



Appeal Decisions

Hearing held on 17 December 2025

Site visit made on 18 December 2025

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2026

Appeal A Ref: APP/Y0435/W/25/3372047

Galleon Wharf, Old Wolverton Road, Old Wolverton, Milton Keynes MK12 5NL

- 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 Galleon Wharf Ltd against the decision of Milton Keynes Council.
 - The application Ref is PLN/2024/2343.
 - The development proposed is Demolition of existing warehousing and redevelopment for 9 dwellings including parking, landscaping and associated works.
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Appeal B Ref: APP/Y0435/W/25/3372970

Galleon Cottage Garage, Old Wolverton Road, Wolverton, Milton Keynes MK12 5SL

- 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 R Parrott against the decision of Milton Keynes Council.
 - The application Ref is PLN/2024/2161.
 - The development proposed is demolition of existing garage building and erection of 1 No. detached dwelling.
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is allowed and planning permission is granted for demolition of existing garage building and erection of 1 No. detached dwelling at Galleon Cottage Garage, Old Wolverton, Wolverton MK12 5SL in accordance with the terms of the application, Ref PLN/2024/2161, subject to the conditions in the attached schedule.

Procedural Matters

3. Refusal reason no. 5 in the Council's decision notice relating to Appeal A and no 4 relating to Appeal B refer to insufficient information regarding the proposed method of surface water drainage. Additional drawings and information have been provided which now address the Council's concerns. Accordingly, and subject to planning conditions, they no longer contest those refusal reasons.
4. During the Hearing there was disagreement between the main parties regarding the height of the existing warehouse buildings relating to Appeal A, and the difference (if any) between those buildings and the proposed units. Clarification was sought from the main parties on this matter. Their respective positions have been provided following the Hearing.

5. A signed and dated planning obligation was submitted by the appellant after the Hearing closed.
6. The appeal sites are proximate to listed buildings. Therefore, regard will be given to the statutory requirements placed upon decision-makers by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act).

Background and Main Issues

7. Galleon Wharf [Appeal A] and Galleon Cottage Garage [Galleon Garage] [Appeal B] comprise two contiguous sites abutting the Grand Union Canal at the edge of Old Wolverton. There are some matters in dispute that relate to both sites, while others relate solely to Appeal A.
8. The main issues are:
 - The effect of the proposals on the setting of designated heritage assets, including the Grade II* listed Church of the Holy Trinity and the Scheduled Ancient Monument encompassing motte and bailey castle, deserted village and monastic grange at Old Wolverton [SAM] [Appeal A and B];
 - The effect of the proposals on the character and appearance of the surrounding area [Appeal A and B];
 - The effect of the proposals on the provision of employment sites in the area [Appeal A and B];
 - Whether or not sufficient information has been submitted in respect of biodiversity net gain (BNG) to comply with the provisions of local and national policy [Appeal A]; and
 - The effect of the proposed parking arrangement on highway safety [Appeal A].

Reasons

Heritage

Appeal A

9. The appeal site lies on the eastern edge of Ouse Valley Park, a broad swathe of open land adjoining Old Wolverton. The park is characterised by its mix of open fields, recreational routes and historically significant features. The park contains, in part, the remains of a medieval settlement and a motte-and-bailey castle, now forming part of a large Scheduled Ancient Monument (SAM).
10. These features are discernible from the mounds, undulations and earthworks across the grassed areas, which contribute to an appreciation of the area's long and layered history. Interpretation boards situated along the footpaths, within the park, assist visitors in understanding the origins and evolution of the landscape. The SAM's designation extends north beyond the appeal site and canal cutting and encompasses open space that once formed a Monastic grange.
11. The SAM's special interest and significance stem, in part, from its historical value, particularly the survival of extensive remains associated with the medieval castle,

the monastic grange, and the former village settlement. Together, these features provide a tangible record of the site's occupation, development, and changing functions over time.

12. The Grade II* listed Church of the Holy Trinity (listed church) stands near the Motte and Bailey castle within a partially landscaped plot to the south of the appeal site. This early 18th century structure is built from sandstone and limestone ashlar and consists of a square chancel, transepts and a large tower. There is evidence in the church's construction of materials dating to the 14th and 17th century, thus signifying an earlier place of worship at the site.
13. The listed church, set slightly apart but visually and spatially connected to the wider parkland, derives significance in part, from its architectural and historic interest. Its setting is defined by the surrounding green space, which allows an appreciation of the building as a historic place of worship and understanding of its role within what was once a rural parish, as well as its relationship with the SAM. The church's scale and elevated position make it discernible from the open parkland it adjoins, as well as the appeal site.
14. The adjacent canal, in which the appeal site adjoins, represents a later industrial intervention, that sits as part of the wider composition of the valley and its historic components. Sitting lower in the landscape and screened largely by vegetation, its form does not sever the perceptible relationship between the medieval remnants, the church, and the broader open landscape.
15. Three existing warehouse buildings currently occupy part of the appeal site, and can be clearly seen from the adjoining SAM designation and the footpaths that cut through it. While these are modern and utilitarian, and extend into the landscape in a way that detracts from the historic setting, their simple, uninterrupted roofs follow a broadly consistent form that sits relatively quietly in the landscape. Their long, low profiles reflect, to a degree, the contours of the parkland, and while they are not positive features, in the context of the predominantly pastoral setting, they do not overtly compete for visual attention with the heritage assets. To the west of the warehouses, the appeal site encompasses part of an enclosed yard currently storing vehicles. Despite the absence of built form in this area, the visible presence of vehicles and other paraphernalia, detract to a degree from the adjoining open setting that contributes to the significance of the designated heritage assets.
16. The proposed development would replace the warehouses and storage yard with nine detached residential dwellings. Units 2-7 have a contemporary three-storey form, introducing a much more articulated roofscape than the existing buildings. The inverted pitched roofs would form an irregular, angular roofscape. Compared with the existing warehouses, the taller three storey units would introduce a markedly more complex and assertive built form. The higher eaves line and increased massing would create a stronger vertical presence, while the jagged, eye-catching roof profiles would break the simple and unified roof rhythm currently provided by the warehouses.
17. From key viewpoints within the park, including along the path leading toward the entrance of the listed church and cutting through the SAM, the proposed roof forms would be conspicuous. Their visually jagged roofs and overtly modern appearance would contrast jarringly with the open, rural character of the park and the subdued contours of the landscape. This discordant roofline would draw the

eye, interrupting the ability to appreciate the calm, pastoral setting that contributes to the significance of the listed church.

18. Similarly, the proposed massing and sharply articulated roofscape would encroach more assertively into the setting of the SAM given the closer relationship the appeal site has with this designation. The ability to perceive and understand the medieval features within their broader landscape depends to some extent on the relative openness and low-key built form of their surroundings. The proposed development's domestic, highly contemporary appearance would diminish this legibility and dilute the sense of historical depth conveyed by the landscape's topography.
19. Therefore, whilst the existing warehouses impair to a degree the setting of the adjacent SAM and listed church, the design and roof configuration of the proposed three-storey units would represent a more intrusive and detracting element. They would erode the ability to appreciate both the SAM and the listed church within their historic and landscape settings. In doing so the proposal fails to preserve the significance of these designated heritage assets.
20. The suggested heritage benefits arising from glimpsed views of the SAM and listed church through gaps between the proposed units would be limited and brief, as the angled siting of the dwellings would restrict the extent of any new visibility. Accordingly, the limited heritage benefits identified in these circumstances would not outweigh the harm.
21. The appellant refers to an unfettered consent for external storage to the west of the proposed units. However, there is no evidence that this fallback (particularly for taller items) is likely to be implemented or that it would generate effects greater than the appeal scheme. Therefore, it attracts little weight as a heritage benefit.
22. It is acknowledged that the Inspector that determined the previous appeal¹ at the site, had no concerns regarding the three-storey scale of the units proposed in that case, while also indicating that they would positively break up the massing of the existing warehouses. However, the units before me have a different design and roof profile, therefore, the proposal's effect is not comparable with that previous case.
23. I am mindful that the main parties do not agree on the proposed height of the three storey units relative to the existing warehouses. Even if I were to favour the appellant's position that they would be the same height as the warehouses, this would not alter my findings on the main issue.
24. Therefore, I conclude that there would be harm to the settings of both the SAM and the Grade II* Church of the Holy Trinity, and the significance they derive from their setting. Given the presence and scale of built development at the appeal site, I consider that the harm in this case would be towards the lower end of the spectrum of 'less than substantial harm'². Even though the harm is categorised as such, the conservation of designated heritage assets, according to the Framework, attracts great weight. Moreover, harm to an asset covered by the Act (i.e. the listed church) is ascribed considerable importance and weight. This in my view would amount to significant harm in the heritage and planning balance.

¹ APP/Y0435/W/20/3255492, dismissed 15 September 2021

² As described in the language of the Framework and PPG

25. Although the proposed development, in my opinion, amounts to less than substantial harm, this does not amount to less than substantial planning objection. Given the harm is less than substantial the Framework requires that it is balanced against public benefits which I will do towards the end of this decision.

Appeal B

26. The appeal site encompasses Galleon Garage and part of Unit 1 at Galleon Wharf. The garage comprises a pitched roof, brick built structure that is adjoined by two later flat roof additions. Although the garage is modest in scale its roof form and irregular footprint give it a somewhat disjointed appearance, that along with the utilitarian form of the adjacent Unit 1, detract somewhat from the open, historic setting of the adjacent SAM and to a lesser extent, the listed church.
27. The proposed flat roof, predominantly glazed structure would be visible in views from the SAM and the listed church towards the canal. However, given its more reduced scale compared with the adjacent warehouses it would form only a minor component within the wider run of development along the canal. The use of glazing introduces a contemporary element, however it would serve to lighten the building's appearance from the rear, reducing visual mass and maintaining a sense of openness.
28. The proposal would not detract any further from the existing setting, and to some extent would resolve, the fragmented appearance the garage has on the open setting that contributes to the special interest of the designated heritage assets. It is acknowledged the proposed dwelling would be a marginally taller structure with a more horizontal emphasis where it adjoins the SAM. Yet, the existing boundary hedge and trees at the rear of the site, together with the undulating topography would help break up the proposal's massing and screen it from medium and long-range views.
29. At this stage the effectiveness of the proposed landscaping at the dwelling's rear remains somewhat unclear. Nevertheless, I do not see any impediment to additional planting, secured through a planning condition, given the size of the intervening gap with the site boundary.
30. The overall effect on the setting of the listed church and the SAM would be negligible, with no appreciable change to their significance. Therefore, the proposal would preserve the setting of the designated heritage assets. As such it would not conflict with Policy HE1 of the Plan MK: 2016-2031, adopted March 2019 (MK Local Plan) Local Plan and guidance in the National Planning Policy Framework, where they require proposals to preserve designated heritage assets.

