 10) Any hard surfacing to be laid shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
- 11) Prior to development above slab level of the dwellings hereby permitted, details of cycle storage facilities for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall thereafter be implemented in accordance with the approved details prior to the first occupation of the dwellinghouse it serves and shall be retained as such thereafter in perpetuity.
- 12) The residential dwellings 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) The development hereby permitted shall be implemented in accordance with the agreed recommendations and mitigation measures outlined at Section 6 on page 14 and 15 of the Preliminary Ecological Appraisal by The Greensand Trust (dated December 2023). All mitigation measures shall be installed in line with the timescales set out within the Preliminary Ecological Appraisal and shall thereafter be retained as such in perpetuity.
- 14) Prior to the commencement of development, including demolition, a precautionary working method statement, in the form of a Reasonable Avoidance Measures Statement (RAMs) or Non-Licensed Method Statement (NLMS) shall have been submitted to and approved in writing by the Local Planning Authority. The construction method statement shall include details of reasonable avoidance measures for protected and notable species (Preliminary Ecological Appraisal, (Section 6.4) Upper Dean Farm, The Greensand Trust, December 2023). The development shall thereafter be carried out in accordance with the approved precautionary working method statement.
- 15) No development shall commence, except demolition, until details of the proposed means of disposal of: a) foul drainage, and b) surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The dwellings hereby approved shall not be occupied until the works have been carried out in accordance with the approved foul and surface water drainage strategies.
- 16) No works above slab level shall take place to either of the dwellings hereby permitted until an energy statement has 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 greater efficiency in the use of natural resources, including measures to minimise energy use, improve water efficiency and promote

waste minimisation and recycling. It shall also illustrate how the proposed development incorporates the following energy hierarchy:

- reducing energy use, in particular by the use of sustainable design and construction measures;
- supplying energy efficiently and giving priority to decentralised energy supply;
- making use of renewable energy; and
- making use of allowable solutions.

The development shall thereafter be implemented in accordance with the approved energy statement.

- 17) Prior to the installation of any external lighting within the application site, details of such lighting to be installed shall be first submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type, direction of light sources and intensity of illumination. Any lights shall thereafter be installed in accordance with the approved details and retained as approved unless altered for routine maintenance which does not change its details.
- 18) The residential dwellings hereby approved 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.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development expressly authorised by Schedule 2, Part 1, Classes A-E inclusive shall be undertaken unless shown on the drawings hereby approved or otherwise expressly authorised by the Local Planning Authority.
- 20) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), other than those approved pursuant to condition 4, no fences, gates or walls shall be erected within the curtilage of each dwellinghouse without the express consent of the Local Planning Authority having first been obtained.
- 21) Prior to first occupation of either of the dwellings hereby permitted, the existing caravan on the site (as shown on approved drawing 101A – site layout) shall be removed.

[End of Schedule]