



Appeal Decision

Site visit made on 24 October 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**
an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/J0405/W/25/3370638

Land north of Towcester Road, Maids Morton, Buckingham MK18 1RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Kevin Cozens against Buckinghamshire Council.
 - The application Ref is 24/03741/APP.
 - The development proposed is Erection of a new detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Having regard to the duties set out in s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I consider the appeal site would lie along the northern approach to the historic core of Maids Moreton and within the setting of its Conservation Area (MMCA) and have taken this into account in my decision.
3. The Council did not issue a decision notice but have now indicated that they would have given three reasons for refusal, accordingly:-

Main Issues

4. The main issues are whether, having regard to the relevant policies of the development plan and other material considerations, the proposed dwelling would:
 - be suitably located having regard to the relevant policies of the development plan and to the effect of the proposal on the area's character and appearance,
 - make necessary provision for sports and leisure, and
 - meet the mandatory requirements for net Gain in Biodiversity

Reasons

Suitability of location

5. The appeal site lies at the north-eastern edge of the 'medium'¹ village of Maids Moreton and would be located adjacent to the last dwelling on the Towcester Road² enclosed on its northern side by a newly constructed access drive with a brick-

¹ According to Policy S3 of the Vale of Aylesbury Local Plan (VALP)

² when leaving the village to travel north

pillared entrance where it joins the Towcester Road. Despite providing access to a very recent development of 12 large, detached houses, this new access drive has the visual character of a private paved road across open land bounded by field railings and, on its northern and southern sides respectively, by open fields and a small grassy paddock. The houses are well distanced from the main road, and other than temporary sales banners, their existence does not intrude upon the approach views of Maids Moreton. The first house on the main road (Glynfa) being low in height and set at a slightly lower level behind a high boarded fence presents, with the benefit of the existing planting belt to the frontage of the appeal site, a soft edge to this northern edge of the village. Consequently, the point where a road user would experience the edge of the Maids Moreton built-up area is some 50m south of the Furl Close access, at a point where the street scene becomes that of road-facing houses on both sides of the Towcester Road.

6. The site for the proposed dwelling comprises an area of grass and is bounded on its southern side by a tall, established non-deciduous hedge and, on its frontage to Towcester Road, by mixed-species vegetation which forms a dense hedge-like barrier of considerable thickness and height, similar to an unmanaged field hedge. The proposed site plan³, refers to a minimum 5m separation from the hedging shown on that plan which is drawn as a relatively narrow strip of frontage planting. However, it is not clear whether what is drawn intends to represent the existing planting belt, which is much deeper than shown, or a replacement hedge.
7. Although such matters can usually be addressed by conditions, a further difficulty in assessing the impact of the proposed development arises from the seeming inaccuracy and small scale of the information provided. The entrance pillar(s) appear(s) to lie further west and closer to the Towcester Road than appearing on the plan. In particular, if the dwelling were positioned in the way shown, with the ridge of proposed dwelling aligned with a brick pillar but as found on site, my observations suggest that the new house would appear well forward of the general built frontage, prominently and uncharacteristically set close behind the pavement on Towcester Road.
8. The appeal site would lie outside the settlement boundary defined in the Maids Moreton Neighbourhood Plan (2023) (MMNP) wherein policy MMG1 supports residential development but on 'brownfield and small infill sites within the settlement boundary'; the proposal site is neither within the settlement boundary nor is it brownfield or infill. Policy MME1 requires that development proposals 'which flank(s) the open rural landscape setting' should provide for a 'soft transition between built development and the rural edge in the form of a landscape buffer'.
9. Given my assessment of the setting into which the proposed dwelling would be introduced, the lack of clarity as to the frontage hedging and the absence of any landscape buffer as a soft edge to the village are matters which have a significant bearing on the sensitive relationship between the edge of the village and the open countryside. These are matters that the MMNP seeks to address and, to my mind, have been successfully addressed in the Furl Close development. Notwithstanding adjacency of the low-set, well screened existing property 'Glynfa', the proposal would, by the introduction of a single dwelling, have a wider uncharacteristic suburbanising effect. Consequently, I conclude the proposal would conflict

³ PL/711/100 B

significantly with Policies MMG1 and MME1⁴ of the MMNP due to its inappropriate prominence and absence of an enclosing 'soft edge', to the settlement.

Sports and Leisure

10. The Council has submitted an addendum (additional) Unilateral Undertaking in relation to the provision of Sports and Leisure facilities which would appear to address the Council's suggested first refusal reason.

Biodiversity

11. The appellant has submitted a Unilateral Undertaking with regard to affordable housing contributions and off-site BNG provision with a revised Preliminary Ecological Appraisal (PEA) and BNG Assessment⁵. This appears to address the issues raised by the Council in their suggested second refusal reason, other than those matters I have identified as to the setting out of the building in relation to the required natural buffer in the first main issue.

Planning Balance and Conclusion

12. The appellant suggests the proposal is not discordant with the aims and objectives of the MMNP. However, I consider the effect of the development proposed would be to largely undermine the approach taken in the positioning and layout of the recently completed Furl Close development, which has added to the settlement of Maids Moreton in a way which has successfully effected the 'soft transition' to open countryside desired by the Neighbourhood Plan. That development has successfully contributed to housing supply but avoided suburbanisation of the entrance to the village along Towcester Road which leads directly to the historic core of the village.
13. It has not been disputed that the Council may only be able to demonstrate a 4-year housing land supply. In such circumstances the presumption in favour of sustainable development is engaged such that it is necessary to apply the test in Paragraph 11 d) ii) of the Framework. The development would provide one dwelling in a situation where there is a deficient housing land supply. Whilst even a single dwelling may be considered to be a positive benefit in such circumstances, and although the dwelling would be located at the edge of a moderately sustainable settlement, the intrusive suburbanising effect of that single dwelling would, as my reasoning explains, be disproportionately harmful to the setting of the village which includes the Maids Moreton Conservation Area. Notwithstanding my conclusion on the second and third main issues, I consider the modest benefit of a single dwelling would be significantly and demonstrably outweighed by these wider harms. Consequently, taking all matters raised into account and for the reasons given, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

⁴ at 6 and 7

⁵ KEDD limited Ref KD.MA2P.ER.002 July 2025