Character and appearance

Appeal A

31. The appeal site comprises a predominantly built-up strip of land that lies adjacent to the settlement boundary of Milton Keynes. Although it is connected, in part, to that boundary, the warehousing and storage area predominately adjoin open and undeveloped land, in addition to the canal cutting.
32. The appeal site and the surrounding land are within a Linear Park designation. Policy DS6 recognises Linear Parks as an essential part of Milton Keynes' green infrastructure, providing multifunctional open spaces that contribute to the city's

character and residents' quality of life. Managed by The Parks Trust, these areas offer recreation and access to nature. The policy requires, amongst other things, the protection and enhancement of the landscape within these parks.

33. Although the urban area of Milton Keynes lies close by, the Ouse Valley Park and the appeal site, form a clear transition into a more rural and pastoral environment. From within the park, views open westwards and northwards across adjoining agricultural fields, providing a strong sense of spaciousness and an appreciable rural edge. While traffic noise is detectable, and the presence of the warehouses at the appeal site notable, the visual experience as you walk away from the built-up parts of Old Wolverton Road, and through the park becomes predominantly one of open countryside and historic landscape character.
34. The submitted Landscape and Visual Impact Assessment (LVIA) identifies several footpaths which have a high sensitivity to change for receptors. These include the paths and land to the appeal site's south and west in the vicinity of the designated heritage assets. The LVIA indicates that at these locations the proposal would result in major/moderate visual impacts.
35. From within the park, the angular roof profiles of the taller three-storey units would have an abrupt presence set against the open green spaces to the south and west. Furthermore, their contemporary appearance would contrast harshly when seen against the unfolding rural landscape and countryside vistas beyond.
36. Viewed from Old Wolverton Road looking north-west towards the Ouse Valley Park and with the proposal in view, the sequence of angular, three-storey roof forms would introduce a pronounced and visually discordant presence along the site's open edge.
37. Although the development would replace existing warehouse buildings and therefore would not result in direct landscape harm, its markedly incongruous roofscape and form would nonetheless read as an intrusive encroachment. In doing so, it would harmfully erode the natural and historic character of the adjoining landscape, which is predominantly open and largely free from built form.
38. The landscape mitigation proposals along the boundary of the appeal site are noted. Yet, it is somewhat ambitious, given the scale of the proposal, to think that these proposals would establish and mature to effectively screen the proposal and overcome the impacts identified.
39. From within the canal cutting, the contemporary, angular form of the proposed units would undoubtedly change the wharf's existing built character. However, the immediate views are contained within a more intimate and enclosed environment, where the canal sits noticeably lower than the surrounding ground and is framed by established landscaping. Within this more confined environment, the development is not perceived against the broader, more pastoral backdrop of the open green spaces to the south and west. As a result, the contrast between the proposal's contemporary design and its surroundings is appreciably reduced at close range. The scheme cannot be viewed clearly in conjunction with the wider open landscape, nor does it visually interact with the setting of the historic environment in the same way it would from more elevated or wider perspectives. Therefore, in this context the scheme would not be harmful, however, the lack of harm does not overcome the other concerns referred to.

40. For these reasons, the proposal would harm the character and appearance of the surrounding area. It would fail to accord with Policies D1, D2, D3, NE5 and DS6 of the MK Local Plan. Collectively these require proposals to, amongst other things, respond positively to the site and surroundings; incorporate visually interesting designs that are appropriate to the area's character; have form, massing, rhythm and façade elements that are carefully designed to create character and visual interest; and protect and improve landscape.
41. Given that there are already large warehouse buildings on the site and the visual effects would be confined to only parts of the surrounding land, the impact would be relatively localised. Thus, whilst there are policy conflicts and negative visual effects, the degree of harm would be moderate in this case.
42. The reason for refusal relating to this main issue refers to policies DS1, DS2 and DS5 of the MK Local Plan. These relate specifically to the Council's housing location strategy, rather than policies which seek to protect local character and appearance. As such they are not relevant insofar as they relate to this main issue. Nevertheless, the Council has provided more clarity in its statement of case why the proposal falls foul of those policies. This matter will be assessed further in the other considerations and overall balance sections below.

