
Appeal Decision

Site visit made on 30 July 2026

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2026

Appeal Ref: APP/J0405/Q/25/3376196

Berryfields MDA, Bicester Road, Quarrendon, Buckinghamshire

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 (as amended) against a refusal to modify a planning obligation.
 - The appeal is made by Montpelier Estates Ltd against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The development to which the planning obligation relates is erection of G.P.s Surgery (Class D1) .
 - The planning obligation, dated 10 January 2020 was made between Taylor Wimpey UK limited, Montpelier Estates Limited, Aylesbury Vale District Council and Buckinghamshire County Council.
 - The application Ref 19/A1755/POA, dated 31 January 2025, was refused by notice dated 20 May 2025.
 - The application sought to have the planning obligation modified in order to remove the obligation to provide the cycle route contribution and the bus stop contribution and to amend the obligation's Primary Public Transport contribution to a single payment of £15,152.
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Decision

1. The appeal is allowed insofar as it relates to the removal of the cycle route contribution and the bus stop contribution and is dismissed insofar as it relates to the proposed modification to the Primary Public Transport Corridor contribution. Accordingly, the planning obligation, dated 10 January 2020, made between Taylor Wimpey UK limited, Montpelier Estates Limited, Aylesbury Vale District Council and Buckinghamshire County Council shall have effect subject to the following modifications:
 - a.) First schedule- delete clauses 1.1, 1.2, 2.1 and 2.2 in their entirety.

Preliminary Matters

2. The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedures for the modification and discharge of planning obligations under Sections 106A and 106B of the Town and Country Planning Act 1990 (the Act). Section 106A(6) of the Act sets out that where an application is made to an authority under subsection (3), the authority may determine: (a) that the planning obligation shall continue to have effect without modification; (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

Background and Main Issue

3. The erection of a GP Surgery (Class D1) was granted planning permission under application 19/A1755/APP (the 2019 application) subject to a planning obligation.

That obligation sets out the owner's covenants with Aylesbury Vale District Council and Buckinghamshire County Council. Amongst other matters this secures:

- a contribution of £24,500 towards the provision of bus stops on Paradise Orchard in the vicinity of the Montpelier property (the site), including the provision of a bus shelter, Real Time Passenger Information (RTPI) display, pole and associated hardstanding;
- a cycle route contribution of £25,000 towards an off-road pedestrian and cycle route which links the site and Buckingham Park; and
- a contribution of £63,800 towards the A41 Primary Public Transport Corridor (PPTC).

Clauses 1.1, 1.2, 2.1, 2.2, 3.1 and 3.2 of the first schedule of the obligation set out the timescales for the payment of these contributions.

4. The appellant seeks to modify the obligation as follows:
 - to remove the cycle route contribution;
 - to remove the contribution towards the provision of bus stops; and
 - to reduce the contribution towards the PPTC to £15,152.
5. In light of the above, the main issue is whether the planning obligation would continue to serve a useful purpose if modified as proposed.

Reasons

Cycle route contribution

6. The 2019 application sets out that the GP surgery is intended to provide local GP care and additional services to the northern part of Aylesbury and the outlying villages, providing a replacement for 2 surgeries. The officer report noted that the surgery would result in reduced journeys for those living in Berryfields or the immediate vicinity, but overall results in greater travel distances for the majority of patients, in particular those in Buckingham Park and Watermead. A contribution was sought towards an off-road pedestrian and cycle route linking the site to Buckingham Park to enable a modal shift away from the private vehicle for the surgery's users. This purpose is clearly a useful one and one which accords with national and local planning policy objectives to reduce the dependence on the private vehicle.
7. The appellant submits that contributions towards the pedestrian and cycle route linking the site and Buckingham Park have already been made through a planning obligation dated 14 November 2007 associated with the wider development of the Berryfields Major Development Area (the MDA). That obligation related to a number of planning applications for carrying out development at the MDA, including application 03/02386/AOP (the outline permission) which granted outline planning permission for a major mixed-use development which included a D1 use.
8. The obligation pursuant to the outline application sought to address the transportation impacts of the wider development. Amongst other matters that included a contribution towards the provision of a footway/cycleway link. Ultimately the siting of the GP surgery in the 2019 application was inconsistent with the

masterplan parameters of the outline permission, and thus the subject of a stand-alone full planning application. Nonetheless, that outline permission included a D1 use and, based on the evidence before me, it seems likely that the obligation associated with the outline permission sought to deliver the infrastructure necessary to support the use of sustainable modes of transport for the wider MDA, including the D1 use. That included contributions towards the provision of the pedestrian and cycle route. Thus, it appears that the contribution is a duplication of the contribution in the obligation associated with the outline permission. As a duplicate contribution there is no compelling evidence before me that it is necessary to allow the Council to recoup funds already spent on this infrastructure.

9. The provision of a further contribution towards infrastructure already funded is not necessary to encourage modal shift away from the private vehicle for the surgery's users. It follows that this part of the obligation does not serve a useful purpose and should be discharged as proposed.

Bus stop contribution

10. The disputed obligation defines the bus stop contribution as being for the provision of bus stops on Paradise Orchard in the vicinity of the site including the provision of a bus shelter, RTPI display, pole and associated hardstanding. The officer report for the 2019 application states that this is required to facilitate a new bus stop opposite the surgery for patients. The purpose of this appears to be to deliver the modal shift in transport required for a sustainable development, in particular for patients from further afield.
11. The main parties agree that there are already several bus stops close to the site providing regular services to and from Aylesbury. No evidence has been provided of any planned future provision for additional permanent bus routes on Paradise Orchard in the vicinity of the site. It is the appellant's case that it would not be feasible to locate a bus stop on Paradise Orchard in proximity to the site, in particular given the site's proximity to 2 roundabouts and a zebra crossing on Paradise Orchard. This hasn't been disputed by the Council, and no evidence has been put to me that it would be feasible for the obligation's aims of providing bus stops on Paradise Orchard in the vicinity of the site to be fulfilled.
12. I observed at my site visit that the nearby bus stops do not have shelters or RTPI. However, the obligation refers to the *provision* of bus stops on Paradise Orchard, not the *improvement* of infrastructure at existing bus stops nearby (my emphasis added). Accordingly, improvements to existing bus stops would go beyond the scope of the obligation.
13. No compelling case has been put to me that it is feasible for the contribution to be used to deliver the provision of bus stops on Paradise Orchard in the vicinity of the site, and enhancements to existing infrastructure would fall outside of the scope of the obligation. It follows therefore that this part of the obligation no longer serves a useful purpose and should be discharged.

PPTC contribution

14. The obligation includes a contribution of £63,800 to mitigate the cumulative highway and public transport impacts on the A41 PPTC. In the officer report for the 2019 application the Council set out that modelling indicates that the surgery would add to the queuing on lanes in particular on the A41 Eastbound Ahead, Eastbound

Right Ahead and A41 Westbound Right lanes. A PPTC contribution based on the proportionate traffic impact of the development was sought to address the development's impact on the A41/ Sir Henry Lee Crescent/ Western Link Road signal crossroads, calculated based on the expected number of trips generated by the development and the resultant impacts on these routes which the Council note would be running at capacity.

15. The obligation associated with the outline permission included a contribution to mitigate the MDA's impacts on the PPTC. However, whilst that outline permission included a D1 use, there is no evidence before me that the PPTC contributions for the MDA secured through that obligation were to address the specific identified transport impacts of the development on the A41/ Sir Henry Lee Crescent/ Western link signal crossroads. The contribution therefore appears to be necessary to mitigate the identified transport impacts of the development on these routes.
16. The appellant submits that since the obligation was entered into there has been a structural change in the operation of the surgery aligned with the strategic direction of the NHS and the digital transformation of patient care which has resulted in a changed pattern of GP and patient attendance. It is stated that these changes have resulted in a significant reduction in the number of 2-way trips in the peak hours. Aligned with the reduction in trips generated by the development, the appellant proposes a reduced contribution of £15,152 to mitigate the impact on the PPTC.
17. The evidence before me indicates that the PPTC project has been delivered, and the Council states that it was funded by the Council on the basis of the receipt of the agreed contributions within planning obligations. Given this, even if the development did result in fewer vehicular movements on the highway network than originally anticipated, the mitigation has already been delivered and there is no evidence that the delivery of this was not based on the committed contribution. This disputed obligation allows the Council to recoup funds already spent on this mitigation, funds which were spent based on contributions agreed. This clearly serves a useful purpose. If amended as proposed, the reduction in the contribution would result in a deficit in contributions when compared to expenditure and a financial burden to the Council, resulting in the use of public money to recover the funds expended on the mitigation for the development.
18. In light of the above, this obligation serves a useful purpose which would not be equally served if modified as proposed. That that contribution would be at the expense of the NHS does not overcome the resultant financial burden on the Council or address the harm arising from the proposed shortfall in this contribution.

Conclusion

19. For the above reasons the disputed contributions towards the cycle route and the bus stop no longer serve a useful purpose. Therefore, insofar as it relates to these contributions the appeal is allowed and these obligations are removed as proposed as set out in the decision above.
20. In relation to the PPTC contribution, this obligation continues to serve a useful purpose. Accordingly, this part of the obligation shall continue to have effect without modification. Therefore, insofar as it relates to the proposed variation to the obligation's PPTC contribution, the appeal is dismissed.

N Robinson INSPECTOR