



Appeal Decision

Inquiry Held on 13 to 15 December 2016, 25 to 28 April 2017 and 2 May 2017
Site visit made on 12 and 14 December 2016 and 14 January 2017

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 25 August 2017

Appeal Ref: APP/J0405/W/16/3142524

Land adjacent to 80 Long Chilton Road, Long Crendon, Buckinghamshire

- 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 Gladman Developments against the decision of Aylesbury Vale District Council.
 - The application Ref 15/02670/AOP, dated 30 July 2015, was refused by notice dated 21 December 2015.
 - The development proposed is outline planning permission for up to 65 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Chilton Road and associated ancillary works. All matters to be reserved with the exception of main site access.
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Decision

1. This appeal is dismissed.

Procedural Matters

2. The Inquiry sat for 8 days. I had an accompanied site visit on 14 December 2016 and I also undertook two unaccompanied site visits on the 12 December 2016 and 14 January 2017.
 3. The application was made in outline with all detailed matters other than access reserved for future consideration and the appeal has been considered on this basis.
 4. At the time of determining the planning application the Council accepted that it could not demonstrate that it had five years' worth of housing land supply as required by the National Planning Policy Framework (the Framework). As a result this did not form part of the reasons for refusing planning permission. However, in October 2016, after the appeal was lodged, the Council adopted an Interim Position Statement which set out an approach to meeting housing requirements in Aylesbury Vale pending the adoption of a new Local Plan. The Interim Position Statement uses the Full Objectively Assessed Need (FOAN) identified in the Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) (October, 2016) to demonstrate that the Council considers that it has five years of housing land supply.
 5. The Council updated its appeal statement to reflect this change in position and this then became a matter for consideration at the Inquiry.
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6. Due to the introduction of five year housing land supply the Inquiry was adjourned after the evidence on landscape and character had been given to enable the appellant the opportunity to produce a response to the Council's revised position. In addition during this adjournment the Long Crendon Parish Neighbourhood Plan – Submission Version (2017) (the LCPNP) was submitted to Aylesbury Vale District Council (AVDC) where it underwent a period of public consultation in accordance with Regulation 16 of the Neighbourhood Planning (general) Regulations 2012 (as amended). Consultation on the plan ran for a period of six weeks and closed on the 19 April 2017. The Inquiry re-opened on 25 April 2017. An updated signed Statement of Common Ground (SoCG) was submitted when the Inquiry re-opened to reflect changes that had occurred during the adjournment.
7. Agreements under S106 of the Town and Country Planning Act 1990 (the S106s) between the Council, Buckinghamshire County Council and the land owners have been submitted. They would provide financial contributions to enable the delivery of off-site highways works and improvements, provision of new bus stops/shelters and/or improvements to public transport infrastructure in the vicinity of the site and the provision and monitoring of a travel plan; a financial contribution towards the provision of primary and secondary education; provision of 30% of the units on-site to be affordable housing; the provision on-site of an area of public open space and a play area and the future maintenance of these areas; the provision on-site of a Sustainable Drainage System (SuDS) and financial contributions towards off-site leisure provision which in this case would be contributions towards the enlargement and improvement of the Long Crendon Sports and Recreation Ground and Sports Pavilion.
8. At the Inquiry the Council confirmed that the S106s together with its CIL charging arrangements, would resolve the second reason for refusal. The Council submitted written evidence that the Agreement would be compliant with regulations 122 and 123 of the CIL regulations.
9. Since the Inquiry closed the Council has received the independent examiner's report¹ for the LCPNP which recommends, subject to a number of modifications, that the plan meets the Basic Conditions and that once modified the plan should proceed to Referendum on the basis that it has met all the relevant legal requirements. Both parties were given the opportunity to comment on the report and their comments² have been taken into account.
10. In August 2017 the appellant submitted additional information³ regarding a Memorandum of Understanding (MoU) which the Council had signed in respect of distribution of housing growth across the Housing Market Area (HMA) and a recent appeal decision by the Secretary of State⁴. The Council was provided with the opportunity to comment on this additional information and its comments⁵ along with the evidence submitted by the appellant have been considered. In its response the Council also provided an update with regards to the LCPNP advising that the referendum for the plan has been set for 7 September 2017.

¹ PID 1.3

² PID 1.5 and PID 1.6

³ PID 1.7

⁴ PINS ref: APP/J0405/V/16/3151297

⁵ PID 1.8

Application for costs

11. At the Inquiry an application for costs was made by both parties. These applications will be the subject of separate Decisions.