Appeal B

43. The Galleon Garage site abuts the open setting of the Ouse Valley park to the rear, while having a frontage onto the wharf access road. A modern dwelling with a curved roof is located opposite, while the warehouses at Galleon Wharf and a small parking area adjoin the site's side boundaries, respectively. Aside from the open parkland at the rear, the appeal site's immediate context is somewhat built-up and consolidated. It is also a short distance from the settlement boundary, as defined by the MK Local Plan.
44. The proposed dwelling would sit within an area that already accommodates built form, and its contemporary design, lightened by extensive glazing, would integrate well with its surroundings. Its simple, rectilinear profile and modest height would ensure it does not draw the eye in the way the more visually prominent three storey units proposed at Galleon Wharf would. Importantly, the proposal would not overtly encroach or loom into the more open, undeveloped parts of the landscape where green space and a greater sense of openness are more apparent. Furthermore, the proposal's flat roof would be positioned below the existing tree line along the northern edge of the canal, ensuring the building integrates sensitively within its immediate landscape and minimizes visual intrusion.
45. The building's form and linear proportions would reflect the established rhythm of canal side warehouses, while the large glazed openings introduce a contemporary but visually light quality that softens its presence, particularly from the rear. Although the glazing and roof profile evoke an industrial aesthetic, this would be consistent with the character of buildings nearby, thereby preserving the coherence of the Wharf frontage.
46. As indicated earlier existing and proposed landscaping would help screen the development and ensure that the proposal effectively integrates with the natural environment elements surrounding the site. This could be secured through a planning condition.

47. Taken together, these factors would ensure that the proposed dwelling would not appear discordant, rather, it would respond appropriately to its location and sit comfortably within the wider open landscape.
48. Therefore, the proposal would have an acceptable effect on the character and appearance of the surrounding area. In doing so it would accord with policies D1, D2, D3, D7, NE5 and DS6 of the MK Local Plan and the Framework where they require proposals respond appropriately to the site and surrounding area in terms of layout, scale and appearance, as well as conserving local landscape character, including “Linear Parks”.
49. The refusal reason relating to the main issue in this case also refers to policies DS1, DS2 and DS5 of the MK Local Plan. These do not specifically relate to matters of character and appearance therefore the proposal’s compliance with these will be assessed separately below.

Employment land

Appeal A and B

50. The warehouses at both appeal sites encompass employment activities, mainly relating to storage uses. However, the buildings and land are not allocated as employment sites in the MK Local Plan.
51. Policy ER2 of the MK Local Plan relates to the protection of existing employment land and premises. There are two parts to the policy. Part A states that planning permission will be refused for the change of use or redevelopment of any land identified for employment use on the Policies Map and for any building used for employment purposes (whether identified on the Policies Map or not) to another purpose, unless the applicant can demonstrate there would be no conflict with existing or potential neighbouring uses and: the proposal would result in a significant reduction in the detrimental environmental impact of an existing use; or the proposed use is one that cannot be satisfactorily accommodated other than in an employment area; or the proposed use will not significantly reduce the provision of local employment opportunities.
52. The main parties’ positions differ in terms of the policy’s application. The Council considers that it does not strictly apply to existing employment units, but also any potential use of the land for employment purposes.
53. Under Part A, for sites not identified on the Policies Map, the policy applies only to *buildings used for employment purposes*, not to the land itself. There is no reference to any residual land being subject to the policy following any removal of existing unallocated employment buildings or for developers to explore the viability of new replacement buildings on the land.
54. The warehouses are divided into nine employment units. Most of the units currently fail to meet the national energy efficiency standards for private rental properties, while the remainder will fail to meet the requirement in April 2027. As storage units they are not currently employing many people and given their modest number and poor standard of energy efficiency they would not represent an attractive proposition for future tenants looking for modern, good quality employment floorspace. I was informed at the Hearing that alternative premises are available nearby, particularly the allocated employment site in Old Wolverton.

Without any information to the contrary, I have no reason to dispute that alternative buildings could be found. For these reasons the loss of the units to another use would not significantly reduce the provision of local employment opportunities. Therefore, I am satisfied that the proposal accords with Part A.

55. Part B of the policy states that applicants must demonstrate through evidence, including marketing of the site, that there is no longer a reasonable prospect of it being used for the existing or designated employment use. Applicants must also demonstrate that the continued use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.
56. The policy's supporting text states that in general, marketing for a property should be for a minimum of 6 months and at a realistic price supported by details of valuations. No further details are given of what other evidence would be needed to demonstrate that the redevelopment/change of use of an employment use would be acceptable. Therefore, marketing in the way set out could be one way of assessing compliance with the policy.
57. Up until the Hearing the units have been marketed for 7 months, with no offers and only minimal interest during this period. The Council confirmed that the marketing period was adequate and did not dispute the valuations or rental levels. As indicated above the appellant also considers the units' poor energy ratings to be a deterrent to future occupiers. A further assessment³ submitted with the appeal shows that refurbishing them to meet energy-efficiency, fire-safety and building-regulation standards would cost around £698,000. An additional appraisal⁴ assessed bringing the units up to lettable standards. This indicated that costs incurred would significantly exceed anticipated levels of return. The Council has not challenged any of these findings.
58. The submitted evidence is comprehensive and credible, leaving no reason to question the conclusions. Accordingly, it demonstrates that there is no longer any reasonable prospect of the buildings being used for their existing employment use.
59. The Council consider that a further feasibility study assessing the viability of complete demolition and rebuilding of each unit is required to satisfy the policy. However, if an assessment of the 'land' and any future buildings upon it is also a requirement of Part B and I were to accept that an assessment of the viability of new warehouse buildings is necessary to satisfy the aims of Policy ER2, such an exercise would not guarantee that new buildings represent a realistic alternative. For the purposes of the policy, any such viability assessment is unlikely to include sufficient detail regarding the design or external appearance of the building(s). Moreover, the delivery of new structures would, amongst other things, be contingent upon securing planning permission and demonstrating that they are acceptable in the context of the adjacent heritage designations and the relevant development plan policies that protect those assets. Therefore, it would not represent a clear alternative in this particular case considering these uncertainties.
60. Consequently, the proposals would have an acceptable effect on the provision of employment sites in the area and the requirements of Policy ER2, described above, would be met.

³ Jackson Coles, Economic and Marketing Assessment

⁴ Letter from Louch Shacklock and Partners LLP

Biodiversity

Appeal A

61. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the TCP Act) introduced a statutory framework for BNG, under which, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a 10% increase in biodiversity value is met.
62. The statutory framework for BNG has been designed as a post-permission matter where a Biodiversity Gain Plan (BGP) must be submitted to discharge the BGC and so development cannot commence until the BGP is approved. On this basis, the Planning Practice Guidance⁵ (the PPG) indicates it would generally be inappropriate to refuse an application on the grounds that the biodiversity gain objective will not be met.
63. The refusal reason on this issue refers to conflict with Policy NE3 of the MK Local Plan. This requires applicants to demonstrate a measurable net gain for biodiversity under the development. The PPG advises that decision makers should avoid giving weight to local biodiversity gain policies that contradict the statutory biodiversity net gain framework. The statutory requirements carry significant material weight, and will, given the more recent legislation relating to BNG, override the development plan policy in this case as they provide the appropriate national approach and the definitive benchmark for securing biodiversity gains in the planning system. Notwithstanding this Policy NE3 remains a material consideration.
64. The baseline assessment identifies 0.84 units of watercourse habitat on the site, and the proposed development will not result in any loss of this habitat. The appellant has indicated there would be difficulties implementing the necessary 10% BNG enhancements along the canal, as its hard, engineered edge would make the establishment of habitat improvements along this surface challenging. Accordingly, the required BNG would be provided off-site either at a specific location or through the purchasing of statutory credits from the Government. The submitted planning obligation covenants the developer to provide these off-site enhancements.
65. The thrust of the Council's concerns in its statement of case relates to the absence of "conditions sheets" evidencing how the baseline figure of 0.84 units was reached. Concerns also relate to the absence of details of whether the survey was undertaken by a River Condition Assessment (RCA) assessor. For these reasons they place doubt on whether the statutory condition can be discharged.
66. At the Hearing evidence of the completion of condition sheets was referred to by the appellant. The Council did not dispute this. Accordingly, on this basis, there is no reason to doubt their completion.
67. Nevertheless, it remains unclear to the Council whether the condition sheets were completed by an RCA assessor. Without this the Council is unable to verify whether the pre-development biodiversity value of the watercourse is accurate. This would have implications, according to the Council, on whether BNG habitat

⁵ Paragraph: 019 Reference ID: 74-019-20240214

must be provided on or off-site, and whether off-site enhancements would be required at canal sites or watercourse locations in general.

68. The PPG sets out the minimum information⁶ required to accompany applications where BNG applies. The appellant has submitted amongst other things, the pre-development biodiversity values and a completed biodiversity metric tool. Although the appellant confirmed that condition sheets were completed, they are not specifically listed as minimum information. Moreover, the BNG assessment was undertaken by certified ecologists, and the Council has not provided evidence, beyond referring to the absence of details indicating a qualified RCA, demonstrating that the evaluation of the watercourse habitat is flawed. In addition, off-site gains can be secured through the submitted planning obligation. Accordingly, there is no substantive basis to dispute either the baseline watercourse assessment or the calculated unit value, and the appellant has demonstrated appropriate adherence to the Biodiversity Gain hierarchy through reasoned justification for off-site enhancements.
69. Although the DEFRA Biodiversity Metric User Guide refers to condition sheets to support assessments, the broader PPG test is whether the BGC can be discharged. In this context and given I am satisfied with the information submitted, the BGC is capable of being successfully discharged, and there is no policy or statutory requirement for me to settle the matters in dispute at this stage.
70. The scheme clearly demonstrates that a minimum 10% BNG can be achieved. Approval of the BGP lies with the Council, and development cannot begin until that approval is given.
71. Therefore sufficient information has been submitted in respect of BNG to comply with the provisions of local and national policy. The proposal would comply with the TCP Act and Paragraph 187 of the Framework, which requires planning decisions to enhance the natural environment, including through net biodiversity gain. It would also meet the aims of Policy NE3, which requires measurable net gains in biodiversity.

Highway safety

Appeal A

72. Amended parking details submitted with the appeal indicate the provision of an additional parking space for Plot 1 and the provision of 2 unallocated visitor spaces within the appeal site. While the Council accepts that the extra Plot 1 space resolves its original concern, there remains a shortfall of two visitor spaces, and the proposed bays are, in the Council's view, too distant to serve the northern plots effectively. The Council therefore maintains that the scheme fails to meet Policy CT10 (Parking Provision) and would lead to harmful impacts on movement within the site and wider area.
73. Policy CT10 requires, amongst other things, that all development should meet the Council's full parking standards, unless mitigating circumstances dictate otherwise. It also indicates that on-site parking should not be reduced below the Council's full expectations if this would increase additional pressure in off-site parking that could not be resolved by on-street parking controls.

⁶ Paragraph: 011 Reference ID: 74-011-20240214

74. Nearby and a short walk from the appeal site there are a small number of parking opportunities close to the entrance to Ouse Valley Park and unrestricted on-street parking along Longville Road and Trinity Road. Although only a snapshot in time I did not observe, during my morning visit, any significant parking stress at these locations. The small shortfall of 2 visitor bays at the appeal site, whilst not strictly in accordance with the Council's parking standards, can be addressed through parking opportunities a short walk away. Moreover, the site is in an accessible location close to public transport routes, cycleways and footpaths. These provide further options for visitors to access the site by more sustainable non-car modes of transport.
75. Accordingly, the parking requirements would be met by the spaces provided on site and parking opportunities nearby. These would ensure that there would be no harmful impact on movement within the site or the wider locality.
76. The walking distance from the on-site visitor bays to the plots at the site's periphery is more than 100m. Whilst this would be excessive and inconvenient for residents of the dwellings to walk, the journey by foot would not be disproportionate or incapable of being achieved for the majority of those visiting the site on a less frequent basis. Moreover, no information has been presented detailing minimum distances required for visitor bays in these instances.
77. Therefore, the parking arrangements proposed would have an acceptable effect on highway safety. The proposal would accord with Policy CT10 of the MK Local Plan, the requirements of which are referred to above.

Other considerations

Appeal A and B

78. Policy DS1 of the MK Local Plan states that the majority of development will be focussed on and adjacent to, the existing urban area of Milton Keynes at the locations specified in the plan and from selective infill, brownfield, regeneration and redevelopment opportunities.
79. Policy DS2 builds on this approach by directing new housing to or adjacent to the existing urban area of Milton Keynes. The policy identifies a range of sources for housing delivery, including the redevelopment of brownfield, vacant, or underused land. However, this element of the policy specifically refers to brownfield sites within the Milton Keynes urban area (*my emphasis*), and any such development must also comply with other relevant plan policies concerning design, density, access, and connectivity. From the plain reading of the policy the urban area would equate to those parts within the settlement boundary of Milton Keynes.
80. Both Galleon Wharf and Galleon Garage, although very close or adjoining the settlement boundary respectively, are in policy terms in the open countryside, and do not fall within the scope of Policy DS2. Moreover, the proposals do not meet any of the exceptions listed in Policy DS5, for housing proposals in the open countryside. Therefore, appeal sites A and B are not in a suitable location for residential development taking into consideration development plan policies DS1, DS2 and DS5 relating to the Council's housing strategy. This conflict attracts significant weight in each case.

81. Notwithstanding the above development plan conflict, the Framework gives substantial weight to the value of using suitable brownfield land within settlements for homes, and proposals should be approved unless substantial harm is caused⁷. The Framework does not refer to “settlement” as a rigid boundary in the same way as the MK Local Plan, nor does it define what constitutes one. Therefore, before determining whether to apply the weight ascribed in the Framework, an assessment of whether the appeals sites are within the settlement, in general terms, requires consideration.
82. Galleon Wharf extends as a narrow projection beyond the defined settlement edge and is surrounded on two sides by lengthy tracts of open, undeveloped land. Its physical context is more closely aligned with the adjacent parkland and the landscaped canal corridor than with the built form. As a result, it reads as being separate from, rather than integrated with the settlement. I therefore do not consider Galleon Wharf to fall “within a settlement”. The proposal therefore does not attract the substantial weight referred to in the Framework. The site at Galleon Wharf, would regardless of this finding and any future omission from the Council’s brownfield land register, represent a brownfield site as denoted in Fig 3.5 of the appellant’s statement; and therefore, its development would be an efficient use of the site. This attracts moderate weight in the scheme’s favour.
83. The main body of the Galleon Garage site, in contrast, lies closer to the built edge defined by the MK Local Plan settlement boundary and is more visually and physically contained by existing development, with only one side exposed to open land. It appears as a logical and consolidated part of the settlement structure. On this basis, I consider it to be within a settlement in the Framework’s terms and accordingly attach substantial weight to the reuse of this brownfield land.
84. Setting aside the development plan conflict and whether substantial weight (in accordance with the Framework) should be given, there would be benefits associated with each scheme.
85. The creation of 9 dwellings at Galleon Wharf, although not significant in number, would nevertheless positively boost the supply of housing locally. The addition of habitat enhancements through BNG and the improvement of surface water attenuation from the site into the adjacent canal would also constitute scheme benefits. Together with the additional housing numbers proposed, these benefits attract moderate weight. Services and facilities in Old Wolverton are within convenient reach of the site and can be safely accessed by foot or bicycle. There are also bus stops nearby that would encourage more sustainable journeys to access those amenities. The site’s accessible location in this context is given minor positive weight. The economic benefits derived from the construction phase and future spending of occupiers in the local economy, would also attract minor weight in the scheme’s favour.
86. Similarly, the Galleon Garage site’s proximity to the settlement boundary provides convenient access to facilities and transport connections in Old Wolverton. The redevelopment of the site to a dwelling would be an efficient use of land, particularly given the benefits associated with the removal of the existing garage building. The proposed dwelling’s design would also be consistent with the form and rhythm of structures along the canal side and preserve the prevailing

⁷ Paragraph 125 c), National Planning Policy Framework 2024

character and setting of the area. There would also be minor benefits associated with improved surface water attenuation at the site, through the provision of a green roof. Increased spending in the local economy during the construction and occupation phases would also ensue. Individually, these benefits attract minor weight.

Other Matters

87. Although the matter was not raised at application stage, the Council's appeal evidence identifies the appeal sites as forming part of a non-designated heritage asset (NDHA). The appellant does not agree with this view and has set out its own case against Historic England's criteria for NDHA status.
88. The existing arrangement of the public house at the site entrance, the commercial warehouse buildings along the wharf, and the linear platform at the canal edge provides a degree of historic legibility associated with the canal's former historic activities. The proposals under consideration would result in the loss of the warehouse and garage structures, however, the replacement developments would retain a linear built form addressing the canal. While there would be harm in terms of the proposal's wider effects on the designated heritage assets and the open landscape character, from within the canal cutting, the scheme would remain consistent with the established pattern of development. The pub would be retained, and the linear arrangement of the new dwellings would ensure that an element of the site's historic legibility is maintained.
89. Located a short distance from the Church of the Holy Trinity is the Grade II listed Longueville Court. Dating to 1729 this two-storey limestone and ashlar dwelling incorporates some earlier materials salvaged from Wolverton Manor. Its significance derives, in part, from its architectural and historic interest. The building's landscaped grounds and tree lined boundary provide an attractive backdrop which positively add to its setting, from which it draws some of its significance. Visibility of the listed house and the proposal together would be very limited and difficult to observe given the extent of landscaping around the building's curtilage. On this basis I agree with the Council, that the proposal would preserve the setting of the building.

Heritage and Planning Balance

Appeal A

90. The adverse impacts arising from the proposal relate to the failure to preserve the significance of the SAM and the listed church through development affecting its setting, the harm to the wider character and appearance of the area and the conflict with the Council's settlement strategy.
91. The delivery of 9 open market dwellings at the site would add to the choice of homes and support the Government's objectives. There would be benefits associated with development of brownfield land, a position broadly favoured by the Government, together with ecological, surface water attenuation, sustainability and economic benefits. Cumulatively, the wider public and planning benefits associated with the development would attract significant weight in favour of the proposal.

92. Conversely, the harm to the setting of the adjacent SAM and listed church is judged to be significant. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether there would be less than substantial harm to significance. For assets covered by the Act, conflict with its statutory presumptions carries considerable importance and weight. My assessment also places moderate weight on the harmful visual effects on the local landscape and significant weight on the conflict with housing strategy policies.
93. On balance, the weight of public and planning benefits would not be sufficient to outweigh the totality of harm identified. Accordingly, the development does not accord with the public benefits test outlined in the Framework and the requirements of Policy HE1 of the MK Local Plan. The proposal also conflicts with the other policies in the MK Local Plan referred to in the main issues and other considerations.

Appeal B

94. The proposal at Galleon Garage would be outside the settlement boundary of Milton Keynes, as prescribed by the MK Local Plan and it would not meet any of the criteria or exceptions for new housing listed in Policies DS1, DS2 and DS5. The degree of harm in this respect would be moderate as no unacceptable environmental effects in other respects have been identified. Nevertheless, the development of the site would undermine the Council's settlement strategy, and this conflict therefore attracts significant weight.
95. However, the site is very close to the settlement boundary and is contiguous with other built development along three of its four boundaries. The site is brownfield land and is deemed to be physically within the settlement when factors on the ground are assessed. In this respect a dwelling at this location would attract substantial weight, as indicated by the Framework. As a small site it could also be built out relatively quickly and add choice to the housing stock locally. Additionally, there would be several benefits including the site's proximity to services and sustainable transport modes, surface water attenuation, visual improvements in built form and a small boost in local spending. Together with the substantial weight given by the Framework for the development of a home at this location, the collective weight in the proposal's favour would offset the policy conflict with the Council's settlement strategy. Therefore, the balance lies in favour of the scheme.

