



Department for
Communities and
Local Government

Geoff Armstrong BA(Hons) MRTPI
Armstrong Rigg Planning
The Exchange
Colworth Science Park
Sharnbrook
Bedford
MK44 1LQ

Our Ref: APP/J0405/V/15/3137967

26 September 2016

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
CALLED-IN PLANNING APPLICATION: DEVELOPMENT OF 42 DWELLINGS AT LAND
SOUTH OF WESTON ROAD, GREAT HORWOOD, BUCKINGHAMSHIRE
APPLICATION REFERENCE: 14/01540/APP**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr Paul W Clark MA MRTPI MCMI, who held a public local inquiry on 15-18 March 2016 into the application reference 14/01540/APP made by Taylor Wimpey South Midlands to Aylesbury Vale District Council ("the Council") for the erection of 42 residential dwellings together with associated access, car parking, landscaping and open space provision. The application was called in for decision by the Secretary of State by a direction under section 77 of the Town and Country Planning Act 1990, made on 30 October 2015. The inquiry was formally closed on 1 April 2016 following submission of a Unilateral Undertaking.

Inspector's recommendation and summary of the decision

2. The Inspector recommended that planning permission be refused. For the reasons given below, the Secretary of State agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

3. The Secretary of State has noted both the Council's errors in referring to "an appeal" in its notification letters (IR1) and the minor amendments to the application described at IR3 and, for the reasons given by the Inspector, the Secretary of State is satisfied that no person would have been prejudiced by these.
4. Following the publication after the close of the inquiry of the Aylesbury Vale Housing and Economic Land Availability Assessment (HELAA) and associated documents to inform the Vale of Aylesbury Local Plan 2013-33 (VALP), the Secretary of State invited

Jean Nowak, Decision Officer
Planning Casework
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel 0303 444 1626
pcc@communities.gsi.gov.uk

additional comments from your clients, the Council, Winslow Town Council, Great Horwood Parish Council and other parties who appeared at the inquiry. The Secretary of State has taken this correspondence into account but does not consider that it raises any new issues requiring wider consultation to assist him in his decision. However, copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.

Policy considerations

5. In deciding this application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the relevant adopted development plan for the area comprises the saved policies of the Aylesbury Vale District Local Plan adopted in 2004 (AVDLP) and the Great Horwood Parish Neighbourhood Plan made in March 2015 (GHPNP). The Secretary of State has also had regard to the HELAA and associated documents referred to in paragraph 4 above as material considerations. However, as they have not yet been subject to public examination, he gives them limited weight.
6. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ("the Framework") and the associated planning practice guidance ("the Guidance").

Main considerations

7. The Secretary of State agrees with the Inspector that the main issues in this case are those set out at IR6.

Consistency with the Development Plan

8. For the reasons given at IR119-122, the Secretary of State agrees with the Inspector that the proposal would not comply with the AVDLP or the GHPNP in that the application lies outside the settlement boundary (IR119 and IR160). He therefore also agrees that paragraphs 14 (IR120) and 198 (IR121) of the Framework are material and that a balancing exercise will be required (IR122).

Housing Delivery

9. For the reasons given at IR125-131 and IR160-161, the Secretary of State agrees with the Inspector's conclusion at IR132 and IR162 that, while the District falls 16% short of a supply of specific deliverable sites sufficient to provide 5-years' worth of housing when measured against an untested current assessment of objectively assessed needs (IR161), and the proposal would boost the supply of housing, its significance in relation to the need for, and supply of, housing in general would be minimal. He also notes (IR127) that the existing allocations in the GHPNP meet its identified housing needs; and agrees with the Inspector that the absence of starter homes means that the proposed scheme would do little to widen opportunities for home ownership and that the focus on larger homes in the market sector would do little to provide a wider choice (IR163). Nevertheless, for the reasons given at IR133, the Secretary of State agrees with the Inspector's conclusion at IR134 and IR164 that the benefits of the proposal would be significant in terms of the need for, and supply of, affordable housing.

Sustainability and character

10. For the reasons given at IR135-144 and IR165, the Secretary of State agrees with the Inspector's conclusion at IR144 and IR165 that Great Horwood would fail to perform the social or economic role of sustainable development. However, for the reasons given at IR146-148 and IR166, the Secretary of State agrees with the Inspector at IR148 and IR166 that the size of the development would not be inconsistent with the visual character with the village as a whole and that it would serve the environmental role of sustainable development and would comply with AVDLP policies RA2 and GP35 by maintaining the individual identity of the village.

Highway Safety and other infrastructure

11. The Secretary of State agrees with the Inspector at IR149-150 that, for the reasons given, the proposal would not compromise highway safety and its effect on infrastructure would be acceptable.

Ecology

12. The Secretary of State welcomes the recognition of the fact that the site includes grassland of nature conservation interest (IR151-152) and that steps have been proposed to ensure an acceptable effect of the proposal on ecology (IR153).

Living conditions

13. For the reasons given at IR154, the Secretary of State agrees with the Inspector at IR155 that the current scheme would not result in unacceptable living conditions for the residents of existing dwellings. However, he shares the Inspector's concern about the living conditions for potential future residents of plots 37-39 of the application scheme itself. For the reasons given at IR156-158, the Secretary of State agrees with the Inspector's conclusion at IR157 that the proposal does not supply the good standard of amenity sought by the planning principles set out in paragraph 17 of the Framework and that the principle set out in AVDLP policy GP8 to safeguard the amenity of neighbours to a development should also be applicable to residents within a proposal (IR159).

Planning conditions

14. The Secretary of State has considered the Inspector's assessment of the conditions at IR176-181 and the recommended conditions appended to the IR at pages 40-42. He is satisfied that the proposed conditions are reasonable and necessary and would meet the tests of paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing this application.

Planning obligations

15. The Secretary of State has taken account of the submitted Planning Obligations as set out under the 8th bullet point at IR33. He is satisfied that these would accord with the provisions of paragraph 204 of the Framework and meet the statutory tests in Regulation 122 of the CIL Regulations as amended. However, he does not consider that these provisions are sufficient to overcome the concerns he has identified in this decision letter with regard to this proposal.

Overall Balance and Conclusions

16. For the reasons given above, the Secretary of State concludes that the proposal does not comply with the development plan as a whole because of the identified conflict with LP policies RA13 and 14 and GHPNP policy 1. He has therefore gone on to consider whether there are any material considerations that would justify deciding the case other than in accordance with the development plan and, given that he concludes that the development plan policies for the supply of housing land are out of date under the terms of paragraph 49 of the Framework, he concludes that paragraph 14 of the Framework is material to the decision. He has therefore gone on to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and, in particular, gives substantial weight to the conflict with paragraph 198 of the Framework.
17. Although the Secretary of State gives weight to the provision of market housing, he ameliorates this to take account of the fact that the GHPNP meets its identified housing needs while this scheme does not meet the identified needs for homes for older people to downsize into and for starter homes in the market sector. He also gives substantial weight to the benefit of the provision of affordable housing, but offsets that against the poor layout of the scheme and the fact that Great Horwood lacks the facilities to enable it to perform effectively the social or economic roles of sustainable development. He nevertheless gives some positive weight to the fact that the proposed scheme would respect and complement the physical characteristics of the site and its surroundings, but limited negative weight to the harm identified by the Inspector in terms of discouragement to the people who had participated in the preparation of the NP.
18. Overall, therefore, the Secretary of State concludes that the proposed development would not amount to sustainable development and that its adverse impacts would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework taken as a whole. The Secretary of State therefore concludes that planning permission should not be granted.

Formal Decision

19. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby refuses planning permission, for the erection of 42 residential dwellings together with associated access, car parking, landscaping and open space provision.

Right to challenge the decision

20. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
21. A copy of this letter has been sent to Aylesbury Vale District Council. Notification has been sent to all other parties who asked to be informed of the application decision.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Schedule of representations

DATE	CORRESPONDENT	Nature of response
24 June 2016	G R van de Poll Councillor – Winslow Town Council	Response to ref back of 22 June 2016.
4 July 2016	Mr Geoff Armstrong Armstrong Rigg Planning	Response to ref back of 22 June 2016.
6 July 2016	John Gilbey Vice Chairman Great Horwood Parish Council	Response to ref back of 22 June 2016.
6 July 2016	Jane Holland Resident of Great Horwood	Response to ref back of 22 June 2016.
12 July 2016	Mandy Cliffe Parish Clerk Great Horwood Parish Council	Response to ref back of 22 June 2016
14 July 2016	Mr Geoff Armstrong Armstrong Rigg Planning	Response to recirculation email of 7 July 2016

Report to the Secretary of State for Communities and Local Government

by P W Clark MA MRTPI MCMI

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

Date: 29 April 2016

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION BY

TAYLOR WIMPEY SOUTH MIDLANDS

AYLESBURY VALE DISTRICT COUNCIL

Inquiry held on 15, 16, 17 and 18 March 2016

Land South of Weston Road, Great Horwood, Buckinghamshire

File Ref(s): APP/J0405/V/15/3137967

File Ref: APP/J0405/V/15/3137967

Land South of Weston Road, Great Horwood, Buckinghamshire

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 30 October 2015.
- The application is made by Taylor Wimpey South Midlands to Aylesbury Vale District Council.
- The application Ref 14/01540/APP is dated 21 May 2014.
- The development proposed is the erection of 42N^o residential dwellings together with associated access, car parking, landscaping and open space provision.
- The reason given for making the direction was in consideration of the Secretary of State's policy on calling in planning applications.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: (i) Its consistency with the development plan and emerging Neighbourhood Plan for the area (ii) Policies in National Planning Policy Framework on delivering a wide choice of high quality homes, in particular those set out in paragraph 50 on delivering a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities; and (iii) Any other matters the Inspector considers relevant.

Summary of Recommendation: The application be refused.

Procedural Matters

1. Both the District Council's letter advising of the holding of a Public Inquiry and its letter advising of the date, time and place of the Public Inquiry referred, in error, to an appeal. Nevertheless, the Inquiry was attended by those who might have been expected to attend had it been correctly described. Those present concurred with my view that nobody had been prejudiced by the error.
2. The Inquiry sat for four days but was held open to allow for the signing of two planning obligations and for the submission of the local planning authority's comments on additional information about drainage submitted towards the end of the Inquiry. An informal site visit was made on 14th March 2016 prior to the Inquiry. An accompanied, formal visit was made on 17th March 2016. The Inquiry was closed on 1 April 2016.
3. As originally made, the application was for 45 dwellings on a slightly smaller site. The application was amended on 12 September 2014 to be for 42 dwellings on a slightly larger site. The amendments were publicised on 3 October 2014 by the local planning authority as widely as the original application and so no person would be prejudiced by consideration of the application as amended.
4. The proposal falls below the thresholds for Environmental Impact Assessment. The District Council's committee report¹ confirms that an EIA was not required.
5. The application was considered by the District Council's Strategic Development Management Committee on 23 September 2015. That Committee resolved that the application be deferred and delegated to the District Council's Development Management manager for approval subject to the completion of a s106 planning obligation.

¹ Paragraph 6.2 of Core Document 3, appendix 1, confirmed in Statement of Common Ground (Core Document CD1(a)) paragraph 2.6

6. Before that could be concluded the Secretary of State called in the application for his own decision by direction made on 30 October 2015. The stated reason for this direction was in the light of his policy on calling in planning applications. The direction stated that the matters on which the Secretary of State particularly wished to be informed are
- (i) The application's consistency with the development plan and Neighbourhood Plan for the area
 - (ii) Policies in the National Planning Policy Framework on delivering a wide choice of high quality homes, in particular those set out in paragraph 50 on delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities and
 - (iii) Any other matters the Inspector considers relevant. Having considered the parties' cases and representations made by third parties and having examined the application documentation, I identified these as;
 - a. The significance of the proposals in relation to the need for and supply of housing
 - b. The significance of the proposals in relation to the need for and supply of affordable housing
 - c. The sustainability of the proposal with particular reference to the social role of sustainable development with accessible local services (NPPF paragraph 7), active management of growth patterns (NPPF paragraph 17 bullet 11) and minimising the need to travel (NPPF paragraphs 34 and 37)
 - d. The effects of the proposal on
 - i. the character of the locality (Parish Council)
 - ii. highway safety (several 3rd party representations)
 - iii. local social infrastructure (Parish Council)
 - iv. ecology (representations from Mrs M Oliver)
 - v. living conditions of neighbours (representations from Mr Biggins, 16 Weston Road and Jane Holland, 13 The Close) and of potential future residents of the proposal.
7. In addition to the applicant and the District Council, the Great Horwood Parish Council was recognised as a main party in accordance with rule 6(6) of the Town and Country Planning (Inquiries Procedure)(England) Rules 2000. At the Inquiry, six other individuals participated to a significant degree. Six written representations were received between the notification of the Inquiry and its close. There are ninety-one written representations made to Aylesbury Vale District Council on the application before the call-in direction was made.² Nineteen corporate or official responses to consultation on the application are on file.

² This figure does not correspond with the 75 letters of objection and 8 letters of support recorded in the Council's Committee report. It would appear that additional letters were received subsequent to the drafting of the report.

The Site and Surroundings

8. Across the north of Buckinghamshire, the main A421 road runs on an east-west alignment between Milton Keynes and Buckingham. About half way between the two, about one kilometre south of the main road, on the B4033 road, is the village of Great Horwood. The small town of Winslow is about 3km further south.
9. The 2011 census records 405 households in the parish, comprising 1049 people but that is for the parish as a whole. The village consists of about 700-840 people in about 320 households.³ The proposal would therefore represent considerably more than a 10% increase in the size of the village.
10. The village is centred on a green running east-west along a ridgeline between two streams to north and south⁴ but its layout takes an L shape with the bulk of its modern development lying off the main road along two arms of the L. One arm of the L comprises Spring Lane which descends southwards from the ridge, serving a considerable number of residential properties, a sizeable equipped playground, a sewage works and a derelict mill building. Beyond the stream and a road closure, the land rises again towards the Greenway Business Park, a modern industrial estate set on a former airfield, a little outside the village confines. The other arm of the L consists of Little Horwood Road. It extends historic development along the ridge to the east. Modern development occurs in depth to the south of the road in a series of short culs-de-sac. One of these, Weston Road, leads to the site.
11. Outside the village green, which shows some consistency of development in reconstruction following an eighteenth century fire, historic development is very varied, both in materials and form. The only consistency is in the use of gabled roof forms. A Conservation Area protects the historic parts of the village but is separated from the site by some distance. Modern development introduces some hipped roofs and small estate developments which display internal consistency of design. Weston Road, which gives access to the site, consists of fifteen, formerly identical but now much altered and extended, gable-fronted, detached houses, built of brick with a decorative panel of tile hanging, standing in open-plan front gardens.
12. The application site is an agricultural field, approximately 2.35 hectares in extent, more or less square in shape. It lies to the south of houses in Weston Road and in The Close. On its west is a mobile home park. Its topography is dome-shaped with its highest point at its north-east corner, falling to the south-west corner and from that corner falling both to north-west and to south-east. The Weston Road access point is near its north-west corner. It has substantial hedgerows to east, south and west. That to the east includes a notable Oak tree. There are undulations across the site, reportedly the remains of medieval ridge and furrow cultivation but otherwise, the field itself is featureless.