Main Issue

12. Based on the original reasons for refusal and the evidence submitted and heard in relation to the appeal I consider that the main issues are:

- whether or not the Council is able to demonstrate a five-year supply of housing land;
- the effect of the proposal on the character and appearance of the area and on the open countryside;
- whether the development proposed would be in accordance with the policies contained within the emerging Neighbourhood Plan; and
- the nature and extent of any social, environmental and economic benefits that the scheme may deliver.

Whether or not the Council is able to demonstrate a five-year supply of housing land

13. The Planning Practice Guidance (the Guidance) advocates that considerable weight should be given to the housing requirement figures in adopted local plans. However, the Guidance acknowledges that evidence that dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. The AVDLP was adopted in 2004 and the housing supply policies it contains were based on identified housing targets based on regional strategies for a plan period that ran up to 2011. As a result it is accepted by the Council that the policies in the AVDLP that relate to the supply of housing are out of date for the purposes of the Framework.

14. The Guidance goes on to state that where evidence in Local Plans has become outdated and policies in emerging plans are not capable of carrying sufficient weight, as is the case here, information provided in the latest full assessment of housing needs should be considered. However, it also acknowledges that the weight given to these assessments should take account of the fact that they have not been tested or moderated against relevant constraints.

15. The Council considers that it can demonstrate that it has five years of housing land supply on the basis of the FOAN identified in the HEDNA. However, the appellant considers that the figure used by the Council underestimates the FOAN for the HMA. When recalculated the appellant considers that the correct FOAN figure would be significantly higher (1230dpa) than the figure used by the Council (969dpa). As a consequence if the higher FOAN were to be applied to the Council's identified supply of deliverable sites⁶ the supply of housing for the district, would in its opinion, fall short of the five years required by the Framework.

16. The main reasons for the difference in opinion arises from issues surrounding data quality; migration rates and whether a 10% or 15% uplift should be applied to market signals.

⁶ Table 7 of CD 13.10

17. Whilst the household projections produced by the Department for Communities and Local Government are recognised as being statistically robust the Guidance⁷ acknowledges that adjustments can be made to housing projections to reflect local circumstances including migration levels and demographic structure.
18. The migration estimates used by the appellant in calculating its FOAN are based on short term (five year) migration trends. However, AVDC has, in the recent past, experienced high levels of migration. As a result when these figures are used to model future projections this helped contribute to the appellant's higher FOAN. The Council however advocates that the HEDNA's use of migration rates which are based on long term trends (10 years) provides a more robust basis for projecting population. The HEDNA provides further detailed methodology and reasoning for why the use of long term migration rates represents a more reliable approach and consequently why this results in a more appropriate basis to calculate housing need. Given that there is limited evidence that the recent levels of migration would be sustained in the future I am satisfied that for the purposes of this appeal the use of long term trends for calculating migration levels is an acceptable approach.
19. With regards to demographic structure the appellant advocates that the Council relies on starting point projections that reject official projections and which make untested adjustments which result in a lower FOAN. However, I am satisfied on the basis of the evidence that I heard that in the 2011 census the ONS Mid Year Estimates (MYE) were overestimates. The Council demonstrated this through reference to secondary data sources including patient data. Once the MYE were recalculated this resulted in a reduction to the population projections which appear in the HEDNA. Whilst I have reservations about the use of patient data for these recalculations this is a matter for examination through the Local Plan process. Having accepted that the MYE do need to be recalculated I consider that for the purposes of this appeal that the use of patient data is a reasonable approach.
20. The appellant argues that if the objective is to change the balance of housing demand and supply so that housing becomes more affordable then the market uplift signal should be 15%. The Council however considers the use of a 10% uplift is appropriate as whilst AVDC does not form an independent housing market it believes as a local housing market it has better market signals than other housing markets within the HMA. As a result in light of the Guidance which advocates that the more significant the affordability constraints the larger the additional supply response should be it considers that the application of a 10% uplift is appropriate. This is reflected in the HEDNA which identifies differences between the housing markets in the HMA and as a result recommends the application of an uplift of 10% for AVDC but a 20% uplift for other parts of the HMA. Consequently I am satisfied in this case that the use of a 10% uplift is reasonable.
21. Finally, due to constraints on development in other parts of the HMA it is widely recognised that a number of neighbouring authorities will not be able to meet their housing needs. As a result this unmet need will need to be accommodated elsewhere within the HMA. It is accepted by the Council that the majority of this unmet need will need to be accommodated within

⁷ Paragraph: 017 Reference ID: 2a-017-20140306

Aylesbury Vale. At the Inquiry the Council indicated that this would be around 7,500 additional dwellings.

22. Following the close of the Inquiry the Council has recently signed a MoU with other authorities that form the HMA which increases the requirement to 8,000 