Conditions

96. Regarding the Council's suggested conditions, these have been amended where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework.
97. Conditions specifying the time limit for development and the approved plans are required in the interests of certainty and clarity.
98. A condition relating to the implementation of surface water management at the site is necessary in the interests of public health and the avoidance of surface water flooding. A condition requiring the implementation of a green roof prior to the dwelling's occupation is also necessary for the same reason.

- 99. A condition requiring the approval of external materials is necessary in the interest of local character and appearance. Similarly, in the interests of the appearance of the site and its surroundings and amenity it is necessary to include conditions relating to boundary treatment and precise details of the site's landscaping. The latter includes the requirement for levels and cross section details given the site's gradient and proximity to adjacent land.
- 100. A condition that places a control on the installation of any external lighting within the site is necessary to safeguard local biodiversity interests.
- 101. A condition requiring details of the location of a bin collection point is necessary in the interests of proper planning and general amenity.
- 102. It is necessary to include a condition requiring parking areas to be provided prior to occupation in the interests of highway safety and sustainability.

Conclusion

- 103. **Appeal A:** The proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given the appeal should be dismissed.
- 104. **Appeal B:** The proposed development would conflict with aspects of the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

RE Jones

INSPECTOR

Schedule of Conditions – Appeal B:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: P(0)001 Location Plan, P(0)002 Site Plan, P(0)003 Ground Floor Plan, P(0)004 First Floor Plan, P(0)005 Roof Plan, P(0)006 Elevations 1: North East + South East, P(0)007 Elevations 2: South West + North West, QD886-100 Rev A Landscape General Arrangement Plan, QD886-101 Rev A Landscape Details Plan and Sustainability Statement (Revision 1).
3. No development above ground works (slab level) shall commence until full details/samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
4. Notwithstanding the approved details and the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order), no development shall take place above ground works (slab level) until details of means of boundary treatments have been submitted to, and approved in writing by, the local planning authority. The details shall include a boundary treatment plan (at a minimum scale of 1:500) detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition, appearance and installation method of boundary treatment throughout the site. The relevant works shall be carried out in accordance with the approved details prior to the occupation of any part of the development and shall thereafter be retained in that form.
5. Prior to the first occupation of the dwelling hereby approved, space shall be provided for the parking of vehicles associated with that dwelling in accordance with the approved drawings and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use.
6. Prior to the occupation of the dwelling hereby permitted, details of the proposed bin collection point for the dwelling shall have been submitted to and approved in writing by the local planning authority. The collection point shall be designed to be of sufficient size to reflect the number of bins per household and to accommodate the placing of the requisite number on any given collection day. The development shall thereafter be carried out in full accordance with the approved details and shall be retained thereafter.
7. Notwithstanding, drawing refs: QD886-100 Rev A Landscape General Arrangement Plan and QD886-101 Rev A Landscape Details Plan referenced above, no development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping at the site. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The details shall be supported by cross section and site levels.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. Prior to the installation of any external lighting a detailed lighting strategy (designed in accordance with the guidelines issued by the Institute of Lighting Engineers, or any equivalent guidelines which may supersede such guidelines) which shall include precise details of the position, height, intensity, angling and shielding of lighting, as well as the area of spread/spill of such lighting, shall be submitted to and approved in writing by the local planning authority. All lighting shall be installed in accordance with the approved strategy and thereafter retained in conformity with it.
10. Prior to the occupation of a dwelling the green roof hereby approved shall be installed and commissioned. The green roof shall thereafter be maintained in working order throughout the lifetime of the development.
11. No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - provide information about the design storm period and intensity,
 - the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and,
 - provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

*****End of Schedule*****

APPEARANCES:

FOR THE APPELLANT:

Heather Sargent	Counsel for the Appellant
Helen Lowe	Director, Stansgate Planning
Sophie Waite	Senior Consultant, Smith Jenkins Town Planning and Heritage Consultancy
Sam Stoker	Landscape Architect, Quartet Design
Graham Davison	Director, Focus Environmental Consultants
Marco Mauro	Solicitor, Howse Percival

FOR THE LOCAL PLANNING AUTHORITY:

Charlotte Ashby	Principal Planner, Milton Keynes Council
Luke Alexander	Planning Officer, Milton Keynes Council
Christopher Hooper	Senior Conservation Officer, Milton Keynes Council
Katherine Parsons	Ecology Officer, Milton Keynes Council
Smantha Leathers	Landscape Architect, Gillespies

DOCUMENTS SUBMITTED DURING THE HEARING:

Document 1	Policy ER2 of the MK Local Plan - supporting text extract
Document 2	Draft S106 unilateral undertaking - tracked version
Document 3	S106 Note

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 4	Completed S106 unilateral undertaking
Document 5	Building Heights – response to Inspector request
Document 6	Email from Council: Building Heights – response to Inspector request

Document 7

Drawing numbers: P(0)44revC Existing buildings, P(0)045revB Existing buildings, P(0)050revA comparative sections