Planning Policy

13. The Development Plan comprises the Buckinghamshire Minerals and Waste Core Strategy (adopted 2012), the saved policies of the Buckinghamshire Minerals and

³ Paragraph 2.1 of Dr Saunders's evidence, not disputed.

⁴ Paragraph 4.1 of Claire Bayley's evidence

Waste Local Plan (adopted 2006), the saved policies of the Aylesbury Vale District Local Plan adopted 2004 (AVDLP) and the Great Horwood Parish Neighbourhood Plan made March 2015 (GHPNP). Of these four, the first two, by common consent, have no relevance to this application.

14. Saved AVDLP policies most relevant to this application are GP2, GP8, GP24, GP35, GP38, GP39, GP40, GP45, GP53, GP59, GP86, GP87, GP88, GP90, GP91, GP94, RA2, RA13 and RA14. Policy 1 in the GHPNP is the most relevant.
15. Policy GP2 seeks to secure between a minimum of 20% and up to 30% affordable housing on larger sites (greater than 25 dwellings or sites of 1 ha or more), taking into account the individual circumstances of the proposed development, local need, the economics of the development (including other necessary financial contributions) and sustainability considerations. However GHPNP policy 1, where it applies, requires a higher percentage.
16. Policy GP8 seeks to avoid unreasonable harm to the amenity of nearby residents. Policy GP24 requires vehicular parking to accord with the Council's operative guidelines (published as Supplementary Planning Guidance). Policy GP35 states that the design of new development should respect and complement
 - The physical characteristics of the site and its surroundings.
 - Building tradition, ordering, form and materials of the locality.
 - The historic scale and context of the setting.
 - The natural qualities and features of the area and
 - The effect on important public views and skylines.

Policy GP45 requires the design and layout of new development to assist crime prevention and reduce risks to personal safety. Policy GP86 requires new housing development to include sufficient outdoor play space based on a standard of 2.43 ha per 1000 population. Policy GP87 requires housing schemes designed for family occupation to make suitable provision for equipped play areas/sports fields. Policy GP94 states that in considering applications for residential development the Council will have regard to the need for the provision of community facilities. Policy GP88 states that the Council may accept monetary payments in lieu of the provision of facilities associated with residential development where not practicable to provide on site or better provided elsewhere. Policy GP90 requires regard to be given to the need for the provision of indoor sports facilities, related to the scale and kind of housing proposed. Supplementary Planning Guidance elaborates on these policies.⁵

17. Policies GP38, 39 and 40 all seek to ensure the conservation and enhancement of the natural environment. Policy GP91 requires suitable informal amenity open space to protect or enhance nature conservation interests.

⁵ Supplementary Planning Guidance Sport and Leisure Facilities (August 2004)(Core Document CD29.1), Sport and Leisure Facilities SPG Companion Document Ready Reckoner August 2005 (Core Document CD29.2) and Buckinghamshire County Council Children and Young People's Service Guidance on Planning Obligations for Education Provision (Core Document 30)

18. Policy GP53 seeks, amongst other things, to ensure that proposals do not harm the character or appearance of conservation areas, their settings or any associated views of or from a conservation area. Policy GP59 asserts that where historic remains are suspected, an archaeological field evaluation should be made and the Council will impose conditions to secure the excavation and recording of remains and will protect, enhance and preserve the historic interest and setting of sites of archaeological importance.
19. Although the general strategy of the AVDLP, which sought to focus 65% of all development on Aylesbury, has not been saved, policy RA2 requires new development in the countryside to avoid reducing open land that contributes to the form and character of rural settlements and to maintain the individual identity of villages. Policies RA13 and RA14 identify "Appendix 4 settlements", including Great Horwood, where development within the built-up area would be restricted to infill or small schemes of up to five dwellings on the edge of the settlement on sites up to 0.2 ha in size, completing the settlement pattern without intruding into the countryside.
20. GHPNP policy 1 consists of three paragraphs. The first defines a settlement boundary for the village, for the purposes of containing its physical growth. The application site lies outside this boundary. The second paragraph of the policy applies to proposals on land within the settlement boundary. The third paragraph applies to proposals outside the settlement boundary.
21. Although the second paragraph of GHPNP policy 1 is not intended to apply to the site, all parties made reference to parts of it in their consideration of the application. It supports development proposals within the settlement boundary provided they comply with seven criteria
 - i. Up to approximately 15 dwellings on land of up to 0.5 ha.
 - ii. Up to 35% (subject to viability) to be provided as affordable homes.
 - iii. A proportion for custom-building, if demand exists.
 - iv. A proportion suited to occupancy by older people.
 - v. A mix of dwelling types reflecting the needs of the parish.
 - vi. Sustaining or enhancing the significance of the Conservation Area.
 - vii. No loss of any existing publicly accessible open space.
22. The third paragraph of GHPNP policy 1 is intended to apply to the site. It would not permit development outside the settlement boundary except for agriculture, forestry or to benefit the rural economy.
23. All parties agree that because the District Council cannot demonstrate a five-year supply of deliverable housing sites, AVDLP policies RA2, RA13 and RA14 and GHPNP policy 1 should not be considered up to date in the terms of NPPF paragraph 49. Nevertheless they remain part of the Development Plan with which decisions must accord unless material considerations such as those set out in paragraph 14 of the NPPF indicate otherwise.

Planning History

24. Aylesbury Vale District Council published the Proposed Submission version of the Vale of Aylesbury Plan Strategy (VAPS) in May 2013 and submitted it for examination in August 2013. It was based on decisions concerning housing numbers taken in May, August and October 2012. It proposed a strategy of 6,000 new jobs and 3,550 net additional homes by 2031 (13,500 total including existing commitments), concentrating strategic growth and investment at Aylesbury and Buckingham, encouraging growth and investment at Haddenham, Winslow and Wendover, encouraging limited growth, usually not more than 50 dwellings per village, distributed over several sites, at defined “larger villages” including Great Horwood, allowing small scale development of no more than 10 dwellings per village at defined “smaller villages” and strictly limiting development elsewhere in rural areas.⁶ Following concerns that the plan was not sound because the housing numbers proposed were inadequate to sustain the job creation intended and that the Council had failed to comply with the duty to cooperate, the plan was withdrawn in February 2014⁷.
25. Its evidence base remains, including the Settlement Hierarchy Assessment for the Vale of Aylesbury Plan Strategy September 2012⁸ and the Aylesbury Vale Strategic Housing Land Availability Assessment 2013 (the SHLAA 2013)⁹. The latter identified two sites in Great Horwood. One was land south of Little Horwood Road, identified as “part suitable – development should follow the existing building line and be low density to match the adjoining dwellings.” Part of this site eventually became designated as Policy 2 in the GHPNP. The other was the application site, identified as “Suitable – No significant constraints, although any development should be designed to minimise impact on long distance views” and noted as capable of accommodating a higher number of dwellings but capped at 50 to reflect its location in a “larger village” category.
26. The Great Horwood Neighbourhood Plan was being prepared in parallel with the Vale of Aylesbury Plan Strategy following designation of the parish of Great Horward as a Neighbourhood Area by AVDC in September 2012. Notwithstanding the Parish Council’s objection to the classification of Great Horwood as a “larger village” in the VAPS, a proposal was put forward for developments of 20 dwellings on parts of each of the two sites (now referred to as C and D) identified in the SHLAA 2013. Coinciding with the publication of the Proposed Submission version of the Vale of Aylesbury Plan Strategy in May 2013, a public meeting was held on 18 May 2013. A majority of those attending or responding by e-mail were opposed to development on the proposed sites, with most comments referring to all the development being in one part of the village.¹⁰

⁶ Information derived from Vale of Aylesbury Plan Strategy Examiner’s letter dated 7 January 2014 and policy VS2 included at Appendix 8 of the Statement of Common Ground (Core Document CD1(A))

⁷ Claire Bayley’s Proof of Evidence, paragraph 2.24

⁸ Core Document CD15

⁹ Core Document CD14. Relevant extract provided at Appendix 12 of Geoff Armstrong’s Proof of Evidence

¹⁰ Paragraphs 3.8 and 3.9 of Dr Saunders’s proof of evidence and paragraph 1.4 of GHPNP Site Assessments April 2014 document (Appendix 13 of Geoff Armstrong’s Proof of Evidence)

27. Following feedback¹¹ a modified proposal including part of the application site and a previously unassessed site (site F) was put forward but again met with opposition including personal remarks which caused many of the Great Horwood Neighbourhood Planning Team to resign and work on the plan to suffer a hiatus.
28. The team was reconstituted in November 2013 and work recommenced. A Housing Needs Survey was commissioned from Community Impact Bucks. It concludes that there is currently enough evidence to warrant a scheme of around 10-12 rural exception homes in Great Horwood Parish and emphasises the need for smaller market homes for older people to downsize into and for starter homes.¹² With the withdrawal of the VAPS, the Neighbourhood Planning Team felt that a local assessment of the overall housing need in Great Horwood would be required. A household projection for 2031 was prepared by Dr Saunders.¹³ This found that the total number of households in Great Horwood in 2031 might reasonably be estimated to increase by 46 over the number of households in 2011. This number is fortuitously congruent with the allocation for Great Horwood made in the withdrawn VAPS. The preparation of the GHPNP went forward on that basis.
29. During the resumed preparation of the GHPNP, the application site was dropped from consideration reportedly because it was (possibly mis-) understood that the applicant was unwilling to entertain a smaller development than the identified capacity of the site.¹⁴ Eventually the GHPNP was made with policies to develop three sites¹⁵ for approximately 15 dwellings each and with an undertaking to review the plan on a five year cycle¹⁶.
30. Work has proceeded on the preparation of a new Vale of Aylesbury Local Plan 2013-2033 (VALP). The evidence base includes the Aylesbury Vale Housing & Economic Development Needs Assessment final draft Report June 2015¹⁷ (the AVHEDNA), the Central Buckinghamshire Housing and Economic Development Needs Assessment 2015 Report of findings consultation draft October 2015¹⁸ (the CBHEDNA), a Draft Settlement Hierarchy Assessment for the Vale of Aylesbury Local Plan to Accompany Issues and Options Consultation October 2015¹⁹ and the Aylesbury Vale Housing and Economic Land Availability Assessment (HELAA) Draft Final Report v2, October 2015.²⁰ This last identifies six sites in Great Horwood as suitable for housing development; the three allocated in the

¹¹ Copy of Article in July edition of Parish Magazine "Focus" attached as Appendix 7 to applicant's Statement of Case

¹² Great Horwood Parish Housing Survey April 2014. Core Document CD9. Also provided as Appendix 11 to Geoff Armstrong's Proof of Evidence

¹³ Appendix A to "Great Horwood Parish Neighbourhood Plan 2014-2031 spatial Policy: Site Size" attached as Appendix D to Dr Saunders's Proof of Evidence.

¹⁴ Paragraph 3.16 of Dr Saunders's evidence

¹⁵ Sites D, F and G in the Site Assessments April 2014 document attached to Geoff Armstrong's evidence as Appendix 13, now known as policies 2, 3 and 4 respectively in the GHPNP

¹⁶ GHPNP paragraphs 3.6 and 4.2

¹⁷ Core Document CD31

¹⁸ Core document CD32

¹⁹ Core Document CD12

²⁰ Core Document CD11

neighbourhood plan for 15 dwellings each, the application site, using the same words as in the SHLAA 2013, and two adjoining sites off Willow Road.

31. The VALP Issues and Options Consultation Document was published in October 2015.²¹ It advises that the number of new houses required in Aylesbury Vale between 2013 and 2033 is 21,300 but that an additional allowance of 10,000 to meet the unmet needs of other Councils may also be required. On the other hand, the HELAA has only identified sites suitable for 22,593 dwellings. It repeats the earlier VAPS proposal to designate Great Horwood as a "Larger Village". It canvasses opinions on nine options, five of which (A to E) would focus growth on the district's more sustainable settlements. The other four options (F to I) would adopt a more evenly dispersed distribution across the District. Three options (C, D and E) are preferred. These would allocate 100 (option C) or 120 (options D and E) to larger villages such as Great Horwood, though option C recognises that some villages are capable of accommodating more housing than others and others less, even within the same category of the settlement hierarchy.
32. Whilst the process of plan-making rolls forward, a number of proposals have been made on individual sites within Great Horwood. In addition to the current application for 42 dwellings, these include
- 9a Little Horwood Road. Application 14/02779/APP for 3 detached dwellings and associated facilities refused 18 November 2014 and dismissed on appeal (APP/J0405/W/15/3033839) 15 October 2015.²²
 - 9a Little Horwood Road. Application 15/03884/APP for 1 detached dwelling under consideration.²³
 - Horwood Mill, Spring Lane. Outline application 15/00774/AOP for 7 dwellings and associated parking refused 18 May 2015.²⁴ Appeal in progress²⁵ (APP/J0405/W/15/3137870).
 - Land to the south of Willow Road. Outline application 14/02414/AOP dated 12 August 2014 for the erection of up to 34 dwellings including associated infrastructure and work under consideration.²⁶
 - Land off Nash Road (GHPNP policy 4 site). Application 16/00877/APP for 14 dwellings with associated garaging and formation of new access under consideration.²⁷
 - Land north of Little Horwood Road (GHPNP policy 3 site). A detailed planning application is reported to be in preparation.²⁸

²¹ Attached as Appendix 1 to the Statement of Common Ground (Core Document CD1A)

²² Appendix 1 to Geoff Armstrong's Proof of evidence

²³ Geoff Armstrong's Proof of evidence, paragraph 2.5

²⁴ Appendix 2 to Geoff Armstrong's Proof of evidence and Inquiry Document ID5

²⁵ As at 6 April 2016

²⁶ Core Document CD21

²⁷ Inquiry document ID14

²⁸ Undated letter from John Scholtens, Chairman of Great Horwood Parish Council, in red folder on application file

- Land south of Little Horwood Road (GHPNP policy 2 site). Developers are said to be proposing a joint development of both this site and the adjoining reserve site.²⁹

The Proposals

33. The application proposes

- Vehicular and pedestrian access from Weston Road, dividing into two culs-de-sac. One continues southwards, flanked by footways, to a turning head at the south-western corner of the site serving an access to the adjoining field and a shared drive for three houses facing the southern edge of the site. The other would be a shared surface access, initially leading eastwards then turning southwards to a turning head near a Local Equipped Area of Play (LEAP) in the south-east corner.
- The erection of 42N^o dwellings comprising 2 x 2 bedroom affordable maisonettes, 1 x 2 bedroom affordable coach house, 3 x 2 bedroom affordable houses, 6 x 3 bedroom affordable houses, 3 x 4 bedroom affordable houses, 16 x 4 bedroom market houses and 11 x 5 bedroom market houses. All would be two storey. Five would have an additional storey contained within the roof space. Market dwellings would be provided with single storey garages.
- Provision of 131 car parking spaces, of which 121 would be allocated (in-curtilage) and 10 unallocated (on-street).
- 0.35 hectares of public open space at the southern end of the site including a LEAP in the south-east corner.
- The retention and protection of existing trees and hedgerows during construction.
- A screen of tree planting along the northern boundary, a double line of tree planting and the creation of informal amenity open space to protect and enhance nature conservation interests along the eastern boundary, on-street tree planting and soft landscaping along the access roads.
- The provision of a Sustainable Drainage Scheme including three attenuation basins in the south-west corner of the site.
- Planning obligations providing for
 - A Green Travel Plan and coordinator.
 - A Grassland Compensation Strategy providing for the creation and retention of diversified grassland on the field to the south of the site.³⁰
 - Payment of £135,357 for the expansion of the sixth form centre at Royal Latin School.
 - Payments for 10 years' maintenance of the open space and the LEAP.

