



Appeal Decision

Site visit made on 30 January 2017

by **Jonathan Manning BSc (Hons) MA MRTPI**

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

Decision date: 09 February 2017

Appeal Ref: APP/N0410/W/16/3161990

Land to the Rear and South of 110 to 148 and West of Mansion Lane, Iver, Buckinghamshire, SL0 9RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Herald Land Real Estate Brokers against the decision of South Bucks District Council.
 - The application Ref 16/00394/OUT, dated 4 December 2015, was refused by notice dated 1 July 2016.
 - The development proposed is erection of 138 dwellings, 1 no. A1 retail unit and 1 no. A3 café unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been made in outline. There seems to be some contradiction within the evidence in relation to which matters are reserved and which are being considered at this stage. In both the appellant's and Council's evidence, reference is made to all matters being reserved. However, reference has also been made to all matters being reserved, except for access, scale and appearance. From the evidence before me, there seems to be relatively limited details in relation to most matters and I have therefore determined the appeal on the basis that all matters are reserved for later consideration. Although a number of what appear to be indicative drawings have been provided, to which I have had regard.

Main Issues

3. The appeal site is located within the Green Belt and the main issues of the appeal are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on ecological features;
 - the effect of the proposal on highway safety;
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- the effect of the proposal on flood risk;
- the effect of the proposal on the high pressure petroleum pipeline;
- whether the proposal is required to make provision for affordable housing, education and health care;
- the effect of the proposal on archaeological features;
- whether suitable provision can be made for the storage and collection of refuse and recycling; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances (VSC) necessary to justify it.

Reasons

Whether the proposal would be inappropriate development?

4. The National Planning Policy Framework (the Framework) at Paragraph 89 sets out that the construction of new structures in the Green Belt should be considered as inappropriate. There are a number of exceptions to this, however, the proposal does not meet any of those set out in Paragraph 89. Consequently, I consider that the proposal represents inappropriate development and conflicts with Section 9 of the Framework and Policy GB1 of the South Buckinghamshire Local Plan (1999) (the LP). It should be noted that Policy GB1 of the LP pre-dates the Framework and in my view is not particularly consistent with it. I therefore afford it little weight. Although, this does not in any way undermine the conflict with the Framework in this regard.
5. Paragraph 87 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, Paragraph 88 of the Framework advises that when considering planning applications, the decision maker should ensure that substantial weight is given to any harm to the Green Belt. Further, it sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
6. The appellant has set out that whilst the proposal may appear as inappropriate development, it would not cause harm to any of the key purposes of the Green Belt. I do not agree. The proposal would result in a substantial residential development in a rural location and would encroach into the countryside, conflicting directly with this key purpose of the Green Belt, as set out in Paragraph 80 of the Framework.

Openness

7. Openness is an essential characteristic of the Green Belt. The appeal site is currently an open field. The proposal would result in the construction of 138 dwellings, a retail unit and a café, along with associated works. This would result in significant harm to the openness of the Green Belt and this is in addition to the harm arising from the inappropriate nature of the proposal.

Character and appearance

8. The appeal site would result in the construction of 138 dwellings, a retail unit and a café. The appeal site is currently an open agricultural field and I observed that with the exception of the existing dwellings on Mansion Lane, the area within the vicinity of the site has a very rural context, with open land to the east, an open field separating the appeal site from any built development to the north and a golf course to the southwest.
9. The appellant suggests that the scheme would be relatively concealed from public viewpoints within the village and the wider area. However, it would be clearly visible from Mansion Lane. I am not of the view that the scheme would be viewed against the backdrop of the established village. Whilst the proposal would be viewed in association with the existing dwellings on Mansion Lane, this is a relatively small cluster of linear development. In contrast the proposal would result in a large suburban development with numerous cul-de-sacs and is not directly bordered by any other significant development. It would not therefore represent logical infilling as suggested by the appellant.
10. I accept that the proposed dwellings would be designed to complement the local vernacular. However, the proposal would result in a significant suburban development in a rural location and would not be modestly scaled. Due to the quantum of development proposed when compared with the existing low level of development in the area, I consider that the scheme would be viewed as a large and inappropriate intrusion into the open countryside, substantially urbanising the area, to its detriment.
11. I consider that the scheme would cause significant harm to the rural character and appearance of the area. The proposal is therefore contrary to Core Policy 9 'Natural Environment' of the South Buckinghamshire Core Strategy (2011) (the CS) and Policy EP3 'The Use, Design and Layout of Development' of the LP.

Ecology

12. The proposal would result in the loss of an open agricultural field and is not supported by an ecological survey. It is therefore unknown if the scheme would have any adverse effect on any ecological features present at the site, including any protected species. The appellant has suggested that such surveys could be secured by a planning condition. Further, I acknowledge that there may be scope within the scheme for the provision of nature enhancement, including nest and bat boxes, bee-friendly planting and hedgehog gaps. However, I consider that it cannot be guaranteed to an appropriate degree that suitable mitigation, at a later date, could be implemented to ensure that there would be no adverse harm on ecological features, including protect species. Consequently, it would not be appropriate to address this matter by the imposition of a planning condition for surveys to be undertaken at a later date.
13. The appellant has set out that the Council has also failed to set out any details of wildlife interests on the application site, which it can demonstrate would be affected by the scheme. However, the onus is on the appellant to demonstrate that the scheme is acceptable in this regard.

14. Given the above, it has not been sufficiently demonstrated that the proposal will not cause harm to ecological features, including protected species. The proposal is therefore contrary to Core Policy 9 'Natural Environment' of the CS.

Highway safety

15. The scheme, given its scale, has the potential to result in a significant increase in transport movements on the surrounding highway network. The development is not supported by a Transport Assessment to demonstrate that such an increase can be accommodated on the local highway network, without causing unacceptable harm. Without such information it must be concluded that the scheme has the potential to cause adverse harm to highway safety. The scheme therefore conflicts with Policy TR5 'Accesses, Highway Works and Traffic Generation' of the LP, Section 4 of the Framework and the Buckinghamshire Local Transport Plan 4.
16. In terms of parking provision, I consider that this matter could be suitably addressed at the reserved matter stage. Although, this does not affect my above concerns in terms of increased transport movements.

Flood risk

17. The proposal would replace an open agricultural field with a significant level of built development. No evidence has been provided by the appellant to demonstrate that a sufficient surface water and foul water drainage strategy can be achieved in order for there to be no increased risk of flooding on-site or off-site. There is not sufficient evidence before me to suggest that this matter could be addressed by a planning condition and I cannot agree with the appellant's view that it would be suitably considered by the building control process. The scheme therefore runs contrary to Core Policy 13 'Environmental and Resource Management' of the CS.

Petroleum pipeline

18. A high pressure petroleum pipeline runs through the site. The appellant maintains that an advisory would be suitable to ensure that this matter could be suitably dealt with. However, there is no evidence before me to demonstrate that the proposal could be constructed without adversely affecting the pipeline. Consequently, I agree with the Council that the scheme runs contrary to Section 13 of the Framework.

Affordable housing, education and health care

19. The appellant has not contested the requirement for these provisions and I see no reason to take a different view. The appellant has set out that they are prepared to enter into a legal agreement. However, I have not been provided with a signed and dated Section 106 Agreement or Unilateral Undertaking. As a result, the scheme would not provide for the suitable provision of affordable housing, education and health care. The proposal therefore conflicts with Core Policies 3 'Affordable Housing' and 6 'Local Infrastructure Needs' of the CS.

Archaeology

20. The Council's thirteenth reason for refusal relates to the lack of any archaeological evaluation of the site. However, the Council now accepts that this matter could be overcome through a planning condition. I agree with this

view and therefore this matter should not weigh against the scheme. On this basis, I consider that the proposal complies with Core Policy 8 'Built and Historic Environment' of the CS.

Refuse storage and collection

21. The Council are of the view that suitable evidence has not been provided to show that sufficient provision can be made for the storage and collection of refuse and recycling. However, I consider that this is a matter that can be addressed by the reserved matters and through the imposition of a planning condition. Consequently, this matter should not weigh against the scheme and the proposal complies with Policies H9 'Residential Layout and Design', EP3 'The Use, Design and Layout of Development' and TR5 'Accesses, Highway Works and Traffic Generation' of the LP, in this regard.

Other matters

22. The proposal would result in social and economic benefits associated with the delivery of 138 dwellings, a retail unit and a café. Whilst I acknowledge that the Council has a reliance on windfall development, there is no evidence before me to suggest that there is a compelling housing need within the district and the appellant has not sought to challenge whether the Council can demonstrate a five year housing land supply. Consequently, I afford only moderate weight to such benefits, particularly as I have found that the proposal does not make suitable provision for affordable housing.
23. I accept that the appeal site has reasonable links to local services and public transport. Further, I acknowledge that the proposed dwellings would include roof mounted solar panels and ground source heat pumps to ensure a minimum of 10% energy derivation from renewable sources. Such matters also weigh in favour of the scheme.

Overall conclusion

24. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. There would also be a significant loss of openness to the Green Belt. Both of these matters weigh heavily against the scheme. In addition, I have also found that the proposal would cause harm to the character and appearance of the area. Further, it cannot be ruled out that the scheme would not cause harm to ecological features, highway safety, flood risk or the petroleum pipeline. The scheme would also not make suitable provision for affordable housing, education and health care.
25. On the other hand, the proposal would result in some social and economic benefits that carry a moderate level of weight in favour of the scheme. The appeal site is also reasonably located in terms of local services and facilities and would utilise renewable energy sources within the proposed dwellings, which also weigh in the scheme's favour. Whilst I have found that there would be no harm in terms of archaeology, on-site parking provision or with regard to the provision of facilities for the storage and collection of refuse and recycling, these are matters of neutral weight.
26. On balance, I consider that the identified benefits of the proposal individually or in combination do not come close to clearly outweighing the harm to the Green Belt by reason of inappropriateness, and the other identified harm.

Consequently, very special circumstances do not exist and the proposal runs contrary to the development plan and the Framework.

27. Interested parties have raised a large number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.
28. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR

Richborough Estates