
Appeal Decision

Site visit made on 18 May 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 21 June 2017

Appeal Ref: APP/J0405/W/17/3169850

Quakers Mead, Weston Turville, Buckinghamshire HP22 5RS

- 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 Zugzwang Ltd against the decision of Aylesbury Vale District Council.
 - The application Ref 16/00365/AOP, dated 2 February 2016, was refused by notice dated 19 August 2016.
 - The development proposed is residential development and associated access works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with matters of access to be considered at this stage and all other matters reserved. I have therefore determined the appeal on the same basis.
3. The description of the development on the application form does not identify the number of proposed dwellings. However elsewhere on the form, and on the illustrative site layout plan, 32 houses are specified. The appellant's statement suggests that the proposal is for up to 32 houses. As it is not for me to consider the merits of, potentially, 31 smaller schemes I have considered the proposal as being for 32 dwellings. I give limited weight to the arrangement of the houses on the site layout plan as layout is a reserved matter.
4. The second reason for refusal in the Council's decision relates to insufficient information in respect of surface water. The Council have stated that they now have sufficient information and any remaining details can be secured by a planning condition. As such they have not defended this reason for refusal.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area including the setting of the adjacent Weston Turville Conservation Area (WTCA).
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Reasons

Policy Background

6. The Council do not dispute that they do not have a robust five year supply of housing. The effect of the Supreme Court judgement¹ issued on 10 May 2017 is that, in such circumstances, it is not necessary to identify which policies relate to the supply of housing. Nonetheless, in these circumstances, and as accepted by the Council, the fourth bullet point of paragraph 14 of the National Planning Policy Framework (the 'Framework') applies and instructs that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate development should be restricted.

Two of the core planning principles of the Framework are that development should take account of the character of the area, and that heritage assets should be conserved in a manner appropriate to their significance. Policy GP.35 of the Aylesbury Vale District Local Plan (the 'Local Plan') refers to the need for development to respect the characteristics of the surroundings and Policy GP.53 aims to preserve or enhance conservation areas and their setting. These policies are therefore consistent with the Framework.

Character and appearance

7. Weston Turville is a medium sized village, as identified in the Draft Settlement Hierarchy Assessment, and it is not disputed by the parties that it is a sustainable settlement which would provide future occupiers with good access to shops and services.
8. The WTCA is made up of three distinct parts. The main part largely follows the main road through the village, but also encompasses the land adjacent to the south-west boundary of the site in Plough Orchards, and much of the southeast boundary of the site except the development on Quakers Mead. There is no definitive character to the WTCA and testament to this, in close proximity of the site, is the modern cul-de-sac development in Plough Orchards contrasting with the large detached listed building at Walnut Cottage.
9. The appeal site currently comprises an open field and at the time of my site visit was grazed by horses. The site is substantially separated from the open fields to the north by large, mature trees and bushes along the boundaries. However some views are possible through to the paddock to the north east and the vacant land to the north west, giving a rural aspect to the site's setting. The houses in Quakers Mead and particularly at Plough Orchards also contribute an urban characteristic to the context of the site, although the large, detached nature of most of these dwellings, the large side garden at 4 Quakers Mead and the undeveloped land abutting the south west boundary of the site, gives a low density aspect, reflective of the position on the edge of the built-up village. These diverse characteristics combine to give the site a transitional quality.
10. The provision of 32 units would necessarily be a relatively high density development, as suggested on the layout plan, which would contrast with the

¹ Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

more spacious nature of the existing development at Ploughs Orchards and Quakers Mead. It would provide a hard urban edge to the remaining fields to the north differing from the current more gradual blend of rural and urban characters.

11. This contrast would be especially apparent from the public footpath that runs diagonally across the site. When travelling along the footpath from south to north its setting becomes increasingly rural as it moves from running between dwellings, to being in a field but within clear sight of houses, to being in open countryside visually separated from the built up area. The proposal would interrupt this effect by introducing a large, higher density development sandwiched between less intense land uses. Although the development would allow this stretch of the footpath to be more accessible for wheelchair users, this is a limited benefit compared to the substantial change to its setting.
12. There is development underway at land to the rear of Walnut Cottage, which abuts the site, and I understand there is planning permission for further residential development on the land adjacent to this. However, due to boundary vegetation, there is limited intervisibility between the appeal site and this neighbouring land, and I do not consider these developments would materially affect the site's context.
13. As the boundary of the WTCA twists between the undeveloped appeal site, Plough Orchards, Quakers Mead and Walnut Cottage, the setting of the WTCA in this vicinity has no strong defining character. As such I do not consider the development of the site would significantly affect the setting of the WTCA.
14. Nonetheless, the large, high density nature of the proposal would contrast harshly with, and consequently harm, the character and appearance of the area and as such would conflict with Policy GP.35 of the Local Plan. It would also fail to accord with Policy GP.84 of the Local Plan which requires the amenity and enjoyment of public rights of way to be retained.

Other matters

15. A unilateral undertaking has been submitted which contains obligations which would ensure that affordable housing is provided on site, that financial contributions to education, highways, open space, sport and leisure are paid before the commencement of development, and that details of a sustainable urban drainage system are submitted to and approved by the Council. However the undertaking is unsigned and therefore incomplete. As such I am unable to take it into account.

Planning balance and Conclusion

16. No objection was raised by the Council in respect of the development's ecological impact, in respect of highway safety, the effect on the setting of the nearby listed building, and I acknowledge that the houses would be well designed and built to modern sustainable standards. However, these factors would be expected of any development and I give them only neutral weight.
17. The provision of 32 homes would be a positive contribution to local housing supply. There would also be some benefit to the local economy provided by the construction of the dwellings, and by the increase in the population of the village. However I consider the harm that the proposal would cause to the

character and appearance of the area would significantly and demonstrably outweigh these benefits.

18. For these reasons, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

Richborough Estates