²⁹ Ibid

³⁰ Inquiry Document 11

- Payment of £149,831-37 for the provision of sports and leisure facilities at Great Horwood Village Hall.

34. The application is supported by a considerable number of additional documents. Some of these, such as the Arboricultural Impact Assessment revision B which includes a Tree Protection Plan, the Archaeological Evaluation of May 2014 which proposes further specific archaeological investigations and the Flood Risk Assessment revision B which contains the proposed Drainage Plan contain recommendations or proposals which would have to be secured by condition in the event of permission being granted for the proposal.

Other Agreed Facts

35. The documentation includes two Statements of Common Ground, one between the applicant and Aylesbury Vale District Council, the other between the applicant and Great Horwood Parish Council. These demonstrate agreement between the three main parties on issues relating to the state of the District's Housing Land Supply, agricultural land classification, tree and hedgerow retention and protection, ecology and biodiversity, heritage and archaeology, flood risk and drainage. Some other matters are agreed between the applicant and the District Council but not with the Parish Council and so will be considered in reporting on each party's case.

The Case for Taylor Wimpey South Midlands (the applicant)

Overview

36. The applicant's case starts from the agreed position that AVDLP policies RA2, RA13 and RA14 and GHPNP policy 1 should not be considered up to date in the terms of NPPF paragraph 49³¹. As advised by NPPF paragraph 14, permission should be granted unless either; any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against NPPF policies as a whole; or specific policies in the NPPF indicate development should be restricted. The District Council's consideration of the application has taken account of policies as a whole, has found the proposal to be in a sustainable location, that benefits to general and affordable housing supply were considerable, that there would be moderate economic benefits and there would be only moderate harm to landscape character clearly outweighed by the benefits of the proposal and so the conclusion is that permission should be granted.

Legal submissions

37. In greater detail, closing submissions on behalf of the applicant argue that the determination of a planning application is a matter of judgment in which policy, whether set out by government statements, local or neighbourhood plans, sets a framework, not to be followed slavishly.³² A grant of planning permission

³¹ Statement of Common Ground (Document CD1), paragraphs 5.8, 6.3 and 6.8 and Parish Council's Statement of Case (document CD4), paragraph 7)

³² Reference is made to s70 of the Town and Country Planning Act 1990, s38(6) of the Planning and Compulsory Purchase Act 2004, the judgments in City of Edinburgh Council v Sec of State for Scotland (H.L.(Sc)) [1997] 1 W.L.R (Inquiry document ID23) and Cala Homes (South) Ltd v SoSCLG [2011] 1 P&CR 22 (Inquiry document ID24)

contrary to the GHPNP should not undermine confidence in neighbourhood planning because

- Such decisions are made, yet neighbourhood plans continue to be prepared³³.
- A guarantee that decisions will always accord with a neighbourhood plan would be unlawful.
- People's express wishes cannot always prevail because there are many other important facets of the public interest.
- The Ministerial Statement on Neighbourhood Planning dated 10 December 2014 does not represent a change in policy.³⁴
- The recent update to the National Planning Practice Guidance (NPPG) does not change or supplement national policy.³⁵

38. Fear of creating a precedent binding the nearby Willow Road application should not be a consideration; its circumstances are different. The track record of the local planning authority shows that decisions in Great Horwood are each taken on their merits.³⁶

39. Sustainable development has three elements to be considered together but housing alone is subject to the unique policy mechanism of NPPF paragraphs 49 and 14. Court cases³⁷ confirm that assessment against the policies of the Framework taken as a whole includes those dealing with Neighbourhood Plans at paragraphs 183-5 and 198. The last states that planning permission should not normally be granted where a planning application conflicts with a neighbourhood plan that has been brought into force. In the "Suffolk Coastal" case the court commented that "one may infer from paragraph 49 of the NPPF that in the Government's view the weight to be given to out of date policies for the supply of housing will normally be less than the weight due to policies that provide fully for the requisite supply." In applying NPPF paragraph 198, all the circumstances of the case are to be considered.

Compliance with the Development Plan

40. It is common ground that the proposal does not comply with AVDLP policies RA13 and RA14 restricting development in Great Horwood to infill or small schemes of up to five dwellings on the edge of the settlement on sites up to 0.2 ha in size, completing the settlement pattern without intruding into the countryside. They are out of date, not only by the operation of NPPF paragraph 49 but also because the AVDLP was only intended to direct development up to 2011 and circumstances have moved on.

³³ Geoff Armstrong's evidence, paragraphs 5.41 to 5.47 and Appendices 8, 9 and 10 refers to three decisions made by the Secretary of State in two of which permission was granted despite a conflict with a Neighbourhood Plan (Appeal references APP/H2835/A/14/2221102, APP/D0840/W/15/3003036 and APP/C3105/A/14/2226552)

³⁴ Reference is made to the "Woodcock" case [2015]EWHC 1173 (Admin) (Core Document CD26)

³⁵ Reference is made to the "Woodcock" and "Crane" cases (core Documents CD26 and CD25)

³⁶ Geoff Armstrong's Proof of evidence, Appendix 2

³⁷ "Woodcock" (Core document CD26), "Crane" (Core Document 25) and "Suffolk Coastal" (Inquiry Document ID16) are referred to.

41. The applicant and the District Council are agreed that all other relevant saved development management policies of the AVDLP are met by the application³⁸. The proposal makes provision for affordable housing in excess of AVDLP requirements. Although the Parish Council argues that the historic scale and context of the setting is not respected by the numbers of houses proposed, it is satisfied that no physical development impacts would be occasioned by the proposal which would warrant refusal.
42. The applicant agrees that the proposal conflicts with GHPNP policy 1 in that it lies outside the settlement boundary and does not comply with the criteria of the third paragraph of the policy applying to such locations.
43. But, despite making the case that the second paragraph of the policy does not apply to the proposal, the Parish itself has applied the first of its criteria in making the criticism that it is out of step with the spirit and vision of the GHPNP by proposing more than 15 units, contrary to criterion (i). It is therefore relevant to a consideration of the application and consistent with the decision of the High Court in the "Rochdale" case³⁹ that a development plan should be considered in the round, to apply these criteria.
44. The GHPNP allocates sites for 45 dwellings and a reserve of 15 contingent upon a review, which is expressly contemplated⁴⁰. But the total quantity of development is not capped⁴¹, although some objectors thought it was. The point was not considered in the preparation of the GHPNP. Other than in the category of "Design" which considered smaller sites easier to assimilate, the flawed Sustainability Appraisal of the GHPNP does not support any view that the application would overload the settlement in terms of an environmental tipping point. In other respects, time has moved on and the material supporting the application demonstrates its environmental acceptability.
45. The Parish Council, in its response to the Issues and Options Consultation for the draft VALP⁴² accepts that 65 dwellings would be an appropriate growth target for the village. The combined effect of GHPNP policies 2 and 3 would result in 30 dwellings developed together, 45 including the reserve site, so it was inconsistent then to argue that the 42 of the proposal would be incompatible with the GHPNP.⁴³
46. GHPNP allocations are said to be phased to avoid a greater quantity of development occurring all at one time but in practice the Parish Council is not applying in its observations on each proposal the delivery dates stated in the preamble to each policy; its comments on the policy 3 site⁴⁴ suggests that the proposal appears to satisfy all the criteria of policies 1 and 3. The policy requires delivery in the period 2020-2031 yet discussions are occurring now, admittedly

³⁸ Statement of Common Ground (Core Document CD1) section 6. Geoff Armstrong's evidence, paragraphs 5.12 to 5.34 considers the proposal in relation to each policy in turn.

³⁹ Quoted in paragraph 5.7 of Geoff Armstrong's Proof of Evidence

⁴⁰ GHPNP paragraphs 3.6 and 4.2

⁴¹ Geoff Armstrong's proof of evidence paragraph 5.58

⁴² Inquiry Document ID13

⁴³ Paragraph 5.65 of Geoff Armstrong's proof

⁴⁴ Undated letter from John Scholtens, Chairman of Great Horwood Parish Council, in red folder on application file

without other evidence of substantial progress. As a matter of principle, the weight to be afforded to the application's inconsistency with the site size limitation of criterion (i) should be limited, as in the Secretary of State's decision on a similar case at Hook Norton.⁴⁵

47. Criterion (ii) (affordable housing) is met. This is significant because of the GHPNP's repeated reiteration of the importance of providing affordable housing⁴⁶, noted in the GHPNP's Examiner's report as demonstrated by the Parish Council's Housing Survey⁴⁷ and of the evidence of growing need.⁴⁸ There are doubts about the ability of the sites allocated in the GHPNP to sustain affordable housing because of their small size limiting their viability, reinforced by the Examiner's remarks, the making of an application on policy site 4 with no provision for affordable housing and the stated intention of the owners of policy site 2 to develop it simultaneously with the reserve site for "commercial reasons".⁴⁹ These doubts reinforce the benefits of the contribution which would be made by the proposal.
48. There is no demonstrated demand for custom built housing⁵⁰ and so criterion (iii) is met.
49. The proposals are generally suitable for occupation by older people. The application does not include specialist housing for the elderly but the applicant provides a facility for initial purchasers or occupants to customise individual houses, so criterion (iv) is met.
50. The mix of affordable housing required by criterion (v) responds to the requirements of the District Council's Housing Officer. It would provide for more than half of the number of households identified as being in need in the parish. Although other sizes are sought in greater quantity, both the parish Housing Survey⁵¹ and the CBHEDNA⁵² identify some requirements for 4 bedroomed homes and larger. No starter homes are provided as such but the outcome of the Planning and Housing Bill has implications for their definition and delivery.
51. Criterion (vi) is met⁵³, which is significant in a village rich in heritage assets.
52. Criterion (vii) is not only met but the proposal would provide open space and a LEAP for the public to use, not just residents of the new housing.⁵⁴

⁴⁵ Appendix 10 of Geoff Armstrong's Proof of Evidence

⁴⁶ GHPNP paragraphs 2.10 and 2.17 referenced at paragraphs 5.16 and 5.17 of Geoff Armstrong's proof

⁴⁷ Core Document CD9

⁴⁸ Evidenced by a comparison of the December 2010 Fact Pack (Core Document CD10) and the April 2014 Housing Survey (Core Document CD9). Geoff Armstrong's proof paragraph 5.19 also refers.

⁴⁹ Undated letter from John Scholtens, Chairman of Great Horwood Parish Council, in red folder on application file

⁵⁰ Geoff Armstrong's proof of evidence, paragraphs 5.68 and 5.69

⁵¹ Core Document CD9

⁵² Core Document CD32

⁵³ Geoff Armstrong's proof of evidence paragraphs 5.77 and 5.78

⁵⁴ Geoff Armstrong's proof of evidence, paragraph 5.79

53. So, the only conflict with GHPNP policy 1 is its location outside the settlement boundary and its size.⁵⁵ But the latter conflict is more apparent than real because the plan's allocations themselves contradict the principle.
54. The conflict is with a policy which is out of date and which the Parish Council was warned would be out of date as it prepared the GHPNP⁵⁶. The preparation of the GHPNP was consistent with the VAPS. The GHPNP examination was not required to consider soundness but the examination of VAPS was so required. VAPS was withdrawn because it was unsound, not positively prepared, not justified or effective and not consistent with national policy.⁵⁷
55. Subsequent new evidence has emerged which is a material consideration. Although not settled, the HEDNA and the Issues and Options paper point to a significant shortfall in the supply of land for housing which will need to be met in the emerging VALP. Resolution of this issue will have to come forward through the local plan process but it is tolerably clear that Great Horwood will have to play a part in meeting the very large uplift in housing requirements identified subsequent to the withdrawal of the VAPS.⁵⁸
56. The application site (or part of it) was considered during the preparation of the GHPNP. The procedural aspects of its exclusion from consideration were unfortunate. The Neighbourhood Planning Team, acting and speaking with the full authority and on behalf of the Parish Council publicly stated in a communication to the village that it would be "impossible" to resist any development of the application site if permission were to be sought⁵⁹. Bearing in mind the duty to apply policy rationally rather than slavishly, this is an unusual and compelling set of circumstances which clearly justify departure from the normal policy of rejecting proposals which conflict with a Neighbourhood Plan.⁶⁰

Housing delivery

57. At both District and Parish levels, delivery of all types of housing has been woeful. The District is a 20% buffer authority on account of its poor record⁶¹. In Great Horwood, only 7 houses were built between 2005 and 2012. Just 2 permissions have been granted since 2013. None is an affordable unit.⁶²
58. In terms of quality as well as delivery, Taylor Wimpey is recognised as one of the country's leading housebuilders. The points already made in relation to compliance with GHPNP policy 1 demonstrate the application's fulfilment of the aspirations of NPPF paragraph 50. The application site is one of the few in Great Horwood which has been consistently deemed suitable for development⁶³, in the SHLAA of 2013⁶⁴, during the preparation of the GHPNP in 2014⁶⁵ and in the

⁵⁵ Geoff Armstrong's proof of evidence, paragraphs 5.80 - 5.82

⁵⁶ Appendix 14 to Geoff Armstrong's proof of evidence

⁵⁷ Geoff Armstrong's proof of evidence paragraph 5.95

⁵⁸ Geoff Armstrong's proof, paragraphs 5.96 to 5.99

⁵⁹ Document attached as Appendix 7 to appellant's Statement of Case

⁶⁰ Geoff Armstrong's proof paragraphs 5.101 to 5.103

⁶¹ Appendices 5 and 6 to Geoff Armstrong's proof of evidence

⁶² Paragraph 5.16 of Geoff Armstrong's proof of evidence

⁶³ Geoff Armstrong's proof of evidence paragraph 5.90

⁶⁴ Appendix 12 to Geoff Armstrong's evidence

⁶⁵ Appendix 13 to Geoff Armstrong's evidence

HELAA of October 2015⁶⁶. The applicant is willing to deliver the proposal within a reduced timescale which can be required by condition.⁶⁷

Accessibility

59. Aylesbury Vale is a predominantly rural district. The GHPNP notes the strengths of Great Horwood as community spirit, close proximity to employment and retail outside the parish (Winslow is about two miles away), the attractiveness of an historic village, high quality surrounding landscape and good recreational facilities. To these can be added its primary school, parish church, village hall and modern industrial estate within the parish at Greenways Business Park.
60. Introducing new housing can generate new expenditure and can bring new people generating new ideas and fresh visions. The Green Travel Plan offers the opportunity to capitalise upon what exists and to bring people together to do more. The application site is well located in relation to the village centre, its school, church, bus stops and proposed park. It is connected to all these facilities by footways which, together with the short distances involved, means real opportunities for certain daily trips to be made on foot or by bicycle.

