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# Appeal Decision

Inquiry opened 29 November 2016

Site visit made on 2 December 2016

by **D R Cullingford** BA MPhil MRTPI

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

Decision date: 05 January 2017

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**Appeal Ref: APP/J0405/W/16/3146817**

**Land at Valley Farm, Soulbury, Leighton Linlade, Buckinghamshire, LU7 0JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is by Paul Newman New Homes against the decision of the Aylesbury Vale District Council.
- The application (ref: 14/03724/AOP and dated 19 December 2014) was refused by notice dated 17 February 2016.
- The development is described as an 'outline planning application [with all matters except the means of access reserved for subsequent approval] for a mixed use development including residential (C3) –some 300 dwellings - employment (B1), commercial (A1-A5 inclusive), leisure and community (D2), and an ambulance waiting facility (sui generis), together with associated roads, drainage, car parking, servicing, footpaths, cycle-ways, public open space, informal open space and landscaping'.

**Summary of Decision: ~ The appeal is dismissed.**

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## Procedural matters

1. This 'urban development project' falls within the descriptions set out at paragraph 10b of Schedule 2 and exceeds the thresholds in column 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. An Environmental Statement has been submitted and an Environmental Impact Assessment has been undertaken. Hence, the application was accompanied by a:

- An Environmental Statement
- An Environmental Statement (non-technical summary)
- A Supporting Planning Statement
- A Design and Access Statement
- An Infrastructure Services Report
- Ecology Appraisal
- Flood Risk Assessment & Drainage Strategy
- Archaeology and Heritage Statement
- Arboricultural Assessment
- Transport Statement
- Travel Plan, and a
- Statement of Community Involvement

In addition, the following drawings were submitted as part of the application:

- Site Plan (drawing no. C9914.14.051)
  - Masterplan & Landscape Strategy Plan (drawing no. C9914.14.901 JD)
  - Concept Masterplan (drawing no. C9914.14.775), and
  - Proposed Site Access Arrangement off Leighton Road (drawing no. 4297/SK/201)
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And, during the course of determining the application, further explanatory documents were submitted, including:

- Response to Landscape Architect & Urban Designer's Consultation (February 2015)
- Verified Visuals Report (July 2015), and
- Comprehensive Planning Summary Document (December 2015)

## **Reasons**

### *The site and surroundings*

2. The appeal site is a little over 42ha. It extends across the west-facing slopes of a modest valley, sweeping down from a gently rounded ridge (at about 130-135m AOD) beyond the western edge of the estates in Leighton Linlade to a small stream beside the dual carriageways of the Stoke Hammond and Leighton Linlade by-pass (A4146 - at roughly 100-105m AOD). It consists of about half a dozen grass fields separated by mature (some probably even ancient) hedgerows that run down the slopes to a meandering farm track connecting the 2 bungalows and farm buildings at Valley Farm (beside Leighton Road, part of the B4032) to the few remnants of the old farmstead, some 0.75km to the south. The site also extends across the slightly flatter land beyond the farm track (varying from about 100-110m AOD) to the banks of the small stream at the bottom of the valley. This forms a swathe of grazing land below the steeper slopes with intervening scrub, ash, willow and fen beside the by-pass.
3. The site is an elongated expanse of fields and farmland stretching across some 1.4km from north to south and over 0.4km from east to west. Beyond the rounded ridge, there are slopes of over 10% before reaching the flatter land beyond the farm track. The most northerly field lies to the north of Leighton Road and nestles beside Linlade Wood (a section of which is ancient woodland and a County Wildlife Site). Leighton Road itself rises up the slope from the by-pass roundabout between wide grass verges, burgeoning hedgerows and some fine hedgerow trees; apart from the traffic, it is much like a rural lane. To the south of Leighton Road, the back gardens at the edge of the Leighton Linlade estates (Malvern and Cotswold Drives and a section of Derwent Road) demarcate the eastern boundary at the top of the site. Although this largely follows the county boundary between 'Beds and Bucks', there appears to be less intervening foliage to mask the northern dwellings compared to those further south, so that the silhouettes of suburban houses are more evident on the skyline there. Further south still, the old field hedgerow (in places 10-12m thick) remains as a dense boundary along Derwent Road, effectively screening the modest bungalows opposite from the open countryside to the west.
4. Beyond the by-pass, arable fields rise across the east-facing slopes of the valley amidst bits of woodland at the Furze and the Hop Gardens and across remnants of parkland at Liscombe Park. Footpaths connect the appeal site to this expanse of rural Buckinghamshire. Footpath SU15/2 descends from the suburban estates at the edge of Leighton Linlade to the old farmstead, meanders beside the stream and the by-pass (which it crosses through an underpass) on its way via other paths either to the village of Soulbury and the Cross Bucks Way or to the village of Stewkley. Footpath SU5/4 skirts the southern extremity of the site to cross the by-pass over a footbridge. There are connections here across Liscombe Park towards Stewkley and (at least nominally) towards the villages of both Burcott and Wing.
5. The site lies about 2km from the village of Soulbury (centred around All Saints Church, the Boot Public House, a modest village hall and an ancient rock) and on the edge of Leighton Buzzard. It is some 2.4km from the Market Place and the High Street in the town, where there are all manner of retail outlets, banks,

restaurants, public houses, the Church of All Saints, a public library, a theatre and a cinema. A Tesco superstore lies about 2km from the site amongst an expanse of car parking and beside an Aldi supermarket; a Waitrose store is closer to the town centre. Local facilities are about 600m from the site in Coniston Drive, including a Tesco Express, a hot food takeaway and a hairdressing salon.

6. Tiddenfoot Leisure Centre is some 2km from the site and offers a swimming pool, a gym, a crèche, outdoor and indoor sports pitches and various fitness classes. There are also leisure facilities at Liscombe Park including a swimming pool, a gym and a café. Plays, films and other performances occur in the Leighton Buzzard Library Theatre within the town centre. A full range of schools is within 2km of the site, including Greenleas Lower School on Derwent Road, Southcott Lower School, Linslade Lower School, Linslade Middle School and Cedars Upper School. Local employment opportunities are available in the town centre and on the Harmill Industrial Estate some 2.5km from the appeal site. Additional employment opportunities (upwards of 350 jobs) are being created within walking and cycling distance of the site at the Liscombe Park Estate. Moreover, the railway station (about 1.5km to the east of the site) provides frequent access to employment and other facilities further afield, including connections to London, Milton Keynes, Northampton, Coventry and Birmingham. There is also a 'commuting' bus service to London (771/772) which stops on Derwent Road while local services provide a half hourly circular route (36A and 36C) along Derwent Road connecting (rather tortuously according to local residents) to the railway station, supermarkets and facilities within the town centre. The site is thus in a sustainable location on the edge of a thriving market town.

*The proposal*

7. The proposal is made in outline with all matters except the means of access reserved for subsequent approval. Those access arrangements are now shown on drawing no.4297/SK/201, ES6.10 and form a traffic-light controlled cross roads with Leighton Road.
8. All other matters are reserved for subsequent approval, although an illustrative Masterplan and a series of related plans indicate how 300 odd dwellings could be arranged around several culs-de-sac taken from a meandering estate road on the upper portions and mainly on the steeper slopes of the site. The layout incorporates a village green, play areas, surface-water attenuation ponds, new planting, bridleways, footpaths and landscaped buffer zones. One of those buffer zones would entail a strip some 35m wide between the back gardens of the existing houses at the top of the site and the proposed dwellings, the nearest of which are intended to be 'low height' structures (containing no more than 1 or 1½ storeys); the buffer zone would accommodate one of the principal footpaths and cycle-ways along the top of the site. Many existing trees and hedgerows are to be retained. The existing footpaths across the site are also intended to remain with new links to the existing paths and into Linslade Wood. Swathes of 'country open space' are to be provided, particularly over the fields in the southern portion of the site. On the lower slopes, Valley Farm Fen is to be retained and enhanced together with areas of 'nature conservation priority open space'. Playing fields with provision for parking are shown beside the by-pass and are to be served via a vehicular access along the farm track from Valley Farm.
9. The employment, commercial and community uses are shown beside the proposed access on to Leighton Road; these are also to be 'low height' buildings. The Design and Access Statement indicates that the dwellings would range in type and size

with 25-30% of the units (some 75-90 homes) offered as 'affordable dwellings' of one kind or another; the submitted section 106 Undertaking provides for 30% of the units to be affordable.

10. The Masterplan identifies a further area for development to the south of the currently proposed estates with a separate access on to Derwent Road. This is denoted as 'potential phase 2 development' and it is indicated to accommodate up to 75 dwellings. The access would be positioned about 800m to the south of Greenleas Lower School on the inside of a bend in Derwent Road. To the south of this 'potential phase 2' are the 'southern fields' which stretch to Rock Lane, some 400m distant, and are shown as 'country open space with strategic street planting and calcareous grassland management'; the playing fields are shown on land beside the by-pass.
11. The scheme differs from the proposal for 900 dwellings submitted and refused planning permission in 2010, and subsequently dismissed at appeal in 2012 (CD04/01). Although the extent of the site is similar (originally 45ha compared to 42ha), the intention is that the built development would be much less extensive (covering just 36% of the site as opposed 63%); it would also be less dense and be enveloped amongst more open areas and landscaping (64% against 37%). Indeed, the housing (omitting phase 2) would extend over only about 0.8km (from north to south) and over about 0.25km from east to west, rather than covering much of the site. The concept is to emulate a high quality exemplar garden suburb set in 27ha of high quality green infrastructure, including a strongly landscaped open space, parkland, nature conservation areas and new woodland planting. Moreover, the housing is to be based on a traditional 'arts and crafts' style which, given the quality of the design and building achieved elsewhere by the appellants (ID14), could well be realised here even though I think that the illustrative layout would need some rethinking to reflect a commensurate street pattern. The intention is that the reduced density would allow wider margins for tree planting along the streets and for additional trees amongst the buildings. A reduction in building heights (now a maximum of 2 storeys, but less at the top of the site) should mean that new tree planting ought to become more noticeable amongst the buildings at an earlier stage. In addition, the intention is that the pallet of materials and 'arts and crafts' house styles would assist the development in blending into its setting.

*The Undertaking*

12. Most of the requirements for facilities and services generated by this scheme would be met within the adjacent market town within Central Bedfordshire rather than Aylesbury Vale. Hence, most of the contributions offered are to be paid to Central Bedfordshire Council. The submitted section 106 Unilateral Undertaking (ID15) would provide a contribution to the costs of monitoring and substantial sums towards additional facilities for pre, primary, upper, grammar and special schools in accordance with Bedfordshire County Council's Guidance on Planning Obligations for Education, the amount depending largely on the distribution of the sizes of dwelling to be accommodated on the site (ID18). The final figures for education must depend on details yet to be submitted, although the relevant formulas are set out in the Education Statement of Common Ground (ID17). Up to £611,547 would be offered to support a new bus route, add new bus stops and set up a 'travel plan' for prospective occupants. Some £316,939 would be provided to improve indoor and outdoor sports facilities (at Tiddenfoot Leisure Centre and Astral Park – ID21) and £204,352 would enable footpaths and bridleways to be improved. A sum of about £212,340 would be offered to increase the capacity at Leighton Road Surgery. For the reasons set out in the CIL Compliance Statement (ID16) and the Statement

from Central Bedfordshire Council (ID18), I agree that those provisions would meet the requirements of Regulations 122 and 123.

13. The Undertaking requires the preparation of a 'community delivery plan' to secure the provision and maintenance of a community facility on the site, currently envisaged beside the commercial and employment uses shown beside Leighton Road. The intention is (as explained at the Inquiry) to set up a 'management company' to ensure that the facility, to be provided as part of the proposed development, would be properly maintained and managed. The Council are concerned that, in the absence of an appropriate bond, they might be saddled with continuing costs of upkeep and maintenance if such a company were to fail (ID19). That is possible. However, the developer has some experience of fostering community based management companies that have proved successful and resilient elsewhere. And here, there is the example of the Southcott Management Company that is responsible for the upkeep and maintenance of common facilities within Bideford Green. Hence, I think that the risk of failure ought to be modest. The provision of the community facility intended here would directly and reasonably relate to the scale and nature of the proposed development and contribute to the creation of a mixed and coherent community, as envisaged by the developers.
14. Unfortunately, the same cannot be said of the intention to provide a village hall for Soulbury. The Undertaking entails a contribution of £262,879 for a new village hall either on the site of the existing building opposite All Saints Church in Soulbury or on a reserve plot yet to be identified somewhere on the appeal site. But, as the Council point out, such a provision would not be 'CIL compliant' (ID16 and ID19). If provided on the appeal site, the facility would be divorced from the residents of Soulbury village and be unnecessary, duplicating the provision intended beside Leighton Road: if provided on the site of the existing building, the facility would be divorced from the proposed development and fail to directly and reasonably relate to the scale and nature of the scheme. In any case, the provision of a village hall for Soulbury is not included as part of the application, so that such a proposal would need to be the subject of a new and separate application, thereby also divorcing the contribution from the appeal scheme in legal terms.
15. The 90 affordable dwellings are to be secured through the proffered Undertaking; 48% are to be for rent, 46% are to be for shared ownership and 6% are offered as 'discounted open market dwellings', to be no more than 80% of market value. The Council raise several concerns (ID19). The distribution between affordable housing for rent and shared ownership does not reflect the requirements set out in the Council's relevant SPD (CD09/02), where 75% for rent and 25% for intermediate housing is sought. It is also very far from the needs currently emerging from the latest version of the Housing and Economic Development Needs Update (2016) (CD08/10). That document, currently denoted as a draft, indicates that 84% of households in need of affordable housing require rented or social rented accommodation with only 16% being able to afford intermediate housing of some kind, such as shared equity or other forms of low cost home ownership. Given the size of the appeal scheme and the number of affordable dwellings it is intended to produce, I consider that there should be very good reasons for persisting with a provision that would fail to reflect the nature of the needs so carefully identified, otherwise it is difficult to see how those needs could be met at all. I appreciate that the 3 'registered providers' contacted all support the distribution proposed and even state that it would reflect housing needs (ID20). But, that view seems to be based on the perceived quality of the design, the intention to provide for a truly mixed community and some preconceptions about impending changes to Government policy. I agree that the scheme could be very well designed and that

there is a strong intention to create a coherent and mixed community. But, the evidence adduced does not convince me that such aims, laudable in themselves, warrant such a disparity between the emerging needs identified and the type and tenure of the affordable dwellings required to meet them. Nor is there anything to suggest that providing the required affordable dwellings to rent would inhibit the establishment of a coherent and mixed community.

16. As for the 'discounted open market dwellings', they are intended to accommodate anyone who meets the requirements set out in the Homes and Community Agency's Capital Funding Guide: Help to Buy, Shared Ownership Funding Criteria. However, the 'discount' is to be secured by each owner and every subsequent owner procuring a restriction against the title of the property from the Land Registry to the effect that disposal would not exceed the maximum price to an 'eligible household'. The registration is to be dependent on receipt of a signed certificate from the Council denoting compliance with the relevant terms of the Undertaking and copies of the registration documents are also to be lodged with the Council (ID15). Although I think that these arrangements might work in securing a permanent discount on these dwellings, I consider that the arrangements are somewhat cumbersome and require the involvement of the Council in a disproportionate level of detail.
17. A further complication is that the Undertaking would allow the 'owner' to substitute 'starter homes' (as defined in the Housing and Planning Act 2016) for the discounted open market dwellings and an appropriate number of affordable homes (both rented and shared ownership) if the provision of 'starter homes' becomes a mandatory requirement. I appreciate that this may be an attempt to insulate the Undertaking from impending legislative changes. But, in the end I consider that it is fundamentally flawed. For, while I can see some synergy between discounted open market dwellings and 'starter homes', I do not agree that the latter can be substituted 'willy-nilly' for the former or that 'starter homes' would obviously meet the needs identified here. First, it is not yet clear that the 'starter homes' are likely to be recognised as affordable dwellings, not least because the mooted eligibility criteria are currently fundamentally different. Second, it is not at all clear how 'starter homes', as currently envisaged, would meet the emerging need identified for affordable rented accommodation.
18. For those reasons, I consider that the current version of the Undertaking would not properly secure the provision of the affordable housing actually required on the appeal site. An opportunity to overcome those defects might be warranted were the appeal to be allowed but, however that is not my decision.

*Conditions*

19. Suggested conditions (document 2 and ID22) would ensure that the scheme would be implemented as intended and that the reserved matters and other details (including hard and soft landscaping and boundary treatments) would be submitted to the Local Planning Authority for approval, in accordance with a Design Code to be prepared and approved: that foul and surface water drainage systems would be installed and controlled: that a Construction Management Plan (including hours of operation) would be devised and implemented: that further archaeological investigations would be undertaken: and that the 'green infrastructure', the retention of trees and the provision of new pedestrian and cycle facilities would be secured. An important suggestion is that development should begin within 18 months to ensure that the scheme would contribute to the 5-year supply of housing.

20. The Council are concerned that the Open Space Management Plan, intended to secure the management and maintenance of all the open space to be provided on the site, is not supported by a bond offered in the Undertaking to guard against the possible failure of any community management company set up to undertake those tasks. A similar concern is raised in relation to the SUDS arrangements. However, for similar reasons to those explained above, I think that the developer's experience in fostering community based management companies that have proved successful and resilient elsewhere warrants some support. So, although some amendment to the conditions would be necessary (removing an explicit reference to 'financial arrangements' in condition 20, being one example (ID22)), the principle of securing the maintenance of the open spaces and the SUDS seems reasonable to me, at least in this particular instance.

*Planning policy and the main issues*

21. The Development Plan currently consists of the 'saved' policies in the Aylesbury Vale District Local Plan (adopted in 2004) and intended to cover the period 2001-2011 (CD6/01); it is thus 'time expired'. There is also an emerging Vale of Aylesbury Local Plan (CD8/01). This is currently in draft form following several rounds of consultation. It is awaiting further amendment to accommodate objections raised in the recent round of consultation (July 2016) and the changes in the Housing and Economic Development Needs Update (2016) (CD08/10). Changes can thus be expected as the Plan proceeds to examination and adoption, now envisaged for the summer and end of 2017 respectively (ID10).
22. The Council have refused planning permission for this scheme because, in their view, it would result in the development of a greenfield site that would both intrude into, and be obtrusive within, the open countryside. The claim is that the scale and nature of the proposal would significantly impair the rural character and appearance of the site and its surroundings as well as failing to complement existing settlements, contrary to the requirements of 'saved' policy GP.35. In addition, they assert that, in failing to recognise the intrinsic character and beauty of the countryside, or to conserve and enhance the natural environment or to reuse previously developed land, the proposal would not reflect several 'core planning principles' set out in the Framework (NPPF). Their second reason for refusal really relates to the absence of a section 106 Undertaking to provide adequate mitigation in relation to the scheme. Those provisions are now addressed by the submitted Unilateral Undertaking and the suggested conditions. As explained above, shortcomings remain, but they are considered no further here.
23. Local residents and other third parties also object to the incursion of the scheme into an attractive landscape (documents 12-16, 20 and 21 and ID05). Several residents have back gardens overlooking this valley and testify to its use as an agricultural holding for the grazing of sheep, the production of hay and the raising of cattle. They point out that the previous appeal for 900 dwellings (CD4/01), dismissed by the Secretary of State in 2012, indicated that the site was within a landscape denoted as the Mursley-Soulbury Claylands and described as being in very good condition. Although the landscape of those Claylands is generally deemed to be only of moderate sensitivity, the appeal site was a candidate to be designated as an Area of Sensitive Landscape and identified as within the top 30% of 'landscapes'. Since the ridge forming the eastern boundary of the site is seen as a clearly defensible boundary, the proposal is deemed to be a major intrusion into a sensitive landscape criss-crossed by footpaths and exhibiting a mosaic of habitats and some biodiversity. Indeed, previous proposals for a store and garage and for 5 houses on part of the site were both turned down; the impact of the appeal

proposal would be much greater. The support given by Soulbury Parish Council (assumed to be due to the potential provision of a new village hall) is undermined by those living in the parish who are thought to overwhelmingly oppose the scheme. There are concerns that the access to 'phase 2' would be close to Greenleas Lower School and that much of the traffic generated from the proposed dwellings would add to congestion by funnelling into the 3 roads to the town centre and the one bridge over the canal and the River Ouzel. For these, and for landscape reasons, a substantial number of additional dwellings are in the process of being built to the east of the town. Indeed, Central Bedfordshire Council explain that careful consideration has been given to identifying the most appropriate location to accommodate the additional homes needed and, in assessing possible extensions to both the east and west of the town; an expansion to the east of Leighton Buzzard was deemed to be the most sustainable. The emerging policy for the appeal site in the Vale of Aylesbury Local Plan is that it should complete the Green Belt ring around Leighton Linlade and Leighton Buzzard (CD8/01).

24. Nevertheless, much is agreed between the Aylesbury Vale District Council and the appellants (document 2). It is agreed that the traffic can be accommodated safely: that there would be no serious effect on wildlife or the ecology of the area: that the archaeological interest evident on the site can be appropriately safeguarded: that the site can be drained sustainably: and, that adequate provisions for foul drainage can be installed.
25. It is also agreed that the Council cannot demonstrate the availability of sufficient land to meet the estimated housing requirement over the next 5 years. In the Statement of Common Ground (document 2) it is estimated that, based on the then latest assessment of housing need set out in the Buckinghamshire Housing and Economic Development Needs Assessment (2016) (CD8/02 and 03), there was sufficient developable land to provide for the requirement over the next 4.9 years, that is for the period 2016-21. An interim estimate for the next 5-year period (2017-2022) indicated a small reduction in provision to 4.7 years (documents 8 and 11). However, the Housing and Economic Development Needs Assessment has been updated very recently to take account of the latest population and household projections (CD8/10), which show a lower level of household growth and, on that basis, it is estimated that there should currently be sufficient provision for 5.8 years (documents 8 and 11 and ID9).
26. Of course, those figures are as yet untested. Moreover, they only address the needs arising from within Aylesbury Vale itself; they do not accommodate the likely unmet needs from adjoining Districts in the 'housing market area'. Indeed, the housing land likely to be available in Wycombe, Chiltern and South Bucks is inevitably constrained by swathes of Green Belt and the AONB. There is an unmet need for additional housing in all those areas and the evolving discussion reflecting (though – as I understand it - not yet invoking) the 'duty to cooperate' seems to indicate that Aylesbury Vale is likely to have to accommodate a substantial element of the dwellings required to meet housing needs emanating elsewhere. The final figure, and the scope of any agreement, remains under discussion. But, on the basis of evidence currently available, it is estimated that the provision identified may only be sufficient to meet the housing requirement for about 3.4 years (documents 8 and 11 and ID9).
27. Given that the Local Plan is 'time expired', that the absence of a 5-year supply of housing land is agreed and that insufficient provision can now be identified to meet the needs arising in the 'housing market area', paragraphs 49 and 14 of the Framework are engaged. These indicate that 'relevant policies for the supply of



housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites' and, in those circumstances, that the presumption in favour of sustainable development should be interpreted to mean that permission should be granted unless consequent adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. Even so, not all policies that might influence the supply of housing deal solely with housing supply. So, although 'saved' policy GP.35 is certainly the reason given for preventing this housing development on this particular site, it is presented in the Plan as a general policy for the 'design of new development' requiring schemes to 'respect and complement' the 'physical characteristics of the site and the surroundings, 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'. (The clause relating to building traditions and materials is not relevant here.) The Council claim that such criteria must be relevant in determining any application on any site (not just housing schemes) and that they do no more than sift unsuitable sites and schemes from acceptable proposal on suitable sites.

28. In any case, the judgement set out in *Suffolk Coastal District Council v Hopkins Homes Limited and SoS and Richborough Estates Partnership LLP v Cheshire East Borough Council and SoS* (CD05/02)), confirms that even if a policy is rendered 'out-of-date' by the Framework, it should not necessarily be discarded or disregarded; the statutory requirements, both to have regard to the Development Plan and to make decisions in accordance with it unless material considerations indicate otherwise, remain. In that context, policy GP.35 can be seen as providing a way in which decision-taking might recognise the intrinsic character and beauty of the countryside, or reflect the distinctiveness and identity of villages, hamlets and other places, or aim to conserve and enhance the natural environment or to reuse previously developed land all as the Framework extols. Thus, the task here is to set those statutory requirements against the other material considerations that apply in order to arrive at an appropriate balance in favour or against the scheme, always bearing in mind that the advice in the Framework is itself an important material consideration.
29. In those circumstances, and from all that I have heard, read and seen, I consider that the main issues here involve:
- i) the impact of the scheme on the character of the site and the surroundings,
  - ii) the role and function of 'saved' policy GP.35,
  - iii) the need for, and the provision of, additional housing, and
  - iv) the overall planning balance in relation to the economic, social and environmental dimensions of 'sustainable development'.

*The impact of the scheme*

30. The proposal would result in the transformation of these westerly-facing valley slopes from fields of grazing land amongst established hedgerows to a suburban estate festooned with amenity footpaths, cycle-ways, play areas, managed and landscaped open space, playing fields and car parks. However good the design of the dwellings and the layout of the estate (and I think that the design could well be exemplary and that, with commensurate changes, so could the layout), an expanse of rural Buckinghamshire would become a suburban extremity of Leighton Linlade, encroaching down the slopes of this rural valley and intruding beyond the rounded

ridge that now demarcates the edge of the town. Although the estate itself would be less extensive than the previous proposal and cover just 36% of the site, it would still involve a substantial area extending over about 0.8km (from north to south) and some 0.25km from east to west. And, as the buildings, roads and street lighting would occupy the higher ground and steeper slopes, it is inevitable that the development would be evident, even prominent, in this valley landscape altering the character of the countryside here and urbanising the rural approach to the town along Leighton Road.

31. This landscape is identified as lying within the Bedfordshire and Cambridgeshire Claylands National Character Area, described as a 'sparsely populated' place save for the urbanising and intrusive influences emanating from several large towns (Milton Keynes, Bedford, Cambridge, Huntingdon and Peterborough), big and busy roads (the M1, A1 and A14) and main line railways (to the Midlands and to Scotland via the East Coast). In spite of the by-pass, I consider that those influences are not especially apparent here, the town of Leighton (Linslade and Buzzard) lying almost entirely beyond the brow of the ridge and the by-pass being partially within a cutting. At a local level the appeal site is just within the Mursley-Soulbury Claylands (CD10/01). This area of clay ridges and shallow valleys supports an irregular pattern of fields amidst mature hedgerows, a pattern that is identified as reinforcing the visual unity of the area. There is a cultural and ecological integrity too, exhibited by many historic villages and churches, the parkland at Liscombe and well preserved field patterns together with a mosaic of designated nature conservation sites and habitats. The condition of the landscape is described as being very good; it is also judged to be distinctive and coherent and intrinsically rural. The degree of visibility is assessed as moderate, due to the undulating landform, the intermittent mature trees and smaller woodlands, so that its degree of sensitivity is also assessed as 'moderate'.
32. The incursion of 300 dwellings on the higher and steeper slopes of this valley would clearly alter the character of the landscape here. Moreover, due to its position, the visibility and impact of the estate would be rather greater than might be the case elsewhere within these 'clay lands'. Although measures would be implemented to maintain Valley Farm Fen, the scheme would be seen to interrupt the visual unity and integrity of the landscape and, in forming an evident suburban extremity of quite a substantial town, irreparably damage the coherent and intrinsically rural qualities within this corner of the Mursley-Soulbury Claylands. Of course, the by-pass is also evident here. But, it is explicitly mentioned as being a 'visual detractor' where it is constructed parallel to the railway (CD10/01), a location which is both out-of-sight from, and over 1.5km to the north of, the appeal site. The road is not so dominant here, being partially hidden from some vantage points and being somehow incidental in many of the vistas naturally focussed towards the other side of the valley. Perhaps that warrants a subsequent landscape study (CD10/02) denoting the appeal site as one of the more sensitive landscape areas within the District, albeit not sensitive enough for explicit protection. Nevertheless, the appeal site was ruled out as an option for growth in the South Bedfordshire Growth Study (CD10/06) due to its landscape contribution in defining and containing the western edge of Leighton Linslade, thereby rendering further development around the by-pass 'inappropriate in landscape and visual terms'. In spite of the landscaping and open space intended, I think that the current scheme warrants the same finding. For the reasons outlined above, I consider that the intrusive impact of the proposal would interrupt, confuse and confound defining characteristics of the landscape here.

33. I do not agree that the actual area incurring an adverse visual impact due to the scheme would be 'relatively very small' nor that the 'publicly accessible receptors' experiencing such effects would be especially 'restricted'. What is claimed as the 'actual ZVI' by the appellants is wrong (documents 6 and 10). It is immediately obvious from ES viewpoint 12 that the site can be seen from the footpath beneath Soulbury and that the dwellings erected on it would be apparent; the associated commentary indicates as much (document 22). The claim that this viewpoint is only in the 'theoretical' rather than the 'actual' ZVI must thus be made in error (documents 6). In any case, it seems to me that both the actual and theoretical ZVIs are likely to be more akin to those estimated by the Council since the mapping presented is derived from a fully modelled representation of the scheme and its landscaping rather than as cumulative overlays from just 7 test points across the site (these are now shown in document 6). That does not mean that 'visibility' would replicate that representation exactly because not every tree and hedgerow within the landscape (including some beside High Road and Leighton Road towards Soulbury) has been 'modelled'. But, the general indication that swathes of countryside to the west, perhaps up to 3-4km distant, would contain vantage points from where views or glimpses of the scheme might be evident is likely to be a reasonable starting point (document 10).
34. The scheme would be evident to the 22,000 or so drivers (in both directions) from the by-pass: the estate would be seen to the left and right by those travelling along Leighton Road: houses and bungalows would transform views currently enjoyed by residents adjacent to the site: and, buildings would be apparent to walkers and riders on the footpaths and bridleways traversing the site, or skirting its southern extremity or delving into the countryside to the west of the by-pass. There is, of course, disagreement about the significance of the effects perceived from several of the 'representative' viewpoints selected. That is mainly due to assumptions about the effect of the by-pass (or other detractors) on the sensitivity of receptors, or the nature of the vista perceived or the purpose pursued in being 'out and about'. So, although assigning receptors on the South Bucks Way in year 1 (document 22, ES view 13) with a 'medium to high' sensitivity, the appellants down grade those confronted with the panoramic vista from the top of footpath SU15/2 (also in year 1, ES view 3) to only 'medium' largely because a bit of the by-pass and signage at the roundabout would be evident and the receptors themselves might be 'walking the dog' rather than being focussed on the landscape. In my view, such reasoning does not properly reflect the guidance (ID7). Residents at home and people using public rights of way are suggested as being amongst the most susceptible to change. And, although it is explained that the latter may have their focus on the landscape or on particular views, neither is indicated to be a necessary component of 'susceptibility' (it is just a likely possibility). And, even if it were otherwise, I fail to see why those traversing the landscape with a dog should be less susceptible to change than those 'on their own'. I thus agree with the Council that receptors at ES viewpoint 3 should be assigned as 'highly' sensitive to change with the significance of the change perceived being 'major adverse'.
35. Similarly, although both parties agree that residents with properties adjoining the site are 'highly' susceptible to change and that the significance of the change perceived would be 'major adverse' (document 22, ES view 14), the appellants down grade the sensitivity of residents in the bungalows opposite the site on Derwent Road (ES view 4) to just 'medium to low'. The proffered explanation seems to entail the position of the bungalows slightly below the level of the road and the presence of net curtains in the front rooms. But, net curtains do not prevent residents from enjoying a view from their living rooms across their front

gardens to the street beyond. And, as the assessment implies the construction of the access to phase 2 of the scheme, it seems to me that the magnitude of change would be 'substantial' rather than just 'moderate'; it would entail not just a partial view of the estate beyond the access, but the access road itself with the removal of a substantial length of the thick and tall roadside hedge to cater for an appropriate visibility splay on the inside of a bend. Hence, denoting the significance of the change as 'minor adverse' is unwarranted, in my view. On the contrary, it seems to me that the significance of the impact must be at least 'moderate adverse' (as the Council assert) or worse.

36. I need not examine every disagreement in detail. However, for the reasons outlined above, where disagreements occur I generally prefer the assessment presented by the Council and consider that the significance of the impact of the scheme on the landscape (that of the 'main site', the 'southern fields' and the 'surrounding landscape') and as perceived from the 14 ES viewpoints (in document 22) has been underestimated by the appellants. Even on that basis the appellants assess the adverse impact of the scheme on the site itself to be of 'moderate to major' significance in year 1, while the Council consider a 'major adverse' impact on the character of the landscape would ensue: on the 'southern fields' a 'minor adverse' impact contrasts with an impact of 'moderate to major' significance on those areas from where the scheme would be evident, though only 'negligible to moderate' where it would be largely hidden: and, within the surrounding landscape an effect of 'minor to moderate' significance contrasts with one which is at least 'moderate'.
37. Of the 14 representative viewpoints, there is agreement relating to 6 of them at year 1. An impact of 'major' significance would be perceived by adjacent residents (document 22, ES view 14): 'moderate to major' impacts would be evident along Leighton Road and from footpath SU5/2 beside Furze Copse (ES views 1 and 7): a 'moderate' impact would occur from the Cross Bucks Way (ES view 13): while impacts assessed as 'minor' or 'neutral' would be experienced from the footbridge over the by-pass and from the by-pass verge (ES views 6 and 8). There are disagreements about the impact from the 8 remaining viewpoints. Impacts assessed as 'minor to moderate' by the appellants are deemed more severe by the Council; that at SU15/2 west of the by-pass (ES view 11) being 'moderate to major' and those at ES views 6, 9, 10 and 12 being 'moderate'. The 'minor' impact identified by the appellants at Derwent Road (ES view 4) is considered to be 'moderate' by the Council and the 'moderate' impact assessed by the appellants on the footpath beside the by-pass (ES view 2) is deemed to be of 'moderate to major' significance by the Council. The 'moderate to major' impact assessed by the appellants at the entrance to footpath SU15/2 (ES view 3) is deemed to represent a change of 'major' significance by the Council.
38. Of course, the planting beside the by-pass and within the site should have grown by year 15 and contribute to immersing the scheme amidst sylvan surroundings and filtering views of the buildings through intervening foliage. But, in spite of the extent of the proposed open space and the generous landscaping, I consider that the development would remain evident in the landscape. Indeed, it is agreed that an impact of 'major' significance would still be perceived by adjacent residents (ES view 14): that 'moderate to major' impacts would remain along Leighton Road and from footpath SU5/2 beside Furze Copse (ES views 1 and 7, the latter confirmed by VP4 in document 19): and, that a 'moderate' impact would continue to be evident from the Cross Bucks Way (ES view 13). Detrimental effects would thus remain at year 15.

39. Moreover, although there are disagreements elsewhere, I think that there are good reasons for considering that impacts of at least 'moderate' significance would be evident across the wider landscape. At the entrance to footpath SU15/2 (ES view 3) the appellants assess the impact to be of 'moderate to major' significance by year 15 while the Council consider that a change of 'major' significance would still be evident, an assessment supported by VP1 in document 19, in my view. The effects of the willow and birch on the lower slopes beside the stream and the landscaping proposed within the site would reduce the impact of the estate when seen from the footpath beside the by-pass (ES view 2) to 'minor to moderate' according to the appellants but fail to alter the impact (which would remain at 'moderate to major') as assessed by the Council as the dwellings are considered to still be evident on the higher slopes above the intervening landscaping, especially during the winter months. The appellants assess the effect of the landscaping to reduce the impact at SU15/2 west of the by-pass (ES view 11) to 'minor to moderate' while the Council consider that it would remain as 'moderate to major', an assessment that I think is warranted and supported by VP4 in document 19. However, at year 15 the landscaping is not deemed to alter the impact of the scheme at Derwent Road (ES view 4), which remains as 'minor' for the appellants and 'moderate' for the Council. Similarly, the landscaping appears immaterial from footpath SU7/2 beneath Soulbury (ES view 12), the impact remaining as 'minor' for the appellants and 'moderate' for the Council; as indicated by VP8 in document 19, the latter is demonstrably the case during winter.
40. Where the landscaping and roadside planting is deemed to be more effective in mitigating the impact of the scheme from the by-pass, particularly as the planting undertaken as part of that road scheme (still fairly juvenile and, in some places, somewhat scrubby) begins to become established over the 15 year period. Essentially, in none of the views from the by-pass (from the verges, from the footbridge and from the roundabout - document 22, ES views 8, 9, 6 and 10) is the appeal scheme deemed to have more than a 'minor to moderate' impact on the landscape. Even so, in neither assessment (by the appellants or the Council) is it claimed that the presence of the appeal proposal would not be evident.
41. The incursion of these 300 dwellings on the higher and steeper slopes of this valley would be evident at night; street lights, vehicle headlights and domestic lighting would all convey an obvious urban presence in what would otherwise be the black darkness of the countryside. Such features would not be obliterated by the roadside planting or the landscaping within the site. And, although lighting might be lowered or even removed from the private driveways around the edge of the estate, it is difficult to see how security lighting, private lighting and lighting within those dwellings could be controlled. Moreover, headlights would still be required to illuminate the passage of vehicles along the 'private drives'. And, because only the back gardens and the limited illumination from the rear elevations of a few dwellings at the edge of Leighton Linlade are visible on ridge, and because a swathe of open space would separate them from the estate, the spread of lights across the valley slopes would appear isolated and divorced from the town. The estate would thus be visible at night from the west and north-west and would appear exposed and isolated on the upper valley slopes.
42. The appeal site is not protected by any national or local designation. The Brickhills Area of Attractive Landscape, protected under 'saved' policy RA.8, 'touches' the northern boundary and the Quanton-Wing Hills Area of Attractive Landscape lies just over 1km to the south (document 22). Indeed, within Aylesbury Vale, nationally and locally protected landscapes extend across some 30% of the District (document 4). Within Bedfordshire, Areas of Great Landscape Value are identified

(and protected under 'saved' policy NE3) immediately to the north east (including Linslade Wood) and to the south east of the site (document 4). However, the absence of a specific designation does not prevent the site from warranting protection and enhancement as a valued landscape, in accordance with the advice in paragraph 109 of the Framework. The site exhibits many attributes that indicate that it is a 'valued' landscape (document 10). It is inherently attractive, exhibiting strong scenic qualities that reflect a visual coherence and integrity with the other side of the valley: the site contains some rare habitats, as at Valley Farm Fen: it exhibits several defining characteristics representative of Mursley-Soulbury Claylands: and, there is clear evidence that the landscape is valued as a recreational resource as the footpaths across the site appear to be well used, including the more recently diverted section of the footpath beside the by-pass. Indeed, the appellants very fairly confirm that people on the footpaths were evident during site visits. Hence, I agree with the Council, that the site is likely to be perceived as an area of largely undisturbed countryside immediately adjacent to the built up area and valued as a pleasant and easily accessible countryside contrast to the town in providing a rural setting and containing the urban ambience to the east of the ridge.

43. The intrusive impact of the appeal scheme on this 'valued' landscape would wreak permanent and irreparable damage across these valley slopes. Several of the conclusions reached by the Inspector in recommending the dismissal of the previous scheme in 2012 remain pertinent (CD4/01). Just as before, the current proposal would still constitute the only substantial development throughout the length of the by-pass (from near Milton Keynes to the south of Leighton Linslade) that would still be seen to 'cascade down the valley side'. As he explained, the modest villages apparent in the landscape largely cling to the ridges on the east and west of the road leaving the valley slopes undeveloped and rural. The scheme would still urbanise the undeveloped and rural nature of the key entrance to the town along Leighton Road, introducing a traffic-light controlled junction and housing on both sides of this approach. The experience of those using the public footpaths on or near the site would be greatly altered, the scheme removing the true rural openness evident to those looking and walking across the site. And, those living in the adjacent dwellings would still witness a pronounced change, now deemed to constitute an impact of 'major' significance. Although the views affected would be 'private', the views from over 30 dwellings would be involved. And, although that might not amount to a particularly noticeable proportion of the community in Leighton Linslade, I think that it would constitute a significant proportion of the community on the local estates.
44. Taking all those matters into account, I consider that this scheme would harm the physical characteristics of the site, curtailing and damaging fundamental natural qualities and features evident within the surroundings. The proposal would thus fail to respect and complement the physical characteristics, the natural qualities or features of these valley slopes, contrary to the requirements of 'saved' policy GP.35 and the advice in the Framework relating to the countryside and 'valued' landscapes.

*'Saved' policy GP.35*

45. Policy GP.35 is the one policy cited in the first reason for refusal. It is agreed that it is a relevant policy (document 2). Several decisions made by the Secretary of State confirm that it is also relevant to the determination of schemes submitted in outline. It is explicitly stated *that 'criteria (a), (c), (d) and (e) of GP.35 are applicable to this outline proposal [at Glebe Farm] in regard to the first step in the*

*design process, that is the principle of development in a particular location and whether it would have respect for and complement key features in the built environment or rural landscape'* (CD04/03). And, later at Watermead it was confirmed that the policy included landscape protection as one element of the design process, was criteria based and consistent with the Framework in aiming to conserve and enhance the natural environment (CD04/02). However, the effect of the policy in this particular case is to prevent the erection of 300 houses on the appeal site in the agreed absence of a 5-year supply of housing sites (document 2). In those circumstances, the relevance of the policy must depend upon whether or not it is a 'relevant policy for the supply of housing'.

46. The Council point to a precedent indicating that policy GP.35 may not be a 'relevant policy for the supply of housing'. In the Watermead decision (CD04/02) the Secretary of State did not disagree with the findings of the Inspector that the scheme was in conflict with the policy, the relevance of which remained unaffected by any influence on the supply of housing or for any other reason. Moreover, policy GP.35 was not cited in the decision in specifically addressing 'policies for the supply of housing'. Is that precedent consistent with the tests set out by the Court of Appeal judgement in the *Suffolk Coastal* case (CD05/01)?
47. The *Suffolk Coastal* judgement indicates that 'relevant policies for the supply of housing' should be given a 'wide' interpretation. Essentially they are any policy relevant to the application to be determined 'influencing' the supply of housing by restricting the locations where new housing might be developed either in a general way or to fulfil some more specific purpose. Policies protecting the countryside or preventing development beyond settlement boundaries might be examples of the former: policies protecting the landscape or maintaining gaps, or 'openness' or 'green wedges' might illustrate the latter. Even so, the role and function of a policy in performing a 'specific purpose' may itself be a relevant consideration.
48. Policy GP.35 is presented in the Plan as a general policy for the 'design of new development' (CD6/01). In requiring schemes to 'respect and complement' the 'physical characteristics of the site and the surroundings, 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', it seems to me to be setting out criteria against which to judge the suitability of any site to accommodate any development. It does not identify locations where new housing would be prevented nor does it explicitly serve some other planning purpose where such development would be inherently unacceptable. I do not agree that it must prevent development on any greenfield site. The policy cannot be interpreted to protect 'openness' as a 'physical characteristic' of such a site *per se* because that would relate more to a matter of principle rather than the design of new development and because, if that were so, the relevance of the other criteria (the characteristics of the surroundings, the context of the setting and the skyline views) would be rendered largely redundant. In any case, it is clear from the Planning Officer's careful report (CD01/23) that the defects identified in relation to this scheme are due to the application of the relevant criteria to the specific physical characteristics emanating from the topography of the site together with its role and function within this particular landscape.
49. Moreover, there is evidence that the policy does not operate to prohibit housing on any greenfield site (ID12a-c). Planning permission, or resolutions to grant permission, for housing schemes on greenfield sites have been bestowed elsewhere within the District, including within designated Areas of Attractive Landscape explicitly protected under policy RA.8. In each case, the decision recognised that,

although the scheme might impinge on the environment, involve a greenfield site or be beyond a settlement, specific characteristics could be identified, together with scope or specific proposals for additional planting to contain the development and prevent an unacceptably intrusive impact either into open countryside or within the local landscape. This demonstrates that the practical application of policy GP.35 entails the assessment of proposals against the criteria of the policy; schemes are permitted if the assessment demonstrates the likelihood of an acceptable outcome and refused if serious impacts are unlikely to be overcome. The criteria can apply to any form of development and to any site. And, in relation to the appeal site, it is suggested that the criteria might admit of some redevelopment or conversion of the buildings at Valley Farm. It follows that the development of suitable sites with well-designed schemes would not inherently conflict with policy GP.35, whether or not the sites were allocated, within the countryside or beyond a settlement. That is in marked contrast to proposals affecting the 'openness' of Green Belts or diminishing 'separation' in 'green gaps'.

50. For those reasons, I consider that policy GP.35 should not be regarded as a 'relevant policy for the supply of housing' and, consequently, that it remains directly relevant to the determination of this appeal. Nevertheless, even if I am wrong on that score, I think that its role and function in addressing elements of environmental sustainability in a manner that has been held to be consistent with the aims and advice in the Framework warrants careful consideration whether or not the policy should be deemed to be 'out-of-date' in relation to the 5-year supply of housing.

*The need for housing*

51. The housing requirement in the District is in a state of flux. Although it is agreed (in document 2) that housing land could only be identified to meet the requirement for 4.9 years (thereby just failing to provide a 5-year supply), the updated Housing and Economic Development Needs Assessment (CD08/10, which takes account of the latest population and household projections) suggests a lower level of household growth, so that provision is now estimated to be sufficient for 5.8 years (ID9). The Housing and Economic Development Needs Assessment identifies the requirements for market and affordable housing arising within each District included in the 'housing market area', though it does not yet apportion those requirements in accordance with the ability of each District to meet them. So, although it currently seems likely that land availability in Wycombe, Chiltern and South Bucks would be severely constrained by the Green Belt and by the AONB (documents 8 and 11), the mechanism to accommodate housing land elsewhere to meet the needs arising in those Districts is not yet in place; in the absence of the more coordinated and comprehensive overview that once existed here (as set out in CD04/01) discussions are still evolving through the 'duty to cooperate'. As the PPG makes clear, the 'duty to cooperate' is not a 'duty to agree'. And, although the current version of the emerging Vale of Aylesbury Local Plan is intended to accommodate housing needs that cannot be met within other Districts (CD08/01), the scale of the eventual commitment is neither clear nor complete; it is certainly not agreed, although current expectations are that the 'target' for the Plan might be around 26,800 new homes rather than the 33,000 previously envisaged (document 12 and ID23). It follows that a housing requirement for the District derived from a full and objectively assessed need properly apportioned across the 'housing market area' as a whole is not yet available.
52. In those circumstances, the Council suggest that the proper and only practical way to proceed is to assess the balance between the housing requirement and the 5-



year supply of housing land within each District (ID23). There is support for such an approach from the Court of Appeal in *Oadby and Wigston Borough Council v the SoS and Bloor Homes* [2016] EWCA Civ 1040, C1/2015/2447 and the Housing and Economic Development Needs Assessment provides figures for the housing requirement on that basis (CD08/10); the latest estimate of a 5.8-year supply of housing land within Aylesbury Vale is derived accordingly (ID9). Since the unmet needs in Wycombe, Chiltern and South Bucks are reflected in the shortfalls of housing land estimated in their respective 5-year supply figures, importing those unmet needs into Aylesbury Vale now would entail double counting (document 12 and ID23). It is thus not unreasonable to claim that a 5-year supply of housing land can now be demonstrated within the District.

53. Even so, the existence or otherwise of a 5-year supply of housing land is not solely an end in itself, but rather one of 5 tasks set out in the Framework to 'boost significantly the supply of housing'. Those tasks are consistent with a plan-led approach to decision-making and considerable effort is currently being expended in addressing them through preparing the emerging Vale of Aylesbury Local Plan for eventual adoption (expected next year) and in securing its supporting evidence base. There is no dispute that the Plan is intended to meet the 'full, objectively assessed needs for market and affordable housing' in the 'housing market area', whatever they eventually turn out to be: efforts to identify a 5-year supply of deliverable housing sites are undertaken more than annually, the latest estimate demonstrating provision for 5.8 years: specific sites and broad locations for growth are also identified in the emerging Plan (CD08/01) and in the HELAA (CD08/08) to accommodate residential development over the longer term, providing (in total) potentially suitable sites for over 27,000 dwellings (on the face of it sufficient to accommodate the requirement now envisaged): a 'staggered' delivery rate is emerging that would initially 'boost' the supply of housing to over one and half times current requirements for the District: and, the possible density of development is addressed in the HELAA. The result is that the supply of housing is likely to be 'boosted significantly'. Moreover, recent achievements include the delivery of some 800 dwellings above the target over the last 5 years, the accumulation of extant planning permissions for almost 8,800 homes and the annual average provision of 322 affordable homes over the last decade against a requirement of 304.
54. In those circumstances, even if policy GP.35 were to be regarded as a 'policy for the supply of housing', there would be little justification to diminish its force or to dilute its relevance. Following the reasoning in the *Suffolk Coastal* case, a 5-year supply of housing land is demonstrated to exist within the District, concerted action is being taken by the Council to ensure that emerging requirements that 'boost the supply of housing significantly' are likely to be met and the purpose of the policy is focussed on matters of design. The policy thus remains relevant.

*The planning balance*

55. I have found that the impact of this proposal would be fundamentally at odds with the requirements set out in 'saved' policy GP.35. This policy is consistent with the Framework, applicable to outline schemes and, for the reasons indicated above, it remains relevant to the determination of this appeal. It follows that permission should be refused and the appeal dismissed unless material considerations indicate otherwise.
56. The Framework is an important material consideration. It advises that housing applications should be considered in the context of the presumption in favour of sustainable development which, in the absence of an up-to-date Development Plan

probably means granting permission unless adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. No specific policies in the Framework have been identified that would indicate that the scheme should be prevented. The outcome of this appeal thus depends on: whether the scheme would be sustainable; whether its adverse impacts would significantly and demonstrably outweigh the benefits; and, whether the overall planning balance would be in favour or against the scheme. As the Framework indicates that the planning system should perform an economic, social and environmental role in fostering 'sustainable' development, the planning balance can be considered in those terms.

57. The provision of 300 dwellings, including 90 affordable homes' would be an important benefit in 'boosting significantly the supply of housing' and contributing to the supply of housing land. However, although the emerging Plans are still a long way from adoption, that provision would be made on the 'wrong side of town' in relation to the emerging strategy for Leighton Buzzard (substantial housing development being fostered on the eastern side of the town) and it would stymie the aspirations of Aylesbury Vale to complete a ring of Green Belt around Leighton Linslade and Leighton Buzzard by including the site within the Green Belt (CD8/01, 04-06). The scheme would also provide about 1,116m<sup>2</sup> of employment floor-space and a commensurate number of potential jobs. Profit for the developer and land owner, the payment of Stamp Duty, tax and Council Tax, the New Homes Bonus, jobs and services within the construction industry, would all contribute to the economy. No doubt prospective residents would spend some of their income locally on goods and services, though not to the extent conjectured by the appellants.
58. I agree that the provision of market and affordable housing would also be a social benefit. But, although the quantum of affordable housing would be policy compliant, the distribution would not reflect the recent needs identified and the latest evidence is that the provision of affordable homes is keeping pace (even exceeding) the numbers required. On the whole, contributions to create or support services and facilities would meet the needs attributable to prospective residents, including the community building. Provision for an ambulance waiting facility would be a bit different, because this seems to be a response to an extraneous desire to improve overall response times for the benefit of all. Provision of a village hall in Soulbury would not be properly related to the nature and location of the development.
59. The swathes of parkland and public open space, together with new and improved recreational linkages, footpaths and bridleways would contribute to reducing the deficit of accessible 'green infrastructure' identified in relation to those communities on the west side of Milton Keynes, Leighton Linslade, Buckingham and Winslow (CD10/05 and CD01/23). Those links would also offer an attractive alternative to Derwent Road as part of the footpath link into Linsdale Wood and the management Valley Farm Fen would preserve a locally rare and interesting habitat. And, being reasonably close to a broad range of services and facilities, the proposal would allow residents to meet some of their day to day needs by means other than the private car; the financial contribution to support a stand-alone hourly bus services into the town from the proposed estate would also help.
60. However, I consider that the intrusive impact of the appeal scheme on this 'valued' landscape would be very harmful; it would wreak permanent and irreparable damage across these valley slopes resulting in the only substantial development cascading down the contours evident from the by-pass. Suburban development

would urbanise the rural lane-like character of the entrance to the town along Leighton Road, a perception accentuated by the construction of a substantial traffic-light controlled junction. The experience of those using the public footpaths on or near the site would be greatly altered, the green infrastructure provided failing to emulate the true rural openness of the site. And, those living in the adjacent dwellings would perceive an impact of 'major' significance. In my view, those harmful effects would significantly and demonstrably outweigh the benefits and render the scheme unsustainable. It follows that the proposal would not benefit from the presumption in favour of sustainable development and that the planning balance must be firmly against this project. For the reasons outlined above, there are no material considerations sufficient to indicate that the determination of this appeal should be made otherwise than in accordance with the Development Plan.

*Conclusion*

61. I have found that this scheme would harm the physical characteristics of the site, curtailing and damaging fundamental natural qualities and features evident within the surroundings. The proposal would thus fail to respect and complement the physical characteristics, the natural qualities or features of these valley slopes and be fundamentally at odds with the requirements set out in 'saved' policy GP.35. I consider that this policy should not be regarded as 'relevant for the supply of housing' and, being consistent with the Framework and applicable to outline schemes, that it remains directly relevant to the determination of this appeal. Moreover, I think that its role and function in addressing elements of environmental sustainability (as the Framework extols) deserves careful consideration. For the reasons given, I consider that the need for housing here is not pressing enough to countenance the damage wreaked by this development; a 5-year supply of housing land is demonstrated to exist within the District and concerted action is being taken by the Council to 'boost the supply of housing significantly'. In my view, the damage due to this proposal would render the scheme unsustainable. Hence, and in spite of considering all the other matter raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.

*David Cullingford*  
INSPECTOR

APPEARANCES  
FOR THE APPELLANTS:

Mr Rhodri Price-Lewis QC		Landmark Chambers Instructed by: Leslie Durrant, Chairman and Managing Director, DPDS Consulting Group
He called:		
Patrick Griffiths	BSc DipLA CMLI	Landscape Architect, DPDS Consulting Group
Neil Arbon	BA DipTP MRTPI	Director, DPDS Consulting Group

FOR THE LOCAL PLANNING AUTHORITY:

Mark Westmorland-Smith of Counsel		Francis Taylor Building Instructed by: Marisia Beard, HB Public Law, for Aylesbury Vale District Council
He called		
Jonathan Bellars	BA DipLA DipUD CMLI	Landscape Architect and Urban Designer, Aylesbury Vale District Council
Philippa Jarvis	BSc DipTP MRTPI	Principal of PJPC Limited (Planning Consultancy)

INTERESTED PERSONS:

Dr Clive Palmer		Director of the Southcott Management Company and Leighton Linslade Town Counsellor
Tom Daly		Linslade Action Group Against Valley Farm
Peter Vosper		Central Bedfordshire Council ( <i>in relation to the section 106 Undertaking only</i> )
Stephen Farrell		Local resident
Keith Jennings		Local resident
Cllr Alan Brandon		Leighton Linslade Town Counsellor
John Burgess		Local resident
Victoria Harvey		Coordinator, Bedfordshire Friends of the Earth
Tony Birch		Leighton Buzzard Society and local resident
Marion Curtis		Local resident
John Hewitt		Local resident
David Long		Local resident

## DOCUMENTS

Document 1	Lists of persons present at the Inquiry
Document 2	Statement of Common Ground
Document 3	Summary proof ~ Patrick Griffiths
Document 4	Proof ~ Patrick Griffiths
Document 5	Appendices 1-13 ~ Patrick Griffiths
Document 6	Supplementary proof and appendices S1-S4 ~ Patrick Griffiths
Document 7	Summary proof ~ Neil Arbon
Document 8	Proof ~ Neil Arbon
Document 9	Appendices 1-5 ~ Neil Arbon
Document 10	Proof, summary and appendices JB1-JB4 ~ Jonathan Bellars
Document 11	Proof, summary and appendices PJ1-JB3 ~ Philippa Jarvis
Document 12	Statement ~ Dr Clive Palmer
Document 13	Statement and submissions from previous appeal ~ Tom Daly
Document 14	Documents relating to ecological issues submitted to previous appeal ~ Victoria Harvey
Document 15	Statement ~ John Hewitt
Document 16	Statement ~ Tony Birch
Document 17	Appeal documentation 1-10
Document 18	Verified Visuals Report, Volume 1
Document 19	Verified Visuals Report, Volume 2
Document 20	Bundle of representations in respect of the appeal
Document 21	Inspectors index to representations
Document 22	Plans, viewpoints and photos taken from the ES; ES10.1-ES10.6.1-14
Document 23	Index to Core Documents
Document 24	Technical note; 4297/01 - Highways

## INQUIRY DOCUMENTS

ID01	Draft Section 106 Undertaking I
ID02	Opening Statement ~ Rhodri Price-Lewis
ID03	Opening Statement ~ Mark Westmorland-Smith
ID04	<i>Forest of Dean District Council v SoS and Gladman Developments Limited [2016] EWHC 2429 (Admin), Co/978/2016</i>
ID05	Letter from Mrs Anne Austwick
ID06	Relating to the previous appeal in 2012: Draft Statement of Common Ground – Landscape Matters
ID07	Extract from GLVIA3; assessing the significance of visual effects
ID08	Extract from GLVIA3; factors helping to identify valued landscapes
ID09	Housing land supply with and without unmet need in other Districts
ID10	Revised timetable for the adoption of the Local Plan
ID11	Affordable housing completions
ID12a-c	Greenfield sites benefitting from planning permission or resolutions to grant planning permission for reasons identified in Planning Officer reports
ID13	Committee report; progress on unmet need
ID14	Brochure: Beautiful Design – Paul Newman Homes
ID15	Signed and dated Section 106 Undertaking
ID16	CIL compliance schedule
ID17	Statement o Common Ground - Education

ID18	CIL compliance statement for Central Bedfordshire Council ~ Peter Vosper
ID19	Concerns of Aylesbury Vale District Council relating to the Section 106 Undertaking
ID20	Support from Bromford, bpha and Paradigm for the distribution of affordable homes set out in the proffered Undertaking
ID21	Contributions required indoor and outdoor sport and recreation
ID22	Further revisions to draft conditions
ID23	Closing submissions ~ Mark Westmorland-Smith
ID24	Closing submissions ~ Rhodri Price-Lewis
ID25	Appeal decision; Whitchurch October 2016, 3152177
ID26	<i>East Staffordshire Borough Council v SoS and Barwood Strategic Land II LLP, [2016] EWHC 2973, CO/2856/2016</i>
ID27	<i>Gladman Developments Limited v SoS and Daventry District Council [2016] EWCA Civ 1146, CI/2015/4315</i>

## CORE DOCUMENTS

### Application documents

CD1/01	Application Form, Certificates and Covering letter
CD1/02	Site Plan Rev B (9914.14.051)
CD1/03	Environmental Statement
CD1/04	Environmental Statement Non - Technical Summary
CD1/05	Planning Application Supporting Statement
CD1/06	Design and Access Statement & Green Infrastructure
CD1/07	Infrastructure Services Report
CD1/08	Transport Assessment
CD1/09	Flood Risk Assessment & Drainage Strategy
CD1/10	Travel Plan
CD1/11	Ecology Baseline Update 2014
CD1/12	Findings of Arboricultural Assessment
CD1/13	Archaeology and Heritage Assessment
CD1/14	Statement of Community Involvement
CD1/15	Masterplan & Landscape Strategy Plan (C9911.14.901.JD)
CD1/16	Concept Masterplan 2014 Rev A (C991414.775)
CD1/17	Proposed Site Access Arrangement off Leighton. Road (4297/5K120I)
CD1/18	DPDS Response to Landscape Consultation
CD1/19	Letter to Claire Bayley AVDC re Biodiversity
CD1/20	Applicant Response to Archaeological Consultation
CD1/21	Verified Visuals Report
CD1/22	Comprehensive Planning Summary Document
CD1/23	Report to Strategic Development Management Committee

### Appeal documents

CD2/01	Statement of Common Ground between PNNH and AVDC
CD2/02	Education Statement of Common Ground

### NPPF, PPG and Ministerial Statements

CD3/01	National Planning Policy Framework
CD3/02	National Planning Policy Guidance (extracts)
CD3/03	Brandon Lewis to Chief Exec of PINS re landscape character and prematurity in planning decisions

### Appeal decisions

CD4/01	Land at Valley Farm (APP/10405/A/10/2143343, APP/J0405/A/11 2154252, APP/P0240/A/10/2143323, APP/P0240/A/11/2154254)
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- CD4/02 Land east of A413 Buckingham Road and Watermead, Aylesbury, APP/J0405/A/14/2219574
- CD4/03 Land at Glebe Farm, Verney Road, Winslow APP/10405/A/13/2205858
- Court cases**
- CD5/01 North Wiltshire DC v. Secretary of State for Environment (1993) 65 P&CR 137
- CD5/02 Suffolk Coastal District Council v Hopkins Homes Ltd & Arno [2016] EWCA Civ 168
- CD5/04 Cheshire East BC v SSCLG v Renew Land EWHC 571 (Admin)
- CD5/05 Stroud District Council v SoS and Gladman Developments Limited
- Aylesbury Vale District Local Plan**
- CD6/01 Aylesbury Vale District Local Plan 2004 (including Proposals Maps)
- CD6/02 Letter from the Secretary of State concerning saved Policies of the Local Plan
- CD6/03 List of AVDLP policies indicating whether or not they are saved September 2007
- SPGs**
- CD7/01 Affordable Housing Supplementary Planning Document, 2007
- CD7/02 Supplementary Planning Guidance, on Sport and Leisure Facilities, 2004
- CD7/03 Sport and Leisure Facilities SPG Companion Document Ready Reckoner
- CD7/04 Guidance on Planning Obligations for Education Provision, 2010
- Vale of Aylesbury Local Plan**
- CD8/01 Draft Vale of Aylesbury Local Plan (including page 44 of the policies map insets), 2016
- CD8/02 Aylesbury Vale Housing and Economic Development Needs Assessment, 2015
- CD8/03 Buckinghamshire Housing and Economic Development Needs Assessment, 2016
- CD8/04 Buckinghamshire Green Belt Assessment Methodology Part 1, 2016
- CD8/05 Buckinghamshire Draft Green Belt Assessment Methodology Part 2, 2016
- CD8/06 Aylesbury Vale Green Belt Assessment Report Part 2, 2016
- CD8/07 Housing & Economic Land Availability Assessment, Version 3 Report, 2016
- CD8/08 VALP Settlement Hierarchy Assessment Review, 2015
- CD8/09 The Vale of Aylesbury Local Plan Local Development Scheme, 2014
- CD8/10 Buckinghamshire Housing and Economic Development Needs Assessment Update: Report of Findings - Draft, 2016
- Position statements**
- CD9/01 Aylesbury Vale District Council – Five year housing land supply interim position statement, August 2016
- CD9/02 Aylesbury Vale District Council - Affordable housing policy interim position statement, June 2014
- CD9/03 Aylesbury Vale District Council - Five year housing land supply interim position statement, October 2016
- Landscape documents**
- CD10/01 Aylesbury Vale Landscape Character Assessment (Jacobs), 2008
- CD10/02 Aylesbury Vale Areas of Sensitive Landscape (Jacobs), 2008
- CD10/03 Landscape Advice to Aylesbury Vale District Council (LUC), 2015
- CD10/04 Defining the Special Qualities of Local Landscape Designations in Aylesbury Vale District (LUC), 2016
- CD10/05 Buckinghamshire Green Infrastructure Strategy, 2009
- CD10/06 Environmental Sensitivity Assessment, South Bedfordshire Growth Area, (LUC), 2008

PLANS

Plans	A	Site Location	
		Masterplan and Landscape Strategy	C9911.14.901.JD
		Proposed site access layout	no.4297/SK/201, ES6.10
Plan	B	Site visit route	

Richborough Estates