



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/25/3370635

Land North of 5 Scotts Farm Close, Maids Moreton, Bucks 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 24/03737/APP.
 - The development proposed is Demolition of existing outbuilding and erection of detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing outbuilding and erection of detached dwelling at Land North Of 5 Scotts Farm Close, Maids Moreton, Bucks MK18 1RX in accordance with the terms of the application, Ref 24/03737/APP, and the plans submitted with it, subject to the conditions in the schedule attached to this decision.

Preliminary Matters

2. The Council have indicated that they have no objection in principle to the development proposed but have raised two indicative reasons for refusal, these being the lack of contributions for the provision of sports and recreation facilities and to an absence of information relating to protected species and habitat, accordingly:

Main Issues

3. The main issues are:
 - whether the development would accord with the provisions of the development plan having particular regard to the provision of facilities for sports and recreation and
 - the effect of development on protected species.

Reasons

4. The appeal site lies at the north-eastern side of the 'medium'¹ village of Maids Moreton and contains an existing agricultural building². As a result of the recently

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

² To be demolished as part of the proposed development

completed Furl Close development of twelve large, detached houses, the appeal site is wholly surrounded by residential development and was, at the time of my site visit, enclosed with a high board fence and contained a small open-sided agricultural building. The Furl Close development is accessed directly from the Towcester Road by a 100m length of new road which curves around the northern edge of Maids Moreton such that the recently built houses are well set back and do not intrude visually into the approach views of Maids Moreton. Although the Furl Close access point is marked by a brick-pillared entrance at its junction with the Towcester Road at this point it nevertheless has the visual character of a private paved road through open land bounded by field railings and not as part of a residential development.

Contributions

5. The appellant has submitted a Unilateral Undertaking (UU) which secures the provision of BNG and a commuted sum for the provision of affordable housing. A further UU has been provided in relation to an agreed contribution for the provision of sports and leisure facilities. I have noted the comments made by both parties as to enforceability and am satisfied the agreements may be taken into account. I therefore conclude that the proposed development would satisfy the requirements of Policy I2 of the Vale of Aylesbury Local Plan (2021) (VALP) which requires housing development to contribute to sports and recreation provision.

Protected Species

6. The appellant has responded to the questions raised by the Council's Ecology consultee (KEDD Ecology October 2025) in relation to the submitted Ecological Assessments. Taken with the Revised PEA and BNG information (July 2025) I consider the proposal would³ accord with requirements of Policy NE1 of the VALP which seeks to protect and enhance biodiversity.

Other Matters

7. The appeal site lies outwith the Maids Moreton Conservation Area (MMCA) and two listed building are identified in proximity⁴. My observations, having regard to the duties set out in Sections 66 and 72 of the Planning (Conservation Areas and Listed Buildings) Act 1990 (Listed Buildings Act), direct that due to intervening development and other screening, the appeal site does not fall within the setting of any of these designated heritage assets.
8. The Parish Council refer to policies of the Maids Moreton Neighbourhood Plan (MMNP) and specifically Clause 1a of MMNP Policy MMG1 suggesting that the proposal would create 'a severe negative impact on the residents of the 12 houses in Furl Close'. What such impacts might be are not explained in terms that are relevant to planning and attract little weight. I note that the appellant has made an appropriate declaration at the time the planning application was submitted and matters such as land ownership and rights of access are not before me to determine. Residents object to the proposal on the grounds of nuisance, disturbance and other matters including reference to removal of trees and hedging however it was not, at the time of my visit, apparent that this would be a

³ with the provisions set out in the UU

⁴ Scotts Farm and Upper Farm

consequence of the proposal. Whilst construction traffic can be problematic to existing users, a construction management plan specifying hours of work, parking, unloading and road cleaning measures could be required by condition to make the development acceptable in planning terms in that regard.

9. Consequently, having concluded that there would be no conflict with the provisions of the development plan, and taking into account all matters raised, my reasoning directs that the appeal should succeed subject to the usual timing and plans conditions, together with other conditions that are necessary to support the basis of my decision. The Council have suggested a number of conditions which I have considered and adjusted or removed having regard to the usual tests.

Andrew Boughton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:
 - i. PL / 711 /106 Site Location Plan
 - ii. PL / 711 /107 Plans and Elevations
 - iii. PL / 711 /105 Rev B Site layout
- 3) The residential dwelling 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.
- 4) Prior to the development progressing above slab level, full details of the materials to be used on the external elevations of the dwelling and garage hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details and shall be retained as such.
- 5) The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the first occupation of the dwelling hereby permitted and that area shall thereafter be retained as such in perpetuity and shall not be used for any other purpose.
- 6) Prior to the first occupation of the dwelling hereby approved, one electric vehicular dedicated charging point shall be provided on site for the dwelling hereby approved. The vehicle charging point shall be a minimum of a 7.4 kW 32A or higher Type 2 electric vehicle dedicated charger. The electric vehicle charging point shall be retained thereafter in perpetuity to a working standard.

- 7) The dwelling hereby permitted shall not be occupied until details of covered and secure cycle parking for at least one bicycle have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be made available for use prior to the first use of the dwelling hereby permitted and shall be retained thereafter and shall not be used for any other purpose.
- 8) Prior to the first occupation of the dwelling hereby approved, full details of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include any new trees or hedgerows, as well as those to be retained, showing their species, spread and maturity, planting plans; written specification (including cultivation and other operations associated with plan and grass establishment); schedules of plants; noting species, plant sizes and proposed numbers/densities. The approved soft landscaping shall thereafter be carried out within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.
- 9) Any tree or shrub which forms part of the approved landscaping 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 similar to the one it replaces.
- 10) Prior to the first occupation of the dwelling hereby permitted, full details of all hard landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to the first occupation of the dwelling hereby permitted.
- 11) All proposed hardstanding within the site indicated on approved drawing number PL / 711 /105 Rev B shall be made of permeable materials.
- 12) The dwelling 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) No development shall take place above slab level until full details of biodiversity features of 1 integrated bat box and 1 bird box to be incorporated into the building along with hedgehog holes within proposed fences/barriers, have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of the development and shall thereafter be retained.
- 14) The development shall be implemented in accordance with the agreed mitigation recommendations from the preliminary ecological appraisal and Biodiversity net gain assessment (KEDD Limited, July 2025).
- 15) Prior to the commencement of development including site clearance, a Construction Management Plan shall be submitted to, and approved in writing by, the local planning authority. The CMP shall provide details of: (i) hours of work; (ii) parking for those working on site; (iii) arrangements for delivery of materials and removal of material; (iv) road cleaning measures including dust and noise mitigation. The development shall proceed in accordance with those details.