Other matters.

61. Effects on the character of the locality, highway safety, local social infrastructure, ecology and the living conditions of neighbours have been assessed by the relevant officers of the District and County Councils and found to be acceptable or capable of being made acceptable by the imposition of conditions.
62. The scheme would not lie in or adjoining the Conservation Area nor in the setting of any relevant heritage asset. The Conservation Area appraisal contains numerous defined Key Views and Vistas⁶⁸ which affect other parts of the settlement, though, noticeably, not the application site. The proposal would be assimilated into the varied pattern of development in this part of the village which, as the GHPNP examiner notes at page 22 includes some development in depth off culs de sac. To describe the proposal as a large, monolithic development is unfair.
63. There is no evidence that the highway effects of this modest scheme would fail the severity test of NPPF paragraph 32. Sight lines at Weston Road are adequate. Dedicated footways exist to achieve pedestrian safety.
64. The s106 agreement would make contributions which are CIL compliant⁶⁹. Public Open Space including a children's play area would be provided, open to all. A sport and leisure contribution will be used for the improvement/refurbishment of the Village Hall. Education contributions are to be made to the secondary school in Buckingham.
65. In response to a neighbour's representations, ecology concerns have been fully considered and recognised by the applicant's expert consultant⁷⁰. In response to

⁶⁶ Core Document CD11

⁶⁷ Statement of Common Ground (Core Document CD1), paragraph 6.6

⁶⁸ Core Document CD33 page 23

⁶⁹ Inquiry Document ID15

⁷⁰ Inquiry Document ID11

his recommendations, a Unilateral Obligation offers compensation for the loss of grassland of interest in the form of management of the field next to the site for the purposes of nature conservation. This would be a benefit of the proposal since no such commitment applies to the site at present.

66. The relationship between houses in Weston Road, The Close and the site has been carefully considered in the layout. The medium size, position and character of the proposed screen planting on the northern boundary has been chosen to cast a light, dappled shade, minimising any overshadowing of adjacent gardens.⁷¹ Face to face overlooking between secondary windows on plot 42 and 16 Weston Road can be eliminated by obscured glazing which can be required by condition.⁷² The relationship between the dwellings in the proposed apartment block and the adjacent parking court is adequate to provide satisfactory living conditions for future occupants.⁷³

The benefits

67. The benefits are stated to be significant and wide-ranging⁷⁴
- Delivering a boost to the supply of housing in an area of shortfall.
 - Delivering a mix of housing.
 - Delivering much-needed affordable housing.
 - The provision of a range of housing types.
 - Local economic benefits⁷⁵
 - About 58 jobs (34 direct and 24 indirect).
 - £13.85 million in additional economic activity.
 - Total additional annual consumer expenditure of about £1m pa.
 - A new homes bonus of around £400,000 over a 6 year period.
 - Provision of public open space and children's play area.

The balance

68. The application site and the proposed development are sustainable in terms of all three, economic, social and environmental roles⁷⁶. There is an urgent need for all forms of housing, but especially affordable housing in Aylesbury Vale District in general and Great Horwood in particular. The GHPNP and the saved policies of the AVDLP are out of date. This stems from the lack of realistic policy provision for meeting housing needs, the very matter which the proposal can help to address. The circumstances in which the GHPNP came to be made and all which have followed add up to a situation which does not justify the normal policy

⁷¹ Inquiry Document ID2

⁷² Inquiry Document 17, suggested condition 15

⁷³ Geoff Armstrong, in response to Inspector's question

⁷⁴ Geoff Armstrong's proof of evidence paragraph 5.107

⁷⁵ Paragraph 5.118 of Geoff Armstrong's proof of evidence

⁷⁶ Geoff Armstrong's proof of evidence paragraphs 5.125 to 5.134

approach of resisting development which conflicts with a Neighbourhood Plan. Moreover, the extent of conflict, upon examination, is not harmful. No adverse impacts have been identified which significantly and demonstrably outweigh the policy presumption in favour of permitting this scheme and so, permission should be granted.

The Case for Aylesbury Vale District Council (the local planning authority)

Overview

69. The District Council relies largely on its Committee Report.⁷⁷ It affirms that the proposals are not consistent with the policies for the supply of housing in the GHPNP. But the District cannot demonstrate a five year housing land supply. It faces significant pressure from developers seeking planning permission for housing development on sites across the District where the adverse environmental impacts of development would be significant.
70. There is a dispute between the District and the Parish about Great Horwood's position in the settlement hierarchy. That dispute will be resolved through the plan-making process, it is not a matter to be decided now. The village possesses a range of facilities which make it suitable for development of the scale proposed and its relative proximity to Winslow reduces the distances that its residents would need to travel to access a considerably greater range. There are no impacts on services or facilities which cannot be adequately addressed through planning obligations.
71. Development of the application site for housing in the way proposed would give rise to only limited adverse environmental effects, partly because of the location and characteristics of the site itself, partly because of the way the scheme has been designed. If the need for housing in the District is to be met in a sustainable way, opportunities presented by proposals such as the one now before the Secretary of State need to be taken.

Compliance with the Development Plan

72. Omitting the two Minerals Development Plans, which have no relevance to this decision, and the three policies RA2, RA13 and RA14 which are concerned with the supply of housing land, there remain a number of policies in the AVDLP which are relevant and consistent with the NPPF.⁷⁸ Those policies seek to ensure that development meets the three dimensions of sustainable development. There is no material conflict with those policies.⁷⁹ This weighs in favour of the grant of permission.
73. GHPNP is recently made but its policies 1-4 are relevant to the supply of housing land and so are deemed "out of date", given reduced but still significant weight.⁸⁰ They are not based on full objectively assessed need.⁸¹ It is becoming clear that this is likely to be materially greater than assumed at the time.

⁷⁷ Appendix 3 to Core Document CD3

⁷⁸ Claire Bayley's proof of evidence, paragraphs 2.2 – 2.14

⁷⁹ Claire Bayley's proof of evidence, paragraphs 4.3 – 4.12

⁸⁰ Claire Bayley's proof of evidence, paragraphs 2.21 – 2.22 and 10.4

⁸¹ Claire Bayley's proof of evidence, paragraph 10.5

74. The proposal conflicts with the spatial strategy of GHPNP policy 1 both by reason of its scale and the fact that it is not an allocated site. Significant weight should be given to this conflict.⁸²

75. In striking the overall balance, other material considerations include

- The absence of a five-year housing land supply, invoking the “tilted balance” test of NPPF paragraph 14
 - All parties agree that GHPNP policies 1-4 are housing land supply policies, consistent with the approach in “Suffolk Coastal”.⁸³
 - The Parish Council’s witness, Mr Homer agreed in cross-examination that this reduced the weight to be given to these policies.
 - Such a consideration is not “irrational” or “cavalier” nor inconsistent with the approach taken by the courts.⁸⁴
 - It is a matter of planning judgment for the decision-maker.
- The benefits of delivering market and affordable housing.
- The limited adverse environmental effects of the proposal.⁸⁵
- Its good integration with the established pattern of development.⁸⁶
- Its proximity to village facilities and to those nearby in Winslow.⁸⁷
- Its compliance with elements (ii), (vi) and (vii) of GHPNP policy 1.⁸⁸
- Its technical suitability, endorsed by the Neighbourhood Planning Team.⁸⁹

Housing delivery

76. The District Council’s Housing Land Position Statement of January 2016⁹⁰ shows 4.5 years’ supply for the period 1.4.15 to 31.3.20, reducing to 4.2 years’ supply for the period 1.4.16 to 31.3.21.⁹¹ This is calculated by reference to the CBHEDNA⁹² with a 20% buffer reflecting past performance in which a high rate of permissions but slow take-up has resulted in an exceptionally large number of outstanding permissions and low delivery. Recent performance has significantly improved.⁹³ In due course, a substantial additional figure (currently estimated at

⁸² Claire Bayley’s proof of evidence, paragraph 6.4 and 6.5

⁸³ [2016] EWCA Civ 168, especially paragraphs 32 and 33 (Inquiry Document ID16)

⁸⁴ “Crane” [2015] EWHC 425 (Admin) (Core Document CD25), “Suffolk Coastal” [2016] EWCA Civ 168 (Inquiry Document ID16), “Woodcock” [2015] EWHC 1173 (Admin) (Core Document 26) and “Edward Ware Homes [2016] EWHC 103 (Admin) (Inquiry Document ID6)

⁸⁵ Claire Bayley’s proof of evidence paragraphs 4.3 – 4.12

⁸⁶ Claire Bayley’s proof of evidence paragraphs 4.11 and 6.6 – 6.9

⁸⁷ Claire Bayley’s proof of evidence paragraphs 5.1 – 5.4

⁸⁸ Claire Bayley’s proof of evidence paragraphs 7.1 and 11.10

⁸⁹ Appendix 7 to the Applicant’s Statement of Case (Core Document 2)

⁹⁰ Appendix 5 to Geoff Armstrong’s proof of evidence

⁹¹ Claire Bayley’s proof of evidence paragraphs 9.1 – 9.2

⁹² Core Document CD32

⁹³ January Position statement table 2, page 4 and paragraph 6.5 (appendix 5 to Geoff Armstrong’s proof of evidence)

- 10,000) may need to be added to the requirement to cater for the unmet needs of other authorities and should be kept in mind but is not currently included in the calculation.⁹⁴
77. The AVHEDNA identifies 2,744 additional households needing dwellings of four bedrooms or more in the period 2013-2033 (21% of the total need).⁹⁵ The later CBHEDNA identifies a need for 3,480 four-bedroomed dwellings and 1,120 five-bedroomed dwellings.⁹⁶ Whichever set of figures is used, a scheme providing 27 market units of this size will be a welcome contribution to meeting this need. It represents a planning benefit to which substantial weight should attach.⁹⁷
78. The CBHEDNA identifies a need for 4,600 affordable units in Aylesbury Vale for the period 2013 – 33.⁹⁸ The GHPNP Examiner's report records that the Parish Housing Survey demonstrates a significant local need.⁹⁹ Uncertainties surround the delivery of affordable housing from the GHPNP allocated sites. The proposal's delivery of a substantial amount of affordable housing in a mix of unit sizes reflecting the District Council's assessment is an important benefit to which substantial weight should attach.¹⁰⁰
79. Over 40% of the District's population lives in communities that either have, or are developing, neighbourhood plans.¹⁰¹ A comparison of the list of such settlements with the VALP Issues and Option Paper¹⁰² shows that it includes four of the District's five strategic settlements and 18 out of 31 larger villages. A blanket approach of resisting residential development of all unallocated sites in such settlements, regardless of the other factors which necessarily weigh in the overall sustainability balance, would involve ruling out many sites identified in the HELAA as being appropriate. Yet it is common ground that the combined total of all of the sites assessed in the HELAA as suitable, windfall estimates, commitments, completions and sites in progress would produce a housing capacity some 2,700 dwellings short of the projected target. The outcome would be increased pressure to approve unsustainable development.

Benefits

80. The development has been designed to respect the prevailing layout and pattern of development in the vicinity. It offers a sizeable area of land for planting, amenity space and LEAP. It offers safe and convenient pedestrian access to the village centre. Future residents can be expected to contribute to the maintenance of the health and vitality of the settlement and its facilities.

Accessibility

81. The dispute between the District and the Parish about Great Horwood's position in the settlement hierarchy is not a matter to be decided now because

⁹⁴ Claire Bayley's proof of evidence, paragraph 3.7

⁹⁵ Core Document CD31, page 107, table 32

⁹⁶ Core Document CD32, page 142, figure 110

⁹⁷ Claire Bayley's proof of evidence paragraph 9.7

⁹⁸ Core Document CD32, page 11, figure 3 and page 145, paragraph 8.5

⁹⁹ Core Document CD3, Appendix 3, page 33

¹⁰⁰ Claire Bayley's proof of evidence paragraph 9.8

¹⁰¹ Inquiry document ID18

¹⁰² Attached as Appendix 1 to the Statement of Common Ground (Core Document CD1(A))

- As recognised by the GHPNP examiner, the settlement hierarchy is a strategic designation that is appropriately determined at the District level taking account of the relative role and location of settlements across that local authority area.¹⁰³
- Information about the relative credentials of settlements other than Great Horwood is not before this Inquiry.
- Although criticisms about the accuracy of the 2012 assessment have been overcome in the 2015 assessment, which comes to the same judgment, other considerations, such as the availability of suitable sites and their environmental impact within each settlement also come into play.¹⁰⁴

82. Nevertheless, the particular characteristics of Great Horwood and whether it would be a sustainable location for the development of an additional 42 dwellings is a relevant question. The facilities in the village allow for a significant level of self-containment. The presence of Winslow nearby reduces the overall length of journeys necessary to reach services and facilities not found within the village itself.¹⁰⁵ Aylesbury Vale is a rural district so there needs to be realistic expectation of what is achievable, as NPPF paragraphs 29, 32 (1st bullet) and 34 recognise.

83. There is no evidence that the scale of development proposed (either in isolation or cumulatively with allocated sites) would exceed any environmental or other threshold. The District Council is currently contemplating options which might look to accommodate between 100 and 120 units in Great Horwood. The Parish Council recognises (in response to the VALP Issues and Options paper) that an additional 65 units in Great Horwood would not be unsustainable.¹⁰⁶

84. All of the indications point to the same conclusion, that the level of additional housing proposed in this application is of the same broad order of magnitude as that which both the District and the Parish would consider the village to be capable of accommodating in a sustainable manner.

Other matters

85. There is no evidence of any highway safety problem that would be likely to result from the proposed development. The s106 agreement is sufficient to address the expected impacts on local social infrastructure and its provisions comply with the CIL regulations.¹⁰⁷ Although the District Council does not recognise any ecological impacts that would give rise to a basis for refusing permission, it recognises that the Unilateral Undertaking makes suitable provision in the event that a different view is taken. There are no likely significant adverse effects on the living conditions of those existing residents who would become neighbours to the proposed new dwellings. The proximity of parking bays to the flats in the apartment block would not result in unacceptable living conditions of those who would occupy the proposed apartment block because of the low levels of activity likely to occur and because of management by the affordable housing provider.

¹⁰³ Examiner's report, Core Document CD3, Appendix 3, page 20

¹⁰⁴ Core Document 12, page 3, paragraph 1.2 and page 7 paragraphs 4.4 (5) and 4.5

¹⁰⁵ Claire Bayley's proof of evidence paragraph 5.2 - 5.5

¹⁰⁶ Inquiry Document 13

¹⁰⁷ Claire Bayley's proof of evidence paragraphs 8.1 – 8.6 and Inquiry Document 15

Cumulative effects and precedent

86. Concerns about cumulative impact and precedent are unfounded because

- Each application is assessed on its merits. This does not lead to the same outcome in each case. Cumulative impact is one of the considerations in each case in turn.
- There is no evidence that the cumulative effect of this proposal with other allocated sites would be unacceptable.
- The Willow Road application is still being processed, has specific unresolved highways and access issues and so should not be presumed to be permissible for the purposes of assessing the current proposal.

Conclusion

87. For the above reasons, the District Council's position is that the acknowledged adverse effects of the proposal would not significantly or demonstrably outweigh the benefits of granting permission. Applying the test in paragraph 14 of the NPPF, this proposal is sustainable development and planning permission should be granted.

The Case for Great Horwood Parish Council

88. The GHPNP (for which the Parish Council was the designated body) is recently made, on 16 March 2015. That followed approval by an examiner and a referendum on 5 March 2015 in which there was a high turnout (62%). There were 447 votes in favour of the plan and 48 against, representing an absolute majority of the electorate of 815. At the time, this turnout was the highest recorded for a neighbourhood plan referendum and remains the fourth highest. Criticisms of the neighbourhood plan¹⁰⁸ are not relevant considerations for the Secretary of State because no legal challenge has been brought.

89. The Parish Council accepts that paragraph 49 of the NPPF applies to the GHPNP policies and so the presumption in favour of development advised in paragraph 14 of the NPPF applies.¹⁰⁹ But paragraph 14 will not apply if the application does not represent sustainable development.¹¹⁰ The Parish Council contends that the proposal is not sustainable development.

- Its size is unsustainable in the context of the evidence justifying GHPNP's attempts to manage growth patterns actively.¹¹¹
 - The historical development of Great Horwood is characterised by small developments.¹¹²
 - Smaller developments allow development to be phased to match supply to demand.

¹⁰⁸ Made in the applicant's Statement of Case paragraphs 5.52 to 5.53

¹⁰⁹ Neil Homer's proof of evidence paragraph 27

¹¹⁰ Reference is made to *Dartford BC v SSCLG* [2014] EWHC 2636 (Admin)

¹¹¹ David Saunders's evidence

¹¹² David Saunders's evidence, appendix D

- The community expressed strong views favouring schemes in the order of fifteen units and not larger.¹¹³
- Limited site size allows for the better creation of a sense of place¹¹⁴ in accord with the essential rural character of the village.¹¹⁵
- The proposal would be more than double the site size limit envisaged in the GHPNP.¹¹⁶
- The village has a limited range of services and transport options.¹¹⁷
 - The scale of development that would enable a step change in facilities is far in excess of what is currently proposed.¹¹⁸
 - Its relative remoteness from the closest major population centres at Winslow and Buckingham and the paucity of public transport services have led to higher levels of car ownership and longer than average commuting distances.¹¹⁹ The proposal makes no contribution towards improving local bus services.¹²⁰
 - In consequence, the Green Travel Plan proposed could achieve little.¹²¹
 - Its only tested designation was as one of the "Appendix 4 settlements" in the AVDLP of 2004, 38 of which are indicated as "small villages" in the evidence base for the VALP.¹²² Designation as a "large village" is contested.¹²³
 - Geoff Armstrong's acceptance that he did not see the ability of the village to absorb further housing as unlimited undermines his view that an Inspector's description of Great Horwood as a relatively sustainable location¹²⁴ should not be understood as limited to the scale of development being considered by that Inspector (three dwellings). The GHPNP Examiner acknowledged that the limited availability of services within the village limited its capacity to absorb development.¹²⁵

¹¹³ David Saunders's proof of evidence paragraph 5.6

¹¹⁴ David Saunders's proof of evidence paragraph 5.5, Neil Homer's evidence paragraph 39 and Paragraph 6.12 of the GHPNP Sustainability Appraisal (Core Document CD6)

¹¹⁵ Neil Homer's evidence paragraph 36 and 38

¹¹⁶ Neil Homer's evidence paragraph 47

¹¹⁷ David Saunders's proof of evidence paragraph 7.10 quotes the GHPNP examiner's comments.

¹¹⁸ Neil Homer's proof of evidence paragraph 61

¹¹⁹ Neil Homer's proof of evidence paragraph 56

¹²⁰ Neil Homer's proof of evidence paragraph 67

¹²¹ David Saunders's evidence paragraph 6.15

¹²² Neil Homer's proof of evidence paragraph 17 and David Saunders's evidence paragraph 7.4, referencing Core Document CD12, pages 183 and 204

¹²³ Neil Homer's proof of evidence paragraph 56 and 60 and David Saunders's proof of evidence section 7

¹²⁴ In paragraph 6 of APP/J0405/W/15/3033839, supplied in Geoff Armstrong's proof of evidence, Appendix 1

¹²⁵ David Saunders's proof of evidence paragraph 5.3

- Approval of this scheme would be a precedent for the approval of further applications in excess of the GHPNP's allocations; the reserve site south of Little Horwood Road, 34 dwellings at Willow Road. The cumulative effect would be to increase the size of the village by more than 50% within ten years with no change to its sparse infrastructure.¹²⁶
90. And, even if NPPF paragraph 14 applies, s38(6) of the Town and Country Planning Act continues to apply¹²⁷ as reaffirmed in the "Edward Ware Homes" case¹²⁸. In such circumstances it is for the decision maker to judge what weight is given to outdated development plan policies in the circumstances of each case.
91. The Parish Council submits that the proposal is in clear conflict with both the letter and the spirit of the GHPNP and that the adverse consequences of granting permission far outweigh its modest benefits because
- GHPNP is the most recently produced development plan document relating to Great Horwood. Its housing numbers were based on an evidence base approved by the Examiner. Its spatial policies apply a locally endorsed vision of sustainable development.¹²⁹
 - GHPNP's approach to the housing requirement for Great Horwood has not been overtaken by a more recent development plan. Housing requirements in the emerging VALP remain contentious.
 - Nor has GHPNP's spatial strategy been superseded by a more recent adopted plan.
 - The proposal falls outside the settlement boundary and so contravenes GHPNP policy 1.¹³⁰ The GHPNP Examiner found this to be an appropriate policy mechanism without which policy 1 could not effectively function.¹³¹ It was designed to encourage infill development¹³² and to ensure that development did not exceed the capacity of the village's infrastructure.¹³³
 - The criteria in the second paragraph of policy 1 do not apply but, even if they did
 - The proposal would exceed the maximum scheme size of 15 dwellings or 0.5ha.¹³⁴ It would therefore conflict with both the clearly expressed wishes of the local community and the historical character of the village¹³⁵ and is the reason why the site was not included in the GHPNP allocations.¹³⁶

¹²⁶ Neil Homer's proof of evidence paragraphs 48 and 49

¹²⁷ Neil Homer's proof of evidence paragraph 26

¹²⁸ [2016] EWHC 103 (Admin), Inquiry Document ID6. Reference is also made to the "Woodcock" case (Core Document CD26) the "Crane" case (Core Document CD25) and the "Suffolk Coastal" case (Inquiry Document ID16)

¹²⁹ Neil Homer's proof paragraph 35

¹³⁰ Neil Homer's evidence paragraph 21

¹³¹ Examiner's report (Core Document CD3, Appendix 3), page 26

¹³² Neil Homer's proof of evidence paragraph 56

¹³³ David Saunders's proof paragraph 5.3

¹³⁴ Neil Homer's Proof of evidence paragraph 22

¹³⁵ David Saunders's proof of evidence, Appendix D, section 3

¹³⁶ Geoff Armstrong's Proof of evidence, Appendix 13

- The housing mix does not reflect the most up to date assessment of need. Its open market provision only addresses identified needs for houses with four bedrooms or larger.¹³⁷
- The proposal's benefits in terms of local housing supply have been overstated.
 - The GHPNP's identification of housing need is the most recent in a development plan. Its approach was found on examination to be appropriately based, justified and proportionate, proposing a significant increase in the provision of housing in Great Horwood when compared with policies RA13 and RA14 of AVDLP¹³⁸ and with recent house building rates. It was not founded on the withdrawn VAPS but on a projection prepared for the purpose.¹³⁹
 - Although understanding of District-wide housing needs has moved on as a result of the CBHEDNA, there is uncertainty about the scale and feasibility of meeting the unmet needs of other authorities¹⁴⁰, there is no reliable evidence of the specific needs of Great Horwood; the allocation of requirements will have to take place through the VALP process which is at an early stage¹⁴¹; the approach to all the options canvassed so far has been subject to criticism by Bucks County Council amongst others.¹⁴²
 - The GHPNP's allocations are being delivered. A planning application has been made on the policy 4 site.¹⁴³ Discussions indicate that an application on policy site 3 is likely in the near future¹⁴⁴ and that an application is being considered in respect of policy site 2 and the adjacent reserve site.¹⁴⁵
 - The GHPNP allocations are therefore capable of meeting the identified needs of Great Horwood. In the event that VALP establishes a different level of housing need in Great Horwood, there is a commitment to revise the GHPNP.
 - The District's current shortfall in housing land supply is 0.8 years and so relatively low. The benefit of the application's contribution to housing supply is therefore correspondingly low.¹⁴⁶
- The proposal's benefits in terms of affordable housing supply have been overstated. It would simply replicate the level of provision which the GHPNP has also sought to deliver.

¹³⁷ Neil Homer's evidence paragraph 66

¹³⁸ Neil Homer's proof of evidence, paragraph 18

¹³⁹ David Saunders's proof of evidence, paragraph 3.18, section 4 and Appendix A of Appendix D

¹⁴⁰ Neil Homer's evidence, paragraphs 57 and 64

¹⁴¹ Accepted in cross-examination by both Claire Bayley and Geoff Armstrong

¹⁴² Neil Homer's evidence paragraphs 59 to 65. See Inquiry Document ID4

¹⁴³ The Design and Access Statement is Inquiry document ID14

¹⁴⁴ Neil Homer's proof of evidence paragraph 40, elaborated in evidence in chief and in cross-examination

¹⁴⁵ Undated letter from John Scholtens, Chairman of Great Horwood Parish Council, in red folder on application file

¹⁴⁶ Neil Homer's proof of evidence, paragraph 54

- The proposal would deliver the GHPNP's entire planned provision in a single stroke¹⁴⁷, in conflict with the GHPNP's phased release of housing sites. In contrast to the policy of the Hook Norton neighbourhood plan considered by the Secretary of State in an appeal decision¹⁴⁸, this phasing policy is intended to deliver a high quality of place.¹⁴⁹
- Approval of the proposal would encourage the approval of 34 homes on the Willow Road site, in addition to the 45 homes allocated by the GHPNP and 15 on its reserve allocation. The cumulative effect needs consideration.
- Approval would have a significant negative effect on public confidence in neighbourhood planning in the light of its recent date, the examiner's approval, the absolute majority of the electorate in favour and the absence of any legal challenge. The High Court has confirmed that the Secretary of State is entitled, in accordance with paragraphs 183 to 185 and 198 of the NPPF, to give very substantial negative weight to a proposal clearly alien to the Parish Council's vision for its area manifest in a made neighbourhood plan where to grant permission would undermine public confidence.¹⁵⁰ The Secretary of State has given substantial weight to made neighbourhood plans where there is clear conflict with their terms and the community aspirations which the plans represent,¹⁵¹ in accordance with national Guidance.

Unrepresented third parties

Mrs Jane Holland

92. Everyone has to have somewhere to live. The great need is affordable housing. The proposal would provide this. It would also provide dwellings attractive to families with top-end salaries. But, in contrast to the proposals in the GHPNP, it would not provide for the rest of the people with housing needs, contrary to NPPF paragraph 47 which argues for a full range of housing to be provided. The proposal is therefore not sustainable, important in a village with poor facilities or connections.

John Scholtens

93. GHPNP seeks to support sustainable development by striking an appropriate balance between meeting housing need and accepting the lack of social, employment and commercial supporting infrastructure to sustain a larger population. It reflects the desire of the local community to see the village grow in proportional increments on distributed sites. The proposal conflicts with these provisions.
94. Support for the proposal is based on questionable "sustainability" arguments, a lack of a demonstrable five-year housing land supply, a one-sided interpretation of the NPPF and an incorrect assessment of the village's position in the settlement hierarchy.

¹⁴⁷ Neil Homer's proof of evidence paragraph 23

¹⁴⁸ Geoff Armstrong's Proof of evidence, Appendix 10

¹⁴⁹ Neil Homer's response in cross-examination

¹⁵⁰ "Crane" case (Core Document CD25), paragraph 77

¹⁵¹ Examples given are the "Sayers Common" decision (Inquiry Document ID10) and two "Winslow" appeal decisions (Core Documents CD 22 and CD23)

95. The GHPNP has emerged from the views of local people, achieved a national record for turnout in its referendum and a majority of 91% in its favour. Approval of the proposal would undermine public confidence in this process and be contrary to the government's repeatedly stated intentions. It would be a bitter blow to those volunteers who participated in the process. It would set a precedent, not only in Great Horwood but also in other towns and villages with made neighbourhood plans.

Roy van de Poll

96. Paragraph 198 of the NPPF advises that where planning permission conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. The District Council's support for the proposal overlooks the significance of this advice and is in direct conflict with court cases, Secretary of State decisions and government statements.¹⁵²
97. To say that a lack of a five-year housing land supply is not normal and so overrides NPPF paragraph 198 is just plain wrong. Nationally, about 30% of local planning authorities do not have an up to date adopted local plan. At least half of those will not have a five-year housing land supply. Of the 70% of authorities which do have an adopted local plan, an appreciable proportion will not be able to demonstrate a five-year housing land supply. Data from Savills reports that 90 of the 293 English local planning authorities acknowledge a less than five-year supply. Sixty percent of those have a local plan adopted since the NPPF was published. So, about 30% of all English local planning authorities cannot demonstrate a five-year land supply. It is obviously not at all exceptional.
98. In Aylesbury Vale 28 communities representing over 40% of the District's total population are developing or have developed neighbourhood plans. Yet the district's wrong attitude to NPPF paragraph 198 leads it to approve applications in direct conflict with them. To approve the application would send out the message that this is acceptable.

Vic Otter

99. The whole point of the neighbourhood planning process is to include local people and communities in plan making and to give them the power to deliver appropriate development. The turnout and result of the GHPNP referendum shows that the majority of the electorate as a whole supports the GHPNP. There is an expectation that applications which conflict with made neighbourhood plans will be rejected.
100. The GHPNP spatial strategy is to provide about 15 dwellings per site, within the settlement boundary. The proposal conflicts with both elements of that strategy. Surveys indicate strong opposition to the proposal.
101. The proposal would contribute to remediate the District's housing shortfall but so would the reserve site within the GHPNP. To have a five-year housing supply shortfall in the context of a made neighbourhood plan is not unusual and so the advice in paragraph 198 of the NPPF should not be overridden. AVDC's approach

¹⁵² Reference is made to the "Crane" and "Woodcock" cases (Core Documents CD25 and CD26) and to decisions at Glebe Farm Winslow (Core Document CD23) and at Broughton Astley (the "Crane" decision).

is flawed, the approach taken in the Broughton Astley¹⁵³ and Sayers Common¹⁵⁴ cases should be followed.

John Gilbey

102. A team of volunteers spent three years producing the GHPNP. They were backed by the Parish Council and supported by AVDC's Forward Plans team. The GHPNP was highly praised by its Examiner. In the referendum it was supported by an absolute majority of the electorate.
103. There was an expectation that the application would be withdrawn or refused but following the "Woodcock" judgment, the District Council advised that it is not as simple as making a statement that a development is in conflict with the neighbourhood plan; that the process set out in NPPF paragraph 14 needs to be applied and that, in effect, neighbourhood plans are now in the same position as the District Council's own planning policies had been for some time.¹⁵⁵
104. Public money is paid to encourage neighbourhood plans. Yet it would seem that the local planning authority can take the money, effectively ignore the made neighbourhood plan's policies and thus effectively destroy the plan.

Councillor Llew Monger

105. Advice about paragraphs 183-185 and 198 of the NPPF was only given to District Council committee members at short notice, after the start of the relevant committee meeting and so was not fully absorbed. Had it been, in Cllr Monger's view the outcome of the meeting would have been different.
106. The application seeks to deliver 42 new homes. The estimated housing requirement in the District is for 1320 units per annum, 6630 over five years. The proposal therefore represents 0.6% of the required five year supply. This is not a significant contribution. It is minimal.
107. In contrast, the proposal represents a 100% increase in the numbers proposed in the GHPNP, and would be 30% more than the numbers likely to be proposed in the VALP, still eighteen months away.
108. The application is contrary to GHPNP policy 1. It is outside the settlement boundary. It would be approximately three times the size limit proposed for a single site. The total housing proposed for the plan period would be delivered on one site within five years rather than on three sites over fifteen years, which would be disproportionate. There is no provision for custom building or specific provision for older people's housing.
109. In the district there are eight made plans and a further twenty at various stages of progress. They cover 40% of the District's population. They represent hundreds of thousands of pounds of community funds and tens of thousands of volunteer's hours. Nationally, over 1,700 communities, representing 8 million

¹⁵³ "Crane" case (Core Document CD25)

¹⁵⁴ "Woodcock" case (Core Document CD26)

¹⁵⁵ Eighteenth and twentieth paragraphs of "Information from AVDC to all Members and Town and Parish Councils" dated 4 August 2015 (third item of Inquiry document ID22)

people are now involved in community planning. To grant planning permission would undermine this commitment.

110. Paragraph 198 of the Framework is quite clear that where there is a conflict with a made plan, planning permission should not normally be granted.

Written Representations

111. The six written representations made following notification of the call-in include two from a single correspondent. Whilst making clear the writer's opposition to any greenfield development in Great Horwood, these make criticisms of the made GHPNP for omitting two reportedly brownfield sites from its allocation, include a copy of a letter with 49 signatories making representations on the pre-submission GHPNP, record controversies during its preparation and point out alleged internal inconsistencies.
112. Two correspondents support the proposal as a site preferable to those allocated by the GHPNP, not increasing the extent of the village but continuing an existing road and providing a mix of dwellings.
113. One correspondent writes in opposition to the proposal's disproportionate size in relation to the facilities offered by the village.
114. The Chairman of the Parish Council writes to report progress on the three sites allocated in the GHPNP.
115. Of the ninety-one representations received by the District Council before the application was called in, 66 appear to have been written before publicity was given to the substantial amendments to the scheme made in September 2014, the remainder subsequently, so there is some overlap of correspondent name but not exclusively so. Of the ninety-one representations, ten support the proposal (eight prior to September 2014, two repeat their support subsequently). Eighty-one oppose the proposal. The points made by the correspondents are accurately summarised in paragraphs 9.2 and 9.3 of the District Council's Committee report.
116. Other than the Great Horwood Parish Council, the nineteen corporate responses from sixteen organisations make no principled objection to the proposal. Several suggest amendments (which were made), conditions or matters to be met in a planning obligation. They are accurately summarised in section 8 of the District Council's Committee report.

Inspector's Conclusions

117. In this section of my report, numbers in square parentheses thus [] refer to paragraphs in preceding sections of the report from which these conclusions are drawn. During the Inquiry, extensive reference was made to previous appeal decisions and court judgments. I have not made explicit reference to each and every one of these, except where it is necessary to distinguish the current case.
118. The main disputed considerations in this Inquiry were those set out by the Secretary of State in his call-in letter [6]. This report is structured on that basis.

Consistency with the Development Plan

119. All parties are agreed, and I concur, that the proposal would not comply with AVDLP policies RA13 and RA14 which would restrict the proposal to five dwellings

or so and the site area to 0.2 ha [40]. Likewise, all parties agree, and I concur, that the proposal would not comply with GHPNP policy 1 in that the application lies outside the settlement boundary defined by that policy and is not intended for agriculture, forestry or to benefit the rural economy [42, 74 and 91].

120. However, all parties agree or accept that those three policies are “out of date” in the terms used by NPPF paragraph 49 and that the advice of paragraph 14 of the NPPF is material to the decision, insofar as the development would be sustainable [89] (I consider this point further, below). The final bullet of NPPF paragraph 14 is the one relevant to this case. It advises that in the applicable circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or unless specific policies in the Framework indicate that development should be restricted.
121. Paragraph 198 of the Framework is, of course, a specific policy that indicates that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted but the word “normally” indicates and allows for the possibility that there may be other considerations at work. In any event, none of the advice or policy in the Framework overrides the statutory requirement which is that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
122. So, notwithstanding the proposal’s clear conflict with AVDLP policies RA13 and RA14 and GHPNP policy 1, whether the decision-making process follows the advice of the penultimate bullet of NPPF paragraph 14, or an examination of what is “normal” for the purposes of NPPF paragraph 198, or an examination of “other material considerations” in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a balancing exercise is required, to which I will return at the end of this report.
123. Other than the clear and agreed conflict with the three policies referred to, the case made by the Parish Council and the representations made by third parties throw into question the proposal’s compliance with AVDLP policies RA2, which amongst other things requires new development in the countryside to maintain the individual identity of villages, and GP35 which, amongst other matters, requires new development to respect and complement the historic scale and context of the setting and the physical characteristics of the surroundings. I discuss this issue below under the heading of the character of the locality.
124. Insofar as the other relevant policies of the Development Plan are concerned, all parties agree that the proposal either complies with the policies or could be made to comply by the use of conditions [41, 72]. To the extent that the Development Plan contains specific relevant policies, I largely concur, with the exception of AVDLP policy GP8 related to living conditions and with the exception of sustainability in more general terms not referring to a specific Development Plan policy. Both of these matters are discussed below.

Housing delivery

125. The adopted AVDLP sought to focus 65% of all new development on Aylesbury and so had no housing delivery target or allocation for Great Horwood, although policies RA13 and 14 would have permitted small schemes of up to five dwellings

- [19]. The record of low housebuilding in Great Horwood [57] should not therefore be regarded as a matter of failure or condemnation; it is entirely consistent with the plan's strategy.
126. The now withdrawn VAPS would have identified Great Horwood as a larger village where growth not amounting to more than 50 dwellings would be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area [24]. But in order to retain flexibility for neighbourhood planning it did not apportion growth to each village. In any event the plan was withdrawn so there is no agreed delivery target for Great Horwood other than that in the GHPNP.
127. The existing allocations in the GHPNP meet its identified housing needs. [28] Progress is being made on delivering the allocations. [91] So there is no pressing need arising from within Great Horwood itself for further housing delivery in terms of quantity.
128. In terms of housing type, at a District-wide level, varying degrees of need are established across all sizes of dwelling. The Parish Council's Housing Study emphasises the need for homes for older people to downsize to and for starter homes in the market sector. [28] The market sector of the proposal would be entirely for four and five-bedroomed properties, so would not address these two identified local needs.
129. The District does not have a currently identified five-year supply of deliverable housing sites. But that is calculated with reference to a 20% buffer reflecting poor past performance. That is more due to a slow take-up than to a failure to give permissions [76]. Recent performance has significantly improved. If repeated, recent performance would justify a lower buffer and bring the Council's supply closer to a five-year requirement.
130. The evidence base being prepared for the forthcoming VALP suggests a need to ramp up the District's housing requirements in order to meet the needs of adjoining Districts with constrained land supply. The issues and options paper for the emerging VALP envisages Great Horwood as a larger village where growth broadly in the order of 100-120 dwellings over the twenty-year plan period would take place.
131. There are several points to observe about this emerging plan
- The figure of 100-120 dwellings over a twenty-year period does not indicate a pressing need to increase housing delivery in Great Horwood in the short term over and above the 45 already identified, delivery of which appears to be progressing.
 - The suggested figures appear to be a top-down allocation from the identified objectively-assessed needs of the District as a whole on to which has been added an allowance for the needs arising from other districts; it does not appear to have been derived from an assessment of needs arising locally.
 - As such, it could just as easily be allocated to any other appropriate settlement. The suggested allocation appears to be simply a factoring up of the controversial and contested allocation suggested in the previous and now withdrawn VAPS. Both the categorisation of settlements and the spatial distribution of allocations have been criticised, not least for failing to take

account of the relative physical, environmental and infrastructural capacities of each village in each category. It is not for this report to anticipate what the appropriate quantity or allocation of housing requirements in VALP should be [55, 70]. They have not been tested at examination but it would be wrong to reject them for that reason. Equally it would be wrong to presume that the allocations canvassed in the Issues and Options paper are to be treated as housing requirements demanding that permission for the current proposal be granted.

- The quantity of land identified as suitable for housing falls short of the canvassed requirements in all of the options [31, 55, 71, 79].
- The proposal would represent a minimal percentage of the five-year supply anticipated to be needed.[106]

132. So, in terms of housing supply overall, I conclude that the proposal would, like any housing proposal anywhere, boost the supply of housing. But the significance of the proposal to the need for and supply of housing in general would be minimal [106], there is no evidence of pressing need in Great Horwood specifically, as opposed to Aylesbury Vale in general and there is no argument that the proposal would address the greatest local need for particular housing types in the market sector, which is for starter homes [28, 91]. I conclude that the absence of starter homes means that the proposal would do little to widen opportunities for home ownership. The focus on larger homes in the market sector would do little to provide a wider choice.

133. All parties are agreed that the provision of affordable housing would be a benefit [47, 50, 77 and 91]. It would greatly exceed the requirements of AVDLP policy GP2 [15] and would comply with GHPNP policy 1 requirements if they were to apply to this site. It would provide for more than half of the number of households identified as being in need in the parish and the mix of affordable housing proposed responds to the requirements of the District Council's Housing officer [50]. The allocated sites in the GHPNP would also provide for more than half of the households identified as being in need but, that leaves a shortfall still to be provided for and there are doubts about the deliverability of the GHPNP's affordability requirements [47].

134. I conclude that in terms of the need for, and supply of, affordable housing, the benefits of the proposal would be significant.

Sustainability

135. To achieve sustainable development in accordance with the advice contained in paragraphs 6 and 7 of the NPPF requires the application of all the policies in paragraphs 18 to 219, taken as a whole and considered in relation to its three dimensions; economic, social and environmental. These interrelate; for example, the economic role requires land to be available in the right places and to be coordinated with the provision of infrastructure just as the social role requires accessibility to local services. The social role requires a high quality built environment just as the environmental role requires protection and enhancement of our built and historic environment.

136. Not all the dimensions of sustainable development are contested in relation to the current application; for example the benefits claimed by the applicant [67]

are largely uncontested except as to quantity and significance. They cover all three dimensions of sustainability. The site is greenfield [12] but no main party and only one third party correspondent [111] even commented on that or the priority in favour of brownfield land set out in the eighth bullet point of NPPF paragraph 17; there seemed to be common acceptance that the development needs of Aylesbury Vale would require land of this type. What is contested is whether the land is in the right place, coordinated with infrastructure requirements and accessible local services and whether it supports the community's cultural well-being in relation to its built and historic environment. In this section I discuss the first of these contested issues. I deal with the second in the following section headed character.

137. In terms of daily life, the centre of Great Horwood offers little by way of employment but Greenway Business Park, developed in 2005-6, is just outside the village confines, within a distance which would be accessible on foot or by bicycle if a road closure at Spring Lane did not require more circuitous access. However, its employment offer is limited, there is no suggestion that its employment base is expanding and so it is likely that residents of the proposed development would have to travel further afield for employment, as most residents of the village already do.
138. Although there is a mobile post office in the village hall one morning per week, there is no shop or fresh food outlet in Great Horwood. There are no health care facilities (doctor, dentist or pharmacy). To obtain food or medicine, residents of the development would have to travel to higher order settlements such as Winslow, Buckingham or Milton Keynes.
139. There is a Combined Primary School so children of primary school age would not need to travel far for their education. Secondary education requires travel to a higher order settlement.
140. Spiritual and Leisure needs are provided within the village by a church, village hall and a recreation ground including a LEAP. Although the quantity of sports and leisure facilities in the village is below planning standards, additional provision would be made on site, so it would not be necessary for residents of the proposed development to travel afield.
141. In addition to irregular and infrequent community bus services a regular bus service is provided, three times a day, Mondays to Saturdays, which gives direct access to Winslow and Milton Keynes but it does not run after the early afternoon so normal hours of commuting to more distant employment are not feasible by public transport.
142. A previous Inspector has offered the view that Great Horwood represents a relatively sustainable location. But even the appellant's consultant, who does not accept the relativity of that opinion in relation to the size and scale of the proposal then being considered (three dwellings), accepts that the village would not be sustainable for unlimited development.
143. Allowance must be made, in accordance with NPPF paragraph 34, for the fact that Great Horwood is in a rural area. I also acknowledge that the Parish itself has accepted that 65 dwellings might be an appropriate growth target for the village in the eventual adoption of VALP [45].

144. But, as things stand at present, the very limited facilities to serve daily needs, the absence of any proposal for providing more facilities or for expanding local employment or for improving accessibility to Greenway Business Park or for improving bus services (to which the development could have contributed) leads me to conclude that development in Great Horwood of the scale proposed in addition to that already allocated in the GHPNP would not be located where the need to travel would be minimised and the use of sustainable transport modes could be maximised in the way envisaged by NPPF paragraph 34. It would therefore fail to perform the social role of sustainable development. Neither would it be in the right place to fulfil the economic role.
145. This conclusion should not be taken to offer an opinion on the controversy concerning the categorisation of Great Horwood within the settlement hierarchy of Aylesbury Vale. It may be that when that is examined, it is found that there is no choice but to allocate development sites in Great Horwood in order to meet overriding needs of a wider area. But that question is not before me in this Inquiry and it would be wrong to base a recommendation for the case which is before me on any supposition about the outcome of a future examination of VALP.

Character

146. The evidence base of the GHPNP which justifies the limitation on the size of development to be permitted in accordance with policy 1 is based partly on the community's expressed preference for a number of households which it perceives would be capable of easy assimilation into the community and partly on an analysis of the size of developments which have occurred in modern times.
147. From my site visit, I was able to see that off Little Horwood Road, the developments of Townsend Cottages, The Close, Weston Road and Willow Road comprised groups of about 16 and 25 houses each (including those numbered into Little Horwood Road but forming part of each group) making up a total of around 80 or so dwellings. On the other hand, in the southern half of the village the development of Spring Lane and Greenway comprises a single, homogenous grouping of about 80 units.
148. So, although I agree that the greater number of modern developments and those closest to the application site comprises groupings of about half the number proposed in the current application, a considerable proportion of the village as a whole is formed from a single development about twice the size of the current application. I cannot therefore agree that the size of development now proposed would be inconsistent with the visual character with the village as a whole. I conclude that it would not fail to serve the environmental role of sustainable development and that it would comply with AVDLP policies RA2 and GP35 which require new development in the countryside to maintain the individual identity of villages and the design of new development to respect and complement the physical characteristics of the site and its surroundings and the historic scale and context of the setting.

Highway safety

149. During my site visit I was able to see for myself that the width and alignment of Weston Road and, in contrast to Willow Road (the intended access to serve a nearby development proposal), the sightlines at its junction with Little Horwood

Road are, as the County Highway Authority avers, adequate to serve the development, subject only to a condition requiring a hedge to be trimmed. I therefore conclude that the proposal would not compromise highway safety.

Infrastructure

150. Consultation responses from within the District Council and from other official bodies have identified impacts of the proposal on local infrastructure [116]. The appellant has responded to these partly by provisions within the proposal itself (such as the public open space and LEAP) and partly by a s106 agreement providing money to maintain the open space and LEAP and to provide sixth form education provision and enhanced sports and leisure facilities in the village hall [64]. The District Council certifies that these are CIL compliant. [85]. There is no information to indicate otherwise. Although, as described earlier, the proposal does little to improve the inherent unsustainability of Great Horwood as a location, the s106 agreement with the District Council would balance the increased burdens on infrastructure which would result from the proposal itself. I therefore conclude that the effects of the proposal on infrastructure would be acceptable and that the proposal would comply with AVDLP policies GP86, 87, 88, 90, 91 and 94 the provisions of which were described earlier [16 and 17].

Ecology

151. As originally submitted, the application did not recognise that the site included grassland of nature conservation interest. At about the same time as representations from Mrs M Oliver were made, the applicant's consultants carried out a close study of the ecology of the site. Their report of July 2014 reached similar conclusions to those of Mrs Oliver's letter of 8 June 2014, identifying the grassland as a valued ecological receptor and its loss as negative, certain, irreversible and permanent, significantly negative at the local/parish level.

152. Although the District Council does not consider that an absence of remedial action would call for the application to be refused permission [85], the appellant's consultants point out that paragraph 109 of the NPPF calls for the planning system to protect and enhance valued soils and to minimise impacts on biodiversity and providing net gains where possible. Using the District's own Biodiversity Impact Assessment identifies a net loss in biodiversity which calls for compensation.

153. Taking the precautionary principle as a guide, I conclude that the compensatory measures set out in the applicant's Unilateral Undertaking are necessary to make the proposal acceptable. After taking these into account, and with the imposition of other conditions recommended by the applicant's consultants, I conclude that the effects of the proposal on ecology would be acceptable.

Living conditions

154. The position of the proposed tree screen along the northern boundary of the site and the planting specification shown on the landscape plans convinces me that the explanation offered by the applicant's consultants in Inquiry document ID2 responding to Mrs Holland's letter is sound and that the proposal would not lead to unacceptable overshadowing to neighbours' gardens. Examination of the layout proposed, the drawings of house type C1 and inspection on site of the

flank of number 16 Weston Road demonstrates that there would be unacceptably close face to face overlooking between secondary windows to bedrooms in the respective dwellings. However, a condition to require obscure glazing to be used and retained in the first floor flank window of the house on plot 42 would resolve the issue.

155. With that condition in place I am satisfied that the proposal would not result in unacceptable living conditions for residents of existing dwellings neighbouring the proposal. However, I am less convinced that the proposal would result in acceptable living conditions for potential future residents of plots 37-39 of the application itself.
156. These plots comprise three affordable flats in an apartment block. Although these are only two bedroomed flats, because they would be closely-managed affordable housing they would potentially house children. Yet they have little or no usable amenity space or protection against noise and disturbance because they abut the boundary on one side and are separated by minimal landscaping strips from the public road to the front and from an access way to a parking court to the side and rear serving other unrelated properties.
157. My questions to the Council officer assessing the application made it clear that she had not realised that the parking court did not serve the three flats and so was unconcerned by the relationship [85]. The applicant's expert witness considered the relationship acceptable [66]. The Council does not have any standards for amenity space or for outlook but in my judgment, this arrangement would not supply the good standard of amenity sought in the fourth of the government's twelve planning principles set out in paragraph 17 of the NPPF.
158. It may seem disproportionate to recommend refusal of permission for 42 dwellings in part based on poor living conditions for just three of the properties but there is no information to demonstrate that a condition could successfully achieve an acceptable redesign even though a cursory glance of the layout of the apartment block and the parking court shows such an inefficient use of land that the potential for finding an improved and more acceptable layout can be seen to be great.
159. I therefore conclude that the proposed design would prevent satisfactory living conditions being provided for the potential future occupants of plots 37 – 39. Although AVDLP policy GP8 seeks to safeguard the amenity of neighbours to a development, the same principles are applicable to residents within a proposal.

Summary

160. The proposal is for more than five dwellings on a site larger than 0.2ha, so the proposal does not comply with AVDLP policies RA13 and RA14. It is outside the Great Horwood settlement boundary and is not intended for agriculture, forestry or to benefit the rural economy and so would be contrary to GHPNP policy 1. In all other relevant respects, it would comply with such saved policies of the AVDLP as there are.
161. At the present time, the District falls 16% short of a supply of specific deliverable sites sufficient to provide five years' worth of housing when measured, not against the requirements of an adopted plan, but against an untested assessment of objectively assessed needs derived from the CBHEDNA.

Although any housing anywhere boosts delivery, this proposal would represent a minimal percentage of the five-year supply anticipated to be needed.

162. There does not appear to be a pressing local need to increase general housing delivery in Great Horwood in the short term over and above the 45 units allocated in the GHPNP; such needs as are identified derive from the wider needs of Aylesbury Vale and surrounding districts. No agreed allocation of that demand exists. So the benefits of boosting housing supply in general in this location in particular would, in this case, be relatively small.
163. The Secretary of State particularly asked to be advised in relation to NPPF policies on delivering a wide choice of high quality homes and widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. With the exception of the three units in the apartment block, the high quality of the homes proposed is not questioned. Although lacking specific provision for elderly people, it would offer a degree of mix of market and affordable homes. But, the market homes would be exclusively four or five bedroomed properties and so would not offer a wide choice. The absence of starter homes would make no contribution to widening opportunities for home ownership. So, there would be few benefits in terms of the considerations of interest to the Secretary of State.
164. On the other hand, the existing allocations in Great Horwood would only deliver a little over half the quantity of affordable housing to meet the requirements of those identified as requiring such accommodation in Great Horwood. For this reason, the provision of affordable housing proposed would be a significant benefit.
165. Great Horwood is not a well-serviced village. Apart from any general effects from increasing the available expenditure of its resident population (and no information is provided to show that any effects are expected), the proposal would not alter that circumstance. Notwithstanding the provision of a Green Travel Plan, the development would not be located where the need to travel would be minimised and the use of sustainable transport modes could be maximised. Some harm, in terms of resources used and pollution caused by travel, would result from that.
166. Upon close inspection, the evidence base for the site-size limitation policy of the GHPNP does not support the idea that a development of 42 homes would be out of character with Great Horwood. No harm to its character or individual identity would result from the proposal.
167. However, there would be hurt to those who contributed their time and effort to the making of the GHPNP. There is an expectation, which would be dashed if this proposal were allowed, that the provisions of the GHPNP will have bite [95, 99, 104, 109]. Although metaphysical rather than tangible, this would be a form of harm if the proposal were allowed.
168. Concerns about highway safety, impacts on infrastructure, ecology and the living conditions at existing neighbouring properties can all be met by conditions or by the provisions of planning obligations. But there remains one small part of the proposal which would not provide good living conditions for its potential future residents. Although only affecting a small percentage of the total

development, a consideration which might tempt them to be passed over, the effects would be substantial for the few individuals concerned.

The planning balance

169. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The housing land supply position means that paragraph 49 of the Framework is a material consideration. Consequently, notwithstanding the proposal's clear conflict with AVDLP policies RA13 and RA14 and GHPNP policy 1, all policies for the supply of housing, such as these, are to be regarded as out of date, though they remain in force as part of the statutory development plan and so are the starting point of any decision.
170. As noted earlier, whether the decision-making process follows the advice of the penultimate bullet of NPPF paragraph 14, or an examination of what is "normal" for the purposes of NPPF paragraph 198, or an examination of "other material considerations" in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a balancing exercise is required. I set this out within the three dimensions of sustainable development set out in paragraph 7 of the Framework.
171. It is a fact [12] that the site is greenfield and so is not the preferred type of land for development but the point forms no part of any of the main parties' cases, so I simply note the fact and move on. It is available at the right time when development land is needed but not in the right place to minimise the need to travel or to maximise the use of sustainable transport modes in the way sought by NPPF paragraphs 17 (bullet 11) and 34. Some infrastructure required for the development is identified and coordinated through the planning obligation as I acknowledge in my paragraph 150. Others, such as improved public transport are not. So, as I have concluded earlier, in my paragraph 144, the development would not be in the right place to fulfil the economic role of sustainable development.
172. In terms of the social role, I have concluded earlier, in my paragraphs 132 and 133, that the proposal would boost the supply of housing and would be a significant benefit to the supply of affordable housing but would do little to meet specific local needs in the market sector. As I conclude in my paragraphs 155-9, three of the forty-two units would not experience a high quality built environment. And, as I conclude in my paragraph 144 it would fail to fulfil the social role overall because of the lack of accessible local services.
173. In terms of the environmental role, it is a given that this is a greenfield site so cannot protect or enhance that part of the natural environment represented by the site itself but, in other respects, as I have concluded in my paragraphs 148 and 153, the proposal would not fail to serve the environmental role of sustainable development. But no particular environmental benefits ensue.
174. So, there would be harm resulting from the location of the proposal in a village not well-served with facilities for daily living. There would be substantial harm to a relative few of its potential future residents in terms of their living conditions. There would be substantial benefits from the delivery of affordable housing but only minimal benefits from the contribution of the proposal to the supply of housing in general or to widening choice or to creating opportunities for home

ownership. Overall, I conclude that the balance of harm outweighs the benefits and so I recommend that this application be refused permission.

175. In addition to these substantive and pragmatic effects which lead me to advise that permission be refused there would be harm from the failure to comply with those parts of the GHPNP identified, albeit the harm would be a more conceptual harm, in terms of the discouragement given to people who have invested time and energy into participation in its preparation.

Conditions

176. Although my recommendation is that the application should not be approved and that planning permission should be refused, it is necessary to advise the Secretary of State on the appropriate conditions to apply in the event that my main recommendation is not followed. The two main parties agreed on a set of conditions to apply in the event of the application being permitted.¹⁵⁶ The numbers in the paragraphs below refer to the numbers given to the suggested conditions in that document, not to the numbers given to my recommended conditions attached as an appendix to this report. I have considered the suggested conditions in the light of advice contained in the government's Planning Practice Guidance, preferring, where appropriate, the wording of the model conditions set out in the Annex to the otherwise now cancelled Circular 11/95, *the Use of Conditions in Planning Permissions*.
177. One of the suggested benefits of the proposal is its delivery of housing and affordable housing. Suggested condition 1 puts forward an abbreviated timescale for commencement of development in pursuit of this benefit.
178. Because the application was amended during its consideration by the Council (and further revised drawings, correcting errors were submitted during the Inquiry) a further condition would be necessary and is recommended in addition to those suggested by the parties, in order to make clear the details of the proposal which are to be followed.
179. Some of the suggested conditions would have required the submission of details which are already submitted in the detailed plans forming part of the application. In those instances where there is no suggestion that the details are unsatisfactory it would not be necessary to require further submissions; all that would be required is that the development be carried out in accordance with the approved plans. This applies to suggested conditions (3), (6) and (13 (to a degree)) but not to suggested condition (9) because the Green Travel Plan submitted with the application does not include targets. Although the District Council finds the drainage strategy acceptable in principle, calculations to justify the sizing of its parts would be required.
180. Although the proposal would constitute development of housing which is regarded as a sensitive use and so the Council's Environmental Health team has sought a condition requiring an assessment and remediation there is no

¹⁵⁶ Inquiry document ID17, adding two conditions to the document attached as Appendix 9 to the Statement of Common Ground (Core Document CD1(A)). The discrepancy between the two documents concerning the time validity of the permission in suggested condition 1 was resolved at the Inquiry in favour of the 18months suggested in CD1(A).

information to show reason to believe that land contamination of this site could be an issue, which is necessary to justify such a condition.

181. Because the topography of the site requires earth moving to accommodate the development a condition would be necessary to provide details of the consequent floor levels of the proposed dwellings. Two additional conditions would be necessary to give effect to the applicant's consultants' recommendations for tree protection and public lighting.

Recommendation

File Ref: APP/J0405/V/15/3137967

182. I recommend that planning permission be refused.

P. W. Clark

Inspector

Richborough Estates

RECOMMENDED CONDITIONS IN THE EVENT OF THE APPLICATION BEING APPROVED

- 1) The development hereby permitted shall begin not later than eighteen months from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (i) Drawings prefixed 101301-WIM-SM; numbered 01 revision B, proposed planning layout; 02 revision B, proposed information layout; 03 revision B proposed storey heights layout; 04 revision B, proposed tenure layout; 05 revision B Proposed unit types; 06 revision C Location Plan; SS01 revision A street scene 01; SS02 revision A, street scene 02; SS03 revision A street scene 03; SS04 revision A street scene 04; A-E1, house type A elevations; A-P1 house type A floor plans; B-E1 house type B elevations; B-P1 house type B floor plans; C-E1 house type C elevations; C-P1 house type C floor plans; C1-E1 house type C1 elevations; C1-P1 house type C1 floor plans; D-E1 revision A house type D elevations; D-P1 revision A house type D floor plans; E-E1 house type E elevations; E-P1 house type E floor plans; F-E1 and E2 revision A house type F elevations; F-P1 revision A house type F floor plans; G-E1 revision A and E2 revision A house type G elevations; G-P1 revision A house type G floor plans; G-P2 house type G second floor plans; H-E1 house type H elevations; H-P1 house type H floor plans; AA-E1 house type AA elevations; AA-P1 house type AA floor plans; AB-E1 house type AB elevations; AB-P1 house type AB floor plans; AD-E1 house type AD elevations; AD-P1 house type AD floor plans; B1-E1 and E2 both revision A apartment block 1 elevations; B1-P1 revision A apartment block 1 ground floor plan; B1-P2 revision A apartment block 1 first floor plan; GAR01 double garage type 1; GAR02 double garage type 2; GAR03 double garage type 3; CS01 cycle shed. (ii) Drawings prefixed TWSM18976, numbered 11 sheets 1 and 2 both revision D soft landscape proposals; 12 sheets 1 and 2 both revision C hard landscape proposals and 13 A revision A LEAP proposals. (iii) Drawings prefaced 17146 numbered 2003_C Surface Water Drainage Outfall and 2005_A Drainage Strategy.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the proposed slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of and calculations to justify the sizing and capacity of the drainage strategy proposed have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall take place until a programme of archaeological investigation of the probable pits and post-hole identified in the

Archaeological Evaluation by Foundations Archaeology (report number 966 dated May 2014)) has been implemented in accordance with a written scheme which has been submitted to and approved in writing by the local planning authority.

- 7) No development shall take place until details of (i) a mitigation strategy for ecological features and (ii) a lighting scheme, both in accordance with the recommendations of section 6 of the Ecological Impact Assessment by Ecological Planning and Research Ltd, dated July 2014, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) No other part of the development shall begin until visibility splays have been provided between a point 2.4m along the centre line of Weston Road at its junction with Little Horwood Road measured from the back line of footway along Little Horwood Road and points 43 m along the back line of the footway along Little Horwood Road in both directions measured from the centre line of Weston Road. The area contained within the splays shall be kept free of any obstruction exceeding 0.6m in height above the nearside channel level of the carriageway.
- 9) No dwelling shall be occupied until details of a Travel Plan for the completed development have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 10) Before the first occupation of the building hereby permitted on plot 42 the windows at first floor level in its northern elevation shall be fitted with obscured glass, fixed shut unless more than 1.7m above internal floor level and shall be permanently retained in that condition.
- 11) In this condition "retained tree" means an existing tree which is to be retained in accordance with the Tree Protection Plan dated April 2014 drawing number TWSM18976-03B; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the last dwelling to be occupied.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the submitted Arboricultural Impact Assessment & Method Statement revision B prepared by ACD Arboriculture before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground

levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

- 12) No dwelling shall be occupied until (i) the roads which provide access to it from the existing highway have been completed in accordance with the approved details, (ii) its parking, garaging and manoeuvring spaces have been completed in accordance with the approved drawings, (iii) its hard landscaping has been completed in accordance with the approved drawings and (iv) its surface and foul water drainage has been completed and made operational in accordance with the approved drawings.
- 13) The soft landscaping shall be carried out in accordance with the approved details within the first planting season following the first occupation of the development or its completion, whichever is the sooner. Any tree or shrub which forms part of the approved landscaping scheme 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 similar species size and maturity.

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APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Hereward Phillpot QC	Instructed by Elaine Bell, Senior Lawyer, HB Law
He called	
Claire Bayley BSc MRTPI	Principal Planning Officer, Aylesbury Vale District Council

FOR THE APPLICANT:

Morag Ellis QC	Instructed by Geoff Armstrong
She called	
Geoff Armstrong	Director, Armstrong Rigg Planning
BA(Hons) MRTPI	

FOR THE GREAT HORWOOD PARISH COUNCIL:

Matthew Dale-Harris, of Counsel	Instructed by Carol Day, Solicitor, Leigh Day
He called	
David Saunders MA PhD	Local resident
CMath FIMA	
Neil Homer MBA	Director, RCON Ltd
BSc(Hons) DipTP MRTPI	

INTERESTED PERSONS:

Mrs Jane Holland	Great Horwood Parish Councillor
John Scholtens	Chairman, Great Horwood Parish Council
Roy van de Poll	Winslow Town Councillor
Vic Otter	Resident of Winslow
John Gilbey	Vice-Chairman, Great Horwood Parish Council
Cllr Llew Monger	Aylesbury Vale District Councillor

APPLICATION DOCUMENTS (AD)

- 1 Agricultural Land Classification Survey
- 2 Arboricultural Impact Assessment, revision B, including drawing number TWSM18976-03B Tree Protection Plan
- 3 Archaeology & Heritage Assessment January 2014
- 4 Archaeological evaluation May 2014
- 5 Design and Access Statement May 2014
- 6 Ecological Appraisal report May 2014
- 7 Ecological Impact Assessment July 2014
- 8 Food Risk Assessment revision B September 2014
- 9 Foul Sewerage and Utilities Assessment revision A, May 2014
- 10 Geophysical Survey April 2014
- 11 Green Travel Plan revision B June 2014
- 12 Landscape and Visual Impact Assessment revision C, March 2014
- 13 Landscape Management and Maintenance Plan revision C, April 2014
- 14 Overview Report on Existing Open Space and Play Facilities revision D, March 2014
- 15 Planning Statement, May 2014
- 16 RoSPA report dated 1 October 2014
- 17 Soft Landscape Specification dated April 2014
- 18 Statement of Community Involvement dated May 2014
- 19 Sustainability and Energy Statement dated May 2014
- 20 Transport Statement revision B dated June 2014
- 21 Tree Report dated December 2013
- 22 Waste Management Strategy revision A dated May 2014

CORE DOCUMENTS (CD)

- 1 A) Statement of Common Ground dated 29 January 2016 between Applicant and Local Planning Authority including appendices:
 - App 1 – VALP 2013-2033 Issues and Options Consultation Document (October 2015)
 - App 2 – Great Horwood Parish Neighbourhood Plan
 - App 3 – Winslow Neighbourhood Plan, policy 6
 - App 4 – AVDC pre-application comments and masterplan
 - App 5 – Schedule of application plans and documents
 - App 6 – SoS Call-in letter dated 30 October 2015
 - App 7 – List of AVDLP saved policies
 - App 8 – VAP Inspectors letter dated 7 January 2014 and extract from VAP (policy VS2)
 - App 9 – List of planning conditionsB) Statement of Common Ground dated March 2016 between Applicant and Great Horwood Parish Council
- 2 Applicant Statement of Case including appendices:
 - App 1 – AVDC pre-application advice letter and masterplan
 - App 2 – Schedule of application plans and documents
 - App 3 – Note of meeting with AVDC officers 15 August 2014
 - App 4 – AVDC report to Strategic Development Management

- Committee and minute of meeting 23 September 2015
- App 5 – SoS Call-In letter dated 30 October 2015
- App 6 – SoS decision Hook Norton, Banbury, Ref. App/C3105/A/14/2226552
- App 7 (Hard copy on file only, not on electronic copy) – Great Horwood Neighbourhood Planning Team Feedback
- 3 AVDC Statement of Case including appendices:
 - App 1 – Planning officers report to Committee and corrigendum
 - App 2 – Draft S106
 - App 3 – GHPNP Examiners Report
 - App 4 – GHPNP
- 4 GHPC Statement of Case
- 5 GHPNP: Reg 16 Representation on behalf of Taylor Wimpey (2014)
- 6 GHPNP: Sustainability Appraisal (2014)
- 7 GHPNP: Basic Conditions Statement (2014)
- 8 GHPNP: Critique of 2012 Aylesbury Vale Settlement Hierarchy Study (2014)¹⁵⁷
- 9 Great Horwood Parish Housing Survey (2014)¹⁵⁸
- 10 Great Horwood Fact Pack (2012)
- 11 Aylesbury Vale Housing & Economic Land Assessment (AVDC 2015) (pages 1-17, 99-104 and 228-236)
- 12 Aylesbury Vale Settlement Hierarchy Study (AVDC 2015)
- 13 Draft Vale of Aylesbury Plan (AVDC, 2013: Withdrawn)
- 14 Aylesbury Vale Strategic Housing Land Availability Assessment (AVDC 2013) (pages 1-27, 37 and 90-91)
- 15 Aylesbury Vale Settlement Hierarchy Study (AVDC, 2012)
- 16 Draft Preferred Options Aylesbury Vale LDF Core Strategy (AVDC, 2007)
- 17 Aylesbury Vale District Local Plan (AVDC, 2004)
- 18 National Planning Policy Framework (2012)
- 19 Planning Policy Guidance (as at February 2016)
 1. CD19.1 ID 41 Neighbourhood Planning
 2. CD19.2 ID 23b Planning Obligations
 3. CD19.3 ID 3 Housing and Economic Land Availability
- 20 Planning Application (Ref. 14/01540/APP) Land south of Weston Road, Great Horwood – Planning Statement, Green Travel Plan.
- 21 Planning Application (Ref. 14/02414/AOP) Land at Willow Road, Great Horwood
- 22 S78 Appeal decision APP/J0405/A/14/2213924, Land East of Little Horwood Road, Winslow
- 23 S78 Appeal decision APP/J0405/A/13/2205858, Land South of Verney Road, Winslow
- 24 Letter from Rt Hon John Bercow MP to Mr David Bolton, Local resident, 5 October 2015
- 25 Crane v SoS for Communities and Local Government [2015] EWHC 425 (Admin)
- 26 Woodcock Holdings Ltd v SoS for Communities and Local

¹⁵⁷ PoE David Saunders, appendix F

¹⁵⁸ PoE Geoff Armstrong, appendix 11

- Government [2015] EWHC 1173 (Admin); [2015] J.P.L. 1151
- 27 AVDC Affordable Housing Interim Position Statement (June 2014)
- 28 Proposed Submission Core Strategy June 2009
- 29 CD29.1 Supplementary Planning Guidance on Sport and Leisure
Facilities (2004) and
CD29.2 Companion Document Ready Reckoner (2005)
- 30 Guidance on Planning Obligations for Education Provision, BCC
(2010)
- 31 Aylesbury Vale Housing and Economic Development Needs
Assessment (June 2015)
- 32 Central Buckinghamshire Housing and Economic Development
Needs Assessment (October 2015)
- 33 Great Horwood Conservation Area Document (December 2012)

DOCUMENTS submitted at Inquiry (ID)

- 1 Draft s106 Agreement
- 2 ACD response to Jane Holland dated 14 March 2016
- 3 Appeal decision APP/H1705/W/15/3005729
- 4 VALP Issues and Options Consultation Responses
- 5 Officer report on application 15/00774/AOP
- 6 Edward Ware Homes Ltd v SSCLG and BANES [2016] EWHC 103
(Admin)
- 7 (a) Appeal decision APP/P1615/A/14/2218921
(b) Challenge to Appeal decision APP/P1615/A/14/2218921
(c) Notification of Judge's decision on request to challenge
Appeal decision APP/P1615/A/14/2218921
- 8 Draft Unilateral Undertaking
- 9 Extract from rating list for Great Horwood
- 10 Appeal decision APP/D3830/A/12/2189451
- 11 EPR letter dated 14.3.16 responding to Mrs Oliver's letter
- 12 (a) Letter dated 22 January 2014 from Rita Jenkins to Mr
Hanson
(b) E-mail response dated 23 January 2014 from Roger
Welchman
- 13 Great Horwood Parish Council response to Vale of Aylesbury Local
Plan Issues and Options Consultation
- 14 Design and Access Statement for development at Nash Road
- 15 CIL compliance schedule
- 16 Suffolk Coastal DC v Hopkins Homes Ltd and SSCLG [2016] EWCA
Civ 168
- 17 List of suggested conditions
- 18 Settlements subject to a Neighbourhood Plan within Aylesbury
Vale
- 19 Bundle of revised House type D F and G documents
- 20 E-mail trail about proposed use of planning obligation funds for
footpath
- 21 Bundle of corrected drawings of topographical survey and
Drainage Strategy
- 22 References made by Mr Otter
- 23 Bundle of documents submitted by John Gilbey

- 24 Weekly Law Reports 31.10.1997; City of Edinburgh Council v Secretary of State for Scotland
- 25 Cala Homes (South) Ltd v SSCLG & Winchester City Council [2011] EWHC97 (Admin)

DOCUMENTS submitted by agreement after Inquiry sittings (PID)

- 1 A) Signed and dated s106 agreement
B) signed and dated Unilateral Undertaking
- 2 Appellant's comments on undated ministerial letter
- 3 District Council's comments on drainage strategy
- 4 Parish Council's comments on undated ministerial letter

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.