
Appeal Decision

Site visit made on 24 September 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/Y0435/W/25/3364306

2 Walton Road, Wavendon, Milton Keynes MK17 8LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by R & R Irons, C Mackenzie, C Dukelow against the decision of Milton Keynes Council.
 - The application Ref is 24/01605/OUT.
 - The development proposed is Self-Build/Custom Build development for up to 7 dwellings including access, demolition and any necessary ground remodelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration apart from access. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative.
3. The appeal has been accompanied by a signed Unilateral Undertaking that secures the proposed scheme for self-build, meaning that it would be exempt from the mandatory Biodiversity Net Gains (BNG). As a result, the Council have confirmed that their reason for refusal relating to BNG is overcome, I have no reason to conclude otherwise and have therefore not considered this matter further.

Main Issues

4. The main issues are:
 - whether the appeal site would be an appropriate location for the development proposed having regard to the Councils development Policies,
 - the effect of the proposed development on the character and appearance of the area,
 - whether the proposed development would result in the loss of best and most versatile agricultural land, and
 - whether suitable access would be achieved for refuse and delivery vehicles.

Reasons

Location

5. Policy DS1 of the Plan:MK sets out the development strategy for the area as well as the settlement hierarchy, Policy DS2 of the Plan:MK sets out how housing will be delivered and focuses new housing adjacent to the existing urban area of Milton Keynes as well as the three key settlements, in strategic site allocations, on sites identified in neighbourhood plans or within defined settlement boundaries.
6. The appeal site is located within the open countryside where Policy DS5 of the Plan:MK states that planning permission will only be granted for development which is essential for agriculture, forestry, countryside recreation, highway infrastructure or other development, which is wholly appropriate to a rural area and cannot be located within a settlement, or where other policies within the plan indicate development would be appropriate. The proposed development would not meet these requirements.
7. The appeal site is located within a strategic land allocation which is set out within Policy SD7 of the Plan:MK. A number of principles set out what developments should adhere to, which amongst other things includes the creation of strategic landscape boundaries to the outer edges of the development area and to soften the impact of the development on the adjacent and surrounding open countryside.
8. The Council's Strategic Land Allocation Development Framework Supplementary Planning Document Adopted November 2013 (SLA SPD) shows the appeal site as a landscape buffer – privately owned unallocated land which is stated to be retained in order to provide clear separation between Wavendon and the new development.
9. Significant development has taken place to the rear of the appeal site, on the other side of Newport Road and it is evident from my site visit that the appeal site, and neighbouring sites provide a clear buffer between this new development and the existing development on Walton Road and the surrounding area.
10. I note that a small section to the rear of the appeal site has not been included with the proposed development, however, this small vegetated area is unlikely to provide a meaningful buffer, particularly in light of the number of dwellings proposed that are likely to take up the majority of the remainder of the site. I also note that it is proposed to locate the SuDS and landscaping within this area, however, as these are not matters before me, there is no guarantee that this would be the case.
11. The proposed development would also stand out further due to the large areas of space either side of the appeal site which would remain open and continue to provide a buffer from the adjacent development.
12. I therefore conclude that the proposed development would not be appropriately located. It would conflict with Policies DS5 and SD7 of the Plan:MK and guidance contained within the SLA SPD. Amongst other things, these seek to ensure that appropriately located in accordance with the Council's settlement hierarchy and ensure the creation of strategic landscape boundaries.

Character and appearance

13. The appeal site consists of a two storey dwelling that occupies a significant plot of land that extends to the rear. The land is mostly grassed and contains a number of outbuildings. The wider area is predominantly residential and there is also a public house that borders the appeal site which is set within a significant plot.
14. Dwellings within the immediate vicinity of the appeal site, particularly on the opposite side of the road generally follow a linear pattern along Walton Road and tend to have large rear gardens. Walton Road is lined with trees and vegetation and pockets of open spaces, which combined with the generally large plot sizes results in a verdant and spacious character and appearance.
15. The appeal site is distinctively open and provides a buffer between the large housing development taking place to the rear of the appeal site. The buffer continues through the large neighbouring plots and playing fields beyond. While the appeal proposal is submitted with all matters reserved apart from access, it is clear that the seven dwellings proposed would need to occupy the majority of the appeal site which would erode the openness and the buffer that it provides.
16. I have had regard to the appellants Landscape & Visual Appraisal (LVA) and while I note the findings of minor and negligible harm to the various visual receptors and character, as only access is a matter for consideration there is no guarantee that the proposal would be built out as illustrated. In any case, the LVA identified conflict with Policy in terms of buffer and while the LVA considers the recreation ground can protect this, I disagree and find the appeal site, and neighbouring open spaces are equally important in separating the significant new development on the opposite side of Newport Road.
17. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policies D1, D2 and SD7 of the Plan:MK. Amongst other things, these seek to ensure that development responds appropriately to the site and surrounding context and exhibit a positive character or sense of place.

Loss of agricultural land

18. Policy NE7 of the Plan:MK states that in assessing proposals for the development of greenfield sites, the Council will take into account the economic and other benefits of the best and most versatile agricultural land. Development involving the loss of agricultural land should seek to use areas of poorer quality land (grades 3b, 4 and 5 of the Agricultural Land Classification) in preference to that of a higher quality unless other sustainability considerations suggest otherwise.
19. The appeal site is shown indicatively as Grade 3 (good to moderate quality), however, no soil quality assessment has been presented indicating whether the appeal site falls within 3a or 3b.
20. I note that the appellant states that the land is not in agricultural use and suggests that the site has no opportunity to be farmed with the location, size and shape of the land all precluding this. However, the fact that the appeal site may not be in agricultural use, does not mean it is not capable of such use and could be put to that use in the future. For this reason, I do not accept that the overall value of appeal site as best and most versatile agricultural land is diminished.

21. I note that the Council did not request a soil quality assessment with the application which is frustrating for the appellant, I am only in a position to consider the planning merits of the appeal. Furthermore, while I note that the Council have taken a different stance on other developments within the wider area, I can only consider the appeal site before me where there is a potential for the loss of the best and most versatile agricultural land.
22. No information has been submitted with the appeal in order to establish whether the land falls within grade 3a or 3b. As such, when taking a precautionary approach, the proposal could result in the loss of best and most versatile agricultural land which would be contrary to Policy NE7 of the Plan:MK.

Whether suitable access would be achieved for refuse and delivery vehicles

23. The proposed access is shown to be next to the existing dwelling and the neighbouring public house and would be from Walton Road. The appeal has been accompanied by a swept path analysis for a refuse vehicle, but this shows that a vehicle would overhang the build out on the opposite side of the road.
24. I note that the appellant considers that the swept-path analysis requires minor amendments to prevent the overhang. However, the plans before do not demonstrate that a refuse vehicle can safely enter and exit the appeal site and as access is a matter before me for consideration it has not been demonstrated that safe and suitable access would be achieved.
25. Even though the parcel of land may be a grassed area of highway land, it is next to an access as well as parking spaces meaning there is potential for conflict with other road users. Also, any pedestrians using the nearby footways would not expect a large refuse vehicle to mount this area during collection.
26. I note that the Council raise concern that turning heads for refuse and delivery vehicles within the site would be unsuitable and that bin drag distances would be excessive. However, the layout is not a matter before me to consider as part of the appeal. There is limited information before me to demonstrate that suitable manoeuvring and bin storage solutions within the layout of the site could not be achieved at reserved matters stage.
27. Notwithstanding my findings on turning heads and bin drag distances, I conclude that the proposed development would not provide suitable access for refuse and delivery vehicles. I find conflict with Policy CT2 of the Plan:MK which amongst other things, provide safe suitable and convenient access for all potential users.

Other Matters

28. The appellant has referred to several other developments in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
29. In regard to Land behind 60 Walton Road, this appears to have been designated as a traditional orchard, however, through the application it was demonstrated that it would not qualify as a priority habitat under the traditional orchard description. The site is also surrounded by built form which differs from the appeal site before me.

30. In regard to Site at Stockwell Lane Farm, this related to the demolition of existing redundant and disused farm buildings with the proposed development being comparable in design and scale to the existing buildings. This differs to the appeal before me where existing build form is not proposed to be replaced.
31. In respect of Land North and West of Wavendon Business Park, Land adjacent to 8 Phoebe Lane, Land to the rear of 34 Newport Road and Malting Farm, these sites are not allocated as landscape buffers and so would not have had the same Policy considerations as the appeal site before me.
32. In regard to Land and at Black Horse Lodge, while I note that the appellant considers it is identical in its form to the appeal before me. The plans submitted illustrating access do not show a refuse vehicle would not be able to safely enter and exit the site which is the case in the appeal before me.
33. The appellant has put forward a fallback position in the form of permitted development rights for buildings incidental to the enjoyment of the dwellinghouse. I accept that the fallback position is available. However, there is very little information before me to support the need for such buildings to be constructed, I am therefore not convinced that there is a greater than theoretical possibility that the fallback would be implemented should the appeal scheme be dismissed, and I therefore afford it no weight.

Planning Balance

34. Paragraph 73 b) of the Framework supports small sites to come forward for self-build and custom-build housing. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding.
35. There is no disagreement between the parties that there is a significant undersupply of self-build homes. The provision of a seven self-build homes would therefore make a small contribution in the context of the significant undersupply, however, it would nonetheless attract significant weight in favour of the appeal scheme.
36. I note the large number of appeal decisions referred to by the appellant in relation to self-building and custom homes whereby Inspectors have given substantial and very significant weight to the provision of such developments. I have done the same by attracting significant weight to the provision of self-build homes.
37. My attention has been drawn to an Emerging Local Plan¹, which has reached Regulation 18 stage. I have also been informed that a proposed submission (Regulation 19) has been prepared and is being progressed by the Council.
38. Proposed Policy GS16 of the Emerging Local Plan relates to strategic buffers which are shown on the Policies Map. While the Policies Map is generally unclear, it appears to exclude the appeal site from the designation as a strategic buffer. However, as the Emerging Local Plan is yet to undergo any examination hearing sessions and the extent of any unresolved objections has not been presented to me, there is no certainty that its Policies shall be adopted in their current form. The

¹ Milton Keynes City Council MK City Plan 2050. Regulation 18 plan for consultation July 2024

Emerging Local Plan therefore only attracts limited weight and does not outweigh the conflict with the Policies outlined in relation to the location of housing.

39. There is dispute between the Council and appellant as to whether the appeal site would constitute previously developed land. However, even if the appeal site is considered to be previously development land, it would not be a significant benefit to the scheme.
40. The proposal is located close to services and there are opportunities for means of sustainable travel. I also acknowledge the benefits that the scheme would attract through supporting local services and economic benefit during the construction of the homes and future spending by occupiers.
41. Taking the above matters into account, the benefits of the proposed scheme would not outweigh the harm caused through the location of development, character and appearance, loss of agricultural land and unsuitable access.

Conclusion

42. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR