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## 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: 16 June 2017

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**Appeal Ref: APP/J0405/W/17/3169971**

**Home Farm, Collage Lane, Thornton MK17 0HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for part outline and part full planning permission.
  - The appeal is made by Harris Land Trust against Aylesbury Vale District Council.
  - The application Ref 16/02674/APP, is dated 18 July 2016.
  - The development proposed is erection of 9m telegraph pole and communications equipment, extension to Elderberry Barn to create one 3 bed and one 2 bed dwellings (Plots 1&2), Conversion of barns to create two 3 bed dwellings (Plots 3&4) reconstruction of barn to create one four bed dwelling (Plot 5), creation of repositioned driveway to Home Farm; and in outline: demolition of existing farm buildings and erection of one 2 bed, three 3 bed, three 4 bed and one 5 bed dwellings and carports (Plots 6-13).
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### Decision

1. The appeal is dismissed and planning permission is refused.

### Preliminary matters

2. Although it was not specified on the application forms, the appellant confirmed to the Council that matters of access and layout were to be considered as part of the outline portion of the application. As such, despite the scale and appearance of the dwellings at plots 6 to 13 being shown on the application plans, I have given little weight to this and have determined the appeal on the same basis as the Council determined the application.

### Main Issues

3. The Council, in their appeal statement, set out the reasons for which they would have refused the application. From this I consider the main issues are:
    - i) The effect of the proposal on the character and appearance of the area which is within a Local Landscape Area (LLA);
    - ii) Whether future occupiers of the development would have acceptable access to facilities and services;
    - iii) Highway safety; and
    - iv) Flood risk.
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## Reasons

### *Policy Background*

4. The Council do not dispute that they do not have a robust five year supply of housing. The effect of the Supreme Court judgement<sup>1</sup> 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 this 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.
5. One of the core planning principles of the Framework is that development should take account of the character of the area including the intrinsic character and beauty of the countryside. Policies GP.35 and RA.8 of the Aylesbury Vale District Local Plan (the 'Local Plan') refer, respectively, to the need for development to respect the characteristics of the surroundings and to respect the landscape character of the LLA. These policies are therefore consistent with the Framework.

### *Character and appearance*

6. The site is located in Thornton which is a small hamlet comprising predominantly large properties in spacious plots. The site comprises a collection of former farm buildings detached from the remainder of the settlement by a long shared access drive. One of the buildings has already been converted into a dwelling. The majority of the structures however were vacant and in various states of decay at the time of my site visit. There is a raised bank and vegetation which substantially obscures views of the existing buildings from the south and west. Also there is a tall stone wall along the north boundary of the site which separates the site from the neighbouring land to this side. As such, visually, the development would have a limited effect on the appearance of the wider landscape.
7. However from the access drive, and from the adjacent dwelling to the west, the domesticated nature of the development including the provision of parking areas, garages, roads and domestic gardens would be apparent. Furthermore where conversions of the existing buildings are proposed additional openings would be inserted into the fabric of the structures, and some existing openings would be closed up. This would substantially alter their agricultural appearance. Overall, the amount of alterations to the existing buildings and the extensive associated residential works would combine to result in an urban complex contrasting sharply with the rural character of its surroundings.
8. In addition, the introduction of 12 additional dwellings on site would lead to an increase in traffic movements on local roads which would be indicative of an intensification of the residential development on site. The appellant advises there is an extant planning permission for a further two houses on site<sup>2</sup> and

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

<sup>2</sup> Ref 08/01416/APP

another consent, now expired, for the provision of four dwellings<sup>3</sup>. However even accounting for both these developments, from the evidence supplied by both parties relating to trip generation, it is clear that the proposal would represent a significant increase in traffic. This would significantly change the rural nature of the immediate vicinity. There is little conclusive evidence before me to suggest that were the buildings re-used for agricultural purposes they would generate an amount of traffic comparable to that which would be generated by the proposal. Similarly I can give little weight to any possible commercial re-use of the buildings, or the traffic that would generate, as I have no details as to what such a use would entail or the traffic volumes that would result.

9. I accept that a residential conversion of the Coach Houses northeast of the site has taken place and has introduced additional dwellings into the area. Nonetheless, the scheme before me is considerably larger and so would contrast with and significantly harm the rural character and appearance of the immediate area. As such the proposal would be contrary to Policy GP.35 of the Local Plan. It would also conflict with the general design advice in the New Houses in Towns and Villages Supplementary Planning Guidance, and the Conversion of Traditional Farm Buildings Design Guide. However its limited presence in the wider landscape leads me to conclude that it would not conflict with Local Plan Policy RA.8.

*Access to facilities and services*

10. Thornton has little in the way of services or facilities that would meet the day to day needs of the future occupiers of the development. Furthermore Thornton appears distant from any other settlement which might provide such facilities. As a result the occupiers of the proposal would rely heavily on their private cars for their daily needs.
11. I recognise the existing dwelling on site, the units at The Coach House and the consented houses at the site have similarly poor access to services. However the proposal before me would introduce a greater number of dwellings and so would result in a greater number of residents being distant from any facilities or services and with no way to reach them using sustainable modes of travel.
12. The failure of the development to provide acceptable access to facilities or services would be contrary to the aims of the Framework which, in chapter 4, supports patterns of development which facilitate the use of sustainable modes of transport.

*Highway safety*

13. The access drive within the appeal site adjoins a short section of road which itself meets Common Lane at a splitter island. Visibility along Common Lane to the north for cars using the left hand part of the junction is poor due to vegetation on the highway verge and within the property to this side. The Highways Authority accept there is no record of any accidents at this junction, however as this junction currently only serves a handful of properties and as Common Lane is not a heavily trafficked road, I do not consider this is necessarily an indication that it is a safe junction.

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<sup>3</sup> Ref 05/02270/APP

14. The appellant has provided a letter from the Convent of Jesus and Mary, who appear to be the owners of the land to the north of the access. It advises that they agree to the realignment of the fence along Common Lane and the removal of vegetation so as to enable a satisfactory visibility splay to be provided. Whilst it would be possible to ensure the development did not commence until these works were undertaken, by virtue of a 'Grampian' style condition, I do not consider the retention of the splay could be secured in perpetuity.
15. As such the required visibility splay cannot be ensured and therefore the increase in traffic using this junction as a result of the development would compromise highway safety. This would be contrary to paragraph 32 of the Framework, which states that developments should provide safe and secure access, and the objectives of the Buckinghamshire Local Transport Plan which aim to reduce the risk of death or injury on the county's highways.

#### *Flood Risk*

16. No drainage strategy was submitted and instead the appellant suggests that one could be secured by condition. The development proposes the demolition of many buildings, and from calculations given in the Design and Access Statement, it appears there would be a reduction in the footprint of the buildings on site. However there are no figures for the existing and proposed areas of hardstanding. Without any assessment of the comparative impermeable areas or a drainage strategy I cannot be confident that surface water from the development would not result in flooding of the site or neighbouring land. Therefore, the proposal would fail to accord with the Framework which, in paragraph 103, advises that development should ensure flood risk is not increased elsewhere.

#### **Other matters**

17. A completed unilateral undertaking has been submitted. This aims to secure the payment of a contribution towards local sport and leisure facilities to mitigate for the effect of the development on such facilities. However, in view of my conclusions on the main issues above, it is not necessary for me to give this matter further consideration.
18. The proposal includes a 9m high telegraph pole and associated telecommunications equipment to be sited in the southwest corner of the site in order to provide an enhanced broadband signal to Thornton. This would be on the raised bank around this side of the site and so would be visible in the landscape. However the structure would be slim, mostly made of timber and so would not appear inharmoniously. The Council raise no objection to the mast and I have no reason to come to a different view. The effectiveness of the service it would provide does not affect my view.

#### **Planning balance and Conclusion**

19. The provision of an additional 12 dwellings to add to the Council's housing supply would be a considerable benefit, and I recognise the Framework seeks to significantly boost the supply of housing. There would also be a proportionate economic benefit resulting from the construction of the development.

20. I give neutral weight to the benefit of removing the existing the buildings as, although they are not in good condition, they are representative of the rural and agricultural character of the site and the locality, whilst their replacements, although of better quality, would have a more urban appearance contrasting with their context.
21. I consider the benefits would be significantly and demonstrably outweighed by the harm the proposal would cause to the character and appearance of the area, to highway safety, potentially to flood risk and by the inability of the development to provide satisfactory access to facilities and services.
22. I have the power to issue a split decision which would grant planning permission for the 9m telegraph pole and communications equipment whilst dismissing the remainder of the appeal. However the appellant suggests this pole and equipment would only be provided if planning permission were granted for the whole development. As such, due to the close relationship between the two parts of the scheme, there would be no benefit in me granting planning permission for this part of the proposal.
23. Consequently, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed and planning permission refused.

*Andrew Owen*

INSPECTOR

Richborough Estates