



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: 5 November 2025

Appeal Ref: APP/Y0435/W/25/3368543

Land adjacent Wavendon Fields, Newport Road, Wavendon, Milton Keynes MK17 8AF

- 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 S Worrell on behalf of Aldermans Estates Ltd against the decision of Milton Keynes Council.
 - The application Ref is PLN/2025/0299.
 - The development proposed is construction of 5 detached dwellings, demolition of garage blocks serving existing dwellings, removal of tennis court, the erection of replacement garage blocks and a bin store, extension of access road and associated hard standing and soft landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Milton Keynes Council against Mr S Worrell on behalf of Aldermans Estates Ltd. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant submitted amended plans and a report with the appeal¹. The changes are a result of the sunlight and daylight assessment and windows have been added and moved on plots 1, 2, 4 and 5. The appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which people's views were sought. While the Council have seen sight of the amended plans and report as part of this appeal, they have not had the opportunity to formally comment or consult on the amended plans prior to the appeal being lodged and significant changes to the appeal scheme are proposed. For that reason, I consider that the Council, along with any interested parties, would be prejudiced if I determined the appeal on the basis of the amended plans.

¹ Proposed Site Plan – Plot 1 (ref. 2621-P1B)
Proposed Elevations – Plot 1 (ref. 2621-P2B)
Proposed Site Plan – Plot 2 (ref. 2621-P3C)
Proposed Elevations – Plot 2 (ref. 2621-P4D)
Proposed Site Plan – Plot 3 (ref. 2621-P5A)
Proposed Elevations – Plot 3 (ref. 2621-P6A)
Proposed Site Plan – Plot 4 (ref. 2621-P7C)
Proposed Elevations – Plot 4 (ref. 2621-P8D)
Proposed Site Plan – Plot 5 (ref. 2621-P9D)
Proposed Elevations – Plot 5 (ref. 2621-P10E)
Sunlight & Daylight Assessment Scheme Performance Report

4. Accordingly, I have determined this appeal based on the plans originally submitted with the planning application, on which the Council made its decision.

Main Issues

5. The main issues are:

- whether the proposed development would be appropriately located having regard to the Council's development plan policies,
- the effect of the proposed development on the character and appearance of the area,
- whether adequate living conditions would be provided for future occupiers with regard to sunlight and daylight, and
- biodiversity.

Reasons

Whether appropriately located

6. Policy DS1 of the Plan:MK 2016-2031 Adopted March 2019 (Plan:MK) sets out the settlement hierarchy and seeks to focus development on and adjacent to, the existing urban area of Milton Keynes at specific locations which are set out within the Policy. It states that within the rural area new development will occur within villages and other rural settlements identified in made neighbourhood plans.
7. Policy DS2 of the Plan:MK sets out the Council's housing strategy and again states that new housing development will be focused on, and adjacent to, the existing urban area of Milton Keynes as well as the three key settlements. The Policy sets out 13 criteria, none of which would be met by the appeal proposal.
8. The appeal site is located within the open countryside where Policy DS5 states that planning permission within the open countryside 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 this plan indicate development would be appropriate. None of which would be applicable to the appeal proposal.
9. I acknowledge that land surrounding parts of the appeal site are allocated for housing. However, I am only in a position to consider the appeal proposal before me in the context of the surrounding area. In any case, I note that landscape/open space buffers are proposed on most of these areas that surround the appeal site and that the fields from either side of the access track from Newport Road are not part of this housing allocation, meaning that the appeal site would still be seen as separate to this new development.
10. I therefore conclude that the proposed development would not be appropriately located. It would be contrary to Policies DS1, DS2 and DS5 of Plan:MK. Amongst other things, these seek to ensure that development is appropriately located in accordance with the Council's settlement hierarchy.

Character and appearance

11. The appeal site is a large parcel of land that contains a three storey building comprising 18 apartments, as well as garage block and tennis court with the remainder of the site being grassed with a number of mature trees and vegetated boundaries. There are dwellings within the wider area, however, the appeal site is set back from the main road by a long access road and the surrounding area is dominated by large open fields which results in an open and verdant character and appearance.
12. The proposed dwellings, associated infrastructure, and garages would take up much of the appeal site. While some built form through the garage block and tennis court already exists and would be replaced, most of the development would be located on the open and grassed parts of the appeal site which would erode the openness that is character of the area.
13. I acknowledge the design of the proposed development and the aim to adopt styles reflective of local vernacular, using traditional forms and landscaping. However, these matters do not mitigate the harm caused to the character and appearance of the area.
14. I note that the appellant considers that the appeal site is not readily visible, however, many of the photographs that have been provided only illustrate views from within the site. The long access road does allow views towards the appeal site and built form as well as several rights of way which run through the fields surrounding the site. The proposed development would occupy a significant amount of the appeal site and in the context of the distinctly open surroundings, such built form would be particularly noticeable and stand out, eroding the verdant character.
15. 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 NE5 of the Plan:MK. Amongst other things, these seek to ensure that development responds appropriately to the site and surrounding context and layout, massing/scale, boundary treatments and landscaping of a development and appearance of buildings exhibit a positive character or sense of place for a development.

Whether adequate living conditions would be provided

16. The appeal site is surrounded by mature trees and vegetation, plots 2, 3, 4 and 5 in particular would have large mature trees that would cover sections of the proposed gardens for these properties. However, the proposed gardens are large and provide space around each of the plots for future occupiers to enjoy with areas not covered by the existing trees. I am therefore satisfied that future occupiers would have sufficient daylight and sunlight within the proposed gardens.
17. The large trees that surround plots 2, 3, 4 and 5 would also be within proximity to a number of windows, particularly on the side elevations. Due to their overall size and proximity, they are likely to block sunlight and daylight to these windows which would be harmful to future occupiers and would result in unacceptable levels of sunlight and daylight within habitable rooms for future occupiers.

18. The proximity of the mature trees is likely to lead to leaf and branch fall within the gardens of the proposed dwellings which would be a nuisance to future occupiers. This would lead to a risk that future occupiers could seek to carry out works to the trees which, depending on the extent of the works could also be harmful to the character and appearance of the area and erode the verdant character.
19. I note that the appellant suggests that the risk of falling debris from trees is an existing situation, however, the existing apartment block is not located within the same proximity of the trees as the proposed dwellings would be. A suitably worded planning condition could be imposed to ensure the retention of the trees, however, I am not satisfied that this would remove the pressure for future occupiers to carry out works to the trees.
20. Notwithstanding my findings on sunlight and daylight within the proposed gardens, I conclude that adequate living conditions would not be provided for future occupiers with regard to sunlight and daylight within the proposed dwellings. The proposal would be conflict with Policy D5 of the Plan:MK which amongst other things, seeks to ensure that a good standard of amenity is created and levels of sunlight and daylight within buildings are satisfactory.

Biodiversity

21. Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
22. Developments subject to the mandatory BNG are required to meet the minimum information requirements set out in Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This includes information demonstrating the pre-development biodiversity value of the site and the completed metric calculation tool.
23. Several versions of this information have been provided and there is still some dispute between the parties over the values provided. However, the latest version has removed the errors and enabled a completed legal agreement to be submitted with the appeal which overcomes one of the Council's original concerns relating to securing BNG.
24. Notwithstanding the above, the Council also raise concern with regard to a traditional orchard that is located within the site and is classed as a priority habitat. The traditional orchard would be removed and while a new orchard is proposed, this would be in a different location within the appeal site. I note that the appellant considers the existing orchard is degrading and that dismissing the appeal could result in the condition of the orchard worsening. However, while I note that orchard is identified as being in terminal decline, the proposal would remove it entirely which would be more harmful as there is no guarantee that the orchard would be lost should this appeal be dismissed.

25. The new location is close to the existing apartments and is likely to lead to conflict in the future, through the lengthy growth period and potential pressure to maintain this area for existing occupiers to enjoy their outdoor space. I note that the appellant suggests this area is used to a very limited extent by current occupiers, but I must also have regard to any future occupiers who may use it differently. The proposed orchard is also close to an existing tree belt which is dense and could limit the light to this area, further impacting growth of the new orchard.
26. I note that it is intended to develop the location of the new orchard through a habitat maintenance and management plan and that the location would receive equal light, similar soil conditions and better management than the current orchard. However, there is limited information before me to demonstrate this.
27. The Council refer to a drainage ditch which is located outside of the red line for the proposed development. The evidence before me indicated that this has been considered through the BNG metric and in any case, it is proposed to be retained.
28. I therefore conclude that it has not been demonstrated that the proposed development would achieve BNG. I find conflict with Policy NE2 and NE3 of the Plan:MK which amongst other things, seeks to ensure a net gain in biodiversity.

Other Matters

29. The Council have found that the proposed development would leave adequate amenity space for existing occupiers as well as sufficient parking for both existing and future occupiers and while I have no reason to conclude otherwise, these are neutral matters.

Planning Balance

30. My attention has been drawn to an Emerging Local Plan², 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.
31. 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 Emerging Local Plan therefore only attracts limited weight in favour of the proposal.
32. 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.
33. There is disagreement between the parties in terms of whether parts of the appeal site constitute previously developed land. However, even if I were to accept the appeal site was previously development land this would not be a significant benefit in favour of the appeal scheme. The appellant makes reference to paragraph 125(c) of the Framework that advises that the use of suitable brownfield land within settlements for homes should be approved unless substantial harm would be caused, I find that the adverse impacts of the appeal proposal would meet this level of harm.

² Milton Keynes City Council MK City Plan 2050. Regulation 18 plan for consultation July 2024

34. 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, inadequate living conditions provided for future occupiers and BNG.

Conclusion

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

D Wilson

INSPECTOR