
Appeal Decision

Site visit made on 15 March 2016

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 June 2016

Appeal Ref: APP/J0405/W/15/3139139

Land at Church Street, Wingrave, Buckinghamshire HP22 4PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J & G Pope against the decision of Aylesbury Vale District Council.
 - The application Ref 15/01884/AOP, dated 1 June 2015, was refused by notice dated 13 August 2015.
 - The development proposed is outline application for 12 No detached two storey houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with all matters reserved. The application was accompanied by a Block Plan and Indicative floor plans and front elevation but these are only illustrative. I have dealt with the appeal on this basis.
3. A completed Planning Obligation under Section 106 of the Town and Country Planning Act, 1990 (as amended) dated 29 March 2016 was submitted. This provides for contributions towards upgrading facilities at the Pavilion, Wingrave Park, Winslow Road, Wingrave. I will discuss the implications of this later in this decision.
4. I conducted the site visit contemporaneously with that relating to an appeal (APP/J0405/W/15/3139145) by the same appellants relating to a second site some distance to the south but within the same road loop system at Lower End. Each appeal is determined on its merits, but there are a number of issues which are similar. My decisions reflect this similarity where appropriate.
5. Following the decision of the Court of Appeal in the case of *Suffolk Coastal District Council & Hopkins Homes v SSCLG*¹ the parties were given the opportunity of commenting on the issues raised by this case. Only the appellant responded within the deadline set and I have had regard to that response in my decision.

¹ [2016] EWCA Civ 168

Main Issues

6. The main issues are:

- the effect on highway safety;
- the effect on the setting of the Wingrave Conservation Area;
- the effect on the character and appearance of the area more generally; and
- whether the Planning Obligation satisfactorily provides for appropriate infrastructure.

Reasons

7. Church Street and Lower End together provide a loop between two points on the main road running approximately north/south through Wingrave. They enclose an area of housing, a recreation field and various community facilities. The roads are narrow being generally single track but with wider sections which also incorporate parking areas. The majority of built development in the area is located on the inside of the loop, although there are small areas outside such as at Straws Hadley Court. In general terms the land form rises from the south and west.
8. The appeal site lies on the outside of the loop north of Straws Hadley Court. It is currently an agricultural field with hedgerows incorporating trees around all boundaries. The appeal site adjacent to Church Street is at a slightly higher level than the road and after a short flat section drops away quite steeply to the south and west.
9. The proposal is to construct 12 houses on this land. Although only an illustrative layout, access is shown from Church Street slightly to the north of Greenacres, which is a small enclave of housing within the road loop system.

Highway safety

10. I have not been directed to any development plan policies relating to highway safety, although I have been provided with the Buckinghamshire Local Transport Plan 2011-2016. I have taken this into account in my decision and it is of reasonable weight as it was adopted following public consultation.
11. As noted above the Church Street/Lower End loop is generally of single carriageway width. In some places it is quite narrow with no room for cars or other vehicles to pass each other. In sections in Lower End pedestrians, acting prudently, need to stop to allow a vehicle to pass. The loop is also used by farm traffic, which can be both relatively slow moving and wide. At the time of my site visit there was parking on Church Street adjacent to and opposite the appeal site and I understand that this is a frequent occurrence as the properties facing Greenacres in Church Street do not have parking within their curtilages.
12. The Council is concerned about the suitability of the local highway network to take any additional traffic and also about the implications on highway safety of the proposal on the junction of Church Street with Dark Lane at the northern end of the loop network.

13. The National Planning Policy Framework (the Framework) in paragraph 29 emphasises that the transport system needs to be balanced in favour of sustainable transport, giving people a choice about how they travel. In the context of this appeal, any new residents should have opportunities for transport to nearby facilities by non-car modes and should not be discouraged from doing so by having to avoid conflicts with vehicles on the network.
14. The appellants are proposing as part of this proposal to widen the carriageway in front of the appeal site to 5m and include a 2m wide footway to facilitate movements by non-car borne modes of transport. I will discuss the implications of these proposals on the character and appearance of the area, including of the Conservation Area, later in this decision.
15. However desirable the new section of footway may be, it seems to me that it would be only of limited utility. On Church Street it would not connect with any other footways, so would only reduce conflicts between pedestrians (including those using wheelchairs or buggies) and vehicles for this section. There would, however, be the opportunity to cross Church Street to join the public footpath linking to Moat Lane.
16. In addition, the carriageway widening would not affect the overall capacity or safety of the highway outside this limited section, particularly as there are a number of sections, particularly in Lower End, where forward visibility is restricted in both horizontal and vertical alignment. This would lead to potential of conflicts between vehicle and non-vehicle modes detrimental to highway safety. As occurred at the site visit, it was necessary to step off the carriageway into the verge when a vehicle traversed the network. While this can be accommodated by pedestrians this would not be possible for those using wheelchairs or buggies, and, in any event, should not be something that is 'designed in' to a proposal.
17. Carriageway improvements are proposed in Lower End as part of the proposal for five dwellings referred to in paragraph 4 of this decision. As can be seen in my decision on that case I conclude that those works would be significantly detrimental to the character and appearance of that part of the lane and consequently those works cannot be relied upon to mitigate the effects of this proposal.
18. As part of the submissions the appellants have undertaken traffic surveys to identify the likely split of traffic north/south from the site around the loop. Given the location of the site approximately half way around the loop, it seems to me that any occupiers are more likely to leave the site in their overall direction of travel rather than, for example, heading south only to turn north from Lower End. Even then, this should be tempered as parts of Lower End are quite narrow and therefore would be less attractive. On the appellants' own figures approximately one-tenth of the one-way traffic movements from the site would head north along Church Street only then to turn right (south) at the junction with Dark Lane. I consider that these figures are reasonable.
19. The sight lines at the junction of Church Street with Dark Lane are agreed to be less than those recommended as being suitable for a 30mph road in Manual for Streets (MfS). The MfS standard ensures adequate inter-visibility between vehicles on the major or minor arms regardless of whether the access is proposed or existing. MfS indicates that for a 30mph road sight lines should be

2.4m by 43m, however, looking north from this junction at a 2.4m 'X' distance² sight lines of only 10m can be achieved if utilising the nearside edge of the carriageway and 30m if using the centre line. There is no opportunity to increase these measurements. In my view, both these distances are significantly below the MfS standard and therefore create a significant risk to highway safety.

20. While most vehicles travelling south are likely to exit the loop via Lower End, there may be some 'linked trips' with any residents also visiting the church, community centre or other facilities at the northern end of the loop and then turning south through the Church Street/Dark Lane junction. In my view increasing right hand turn movements out of Church Street should not be encouraged as the risks to highway safety are significant. In visiting the site I had to stop half-way through undertaking this manoeuvre as a car travelling along Dark Lane came into view after I had left the junction. This is not a satisfactory situation.
21. While the number of linked trips is likely to be small, on the appellants' own figures there would be an increase of vehicles turning right at this junction which would be harmful to highway safety and I give this harm significant weight against the proposal.
22. The appellant has suggested that the County Council as Local Highway Authority should consider providing double white lines in the middle of Dark Lane to prevent overtaking, but this is reliant on matters outside the appellants' control. In any event, the sight line to the centre line is substantially below the MfS standard so that this would not mitigate my concerns.
23. Overall, therefore I consider that the increase of traffic movements on to the loop network would lead to conflicts both to vehicle and non-vehicle modes of transport and would increase dangers at the junction of Church Street with Dark Lane. The proposal would therefore be contrary to paragraph 32 of the Framework so that safe and suitable access to the site cannot be achieved for all people and improvements cannot be undertaken within the transport network that cost effectively limit the significant impacts of the developments. Consequently, as the proposal would result in severe residual cumulative impacts development should be prevented.

Conservation Area

24. The Wingrave Conservation Area (WCA) Statement notes that "Lower End which runs northwards into Church Street forms the western limit of the village with open farmland falling gradually away to the west." The Statement does not explicitly identify the particular significance of the WCA, although it is clear that this relates to the setting of the properties built by the Rothschild estate around the recreation ground together with the focal points of the pond, the church and war memorial green.
25. The WCA includes the eastern part of Church Street north of 29 Church Street, opposite the appeal site, to 23 Church Street. Church Street itself therefore provides part of the rural setting of the WCA as do the hedgerow and trees

² Measured into Church Street

forming the current boundary of Church Street. These therefore provide part of the historic significance of the setting of the WCA and thus of its character.

26. The widening of Church Street to provide the footway would require the removal of the hedgerow and trees. This would be detrimental to this part of the rural setting to the WCA. This would represent less than substantial harm to the significance of the heritage asset as it would only affect this section of the overall WCA.
27. Paragraph 134 of the Framework makes clear that when there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the public benefits are the provision of additional housing and the limited widening of the highway. In my view these benefits do not outweigh this harm.
28. The proposal is therefore detrimental to the setting of the WCA. It would therefore be contrary to Policy GP.53 of the Aylesbury Vale District Local Plan (AVDLP) 2004 in that it would harm the character and appearance of the setting of the WCA. It would also be contrary to paragraphs 131 and 134 of the Framework as set out above.

Character and appearance

29. The site lies outside the settlement of Wingrave and in the countryside. Policy RA.14 of the AVDLP 2004 indicates that on the edge of built-up areas of settlements planning permission may be granted for residential development of up to 5 dwellings on a site not exceeding 0.2ha subject to various criteria. This proposal does not comply with either of these restrictions. Policy RA.2 of the AVDLP indicates that new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements. Consequently, the proposal is contrary to these development plan policies.
30. The site lies within a designated Area of Attractive Landscape (AAL) and, in line with Policy RA.8 of the AVDLP, development proposals should respect their landscape character and qualities that are considered appropriate for particular attention.
31. Policy GP.35 requires that the design of development should respect and complement the physical characteristics of the site and surroundings, natural qualities and features of the area and the effect on important public views and skylines.
32. The development of the appeal site would have an urbanising effect on this section of countryside which would be harmful to the intrinsic character and beauty of the countryside contrary to the core planning principle set out in paragraph 17 of the Framework. The issue is the degree of that harm.
33. As an outline application with all matters reserved there would be some flexibility as to the layout and mix of houses on the site, but I am conscious that this proposal is for a specific number of houses, which are by definition at least two storeys in height, and any layout would have to accommodate this. As shown on the illustrative layout it is therefore likely that there would be development in depth into the site rather than, say, frontage development to Church Street.

34. The removal of the hedgerow and trees to provide the footway on the western side of Church Street would urbanise Church Street detrimental to its semi-rural character.
35. In addition, due to the change in levels across the site the proposed housing would be discrete and separate to the existing development inside the loop. It would principally back on to Church Street rather than fronting it which is characteristic of development on the inside of the loop. The change in levels is quite pronounced so that there would need to be substantial earthworks on site to facilitate an approximately level vehicular access. This would have the effect of making any layout substantially out of character with the form of built development on the eastern side of Church Street. It would also not be in keeping with the nature of the landscape and therefore contrary to Policies RA.8 and GP.35.
36. When viewed from the north the development Straws Hadley Court has a semi-rural character deriving from the original agricultural buildings. It is also lower in built form and fits into the flatter nature of this part of the landscape. The proposal would therefore not be in character with this development and contrary to Policies RA.8 and GP.35.

Planning obligation

37. Policy GP.88 of the AVDLP explains that planning obligations can be utilised to secure outdoor play spaces and facilities and that where such provision is either not practicable or is better made elsewhere this can be dealt with by monetary payment. The Council has adopted Supplementary Planning Guidance "Sports and Leisure Facilities" in 2004 following public consultation to set out the standards it seeks.
38. The additional dwellings will create a need for additional recreational facilities in the vicinity. However, I have not been provided with information as to the current facilities in Wingrave and whether there is a deficiency in provision. Similarly, while the Planning Obligation provides certain contributions dependent on the size of the properties I have not been provided with information as to how these sums were derived. I therefore cannot be satisfied that the obligation is necessary or that the sums involved fairly and reasonably relate in scale to the development.
39. Had I been minded to allow the appeal I would have reverted to the main parties on these matters, but as I am dismissing the appeal for other reasons I do not need to take this matter further.

Other matters

40. Third parties have made reference to an emerging Neighbourhood Plan which allocates development in Wingrave in different parts of the village. I have not been provided with a copy of this Plan, and as I understand it the Plan remains at a relatively early stage in the process. Therefore in line with paragraph 216 of the Framework I can only give this limited weight and it does not affect my overall conclusions.
41. Reference has been made to the effect on nearby listed buildings, particularly those within the WCA. However, it seems to me that any development on this site would be some distance from those listed buildings and consequently would not affect their settings. As such their settings would be preserved as

required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

42. If planning permission were to be granted, then appropriate car parking provision could be made within the site to ensure that off-site parking did not, on its own, affect highway safety.

Planning Balance

43. The Framework indicates in paragraph 47 that it seeks to boost significantly the supply of housing, and seeks local planning authorities ensure that they have a five-year supply of deliverable housing sites. Paragraph 49 makes it clear that relevant policies for the supply of housing should be not considered up-to-date if a five-year supply of deliverable housing land cannot be demonstrated.
44. The Council confirms that it cannot currently demonstrate a five year supply of housing land. On this basis relevant policies for the supply of housing must be considered to be out-of-date in the terms of the Framework. Policies RA.2 and RA.14 of the AVDLP are such policies. Therefore, in line with paragraph 14 of the Framework planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
45. This proposal would provide benefits through the provision of additional houses, contributing to meeting housing needs as well as local economic benefits, but the adverse highway effects, adverse effects on the setting of the WCA and on the intrinsic character and beauty of this part of the countryside, would significantly and demonstrably outweigh the benefits of the proposal. As such the proposal would not represent sustainable development.

Conclusion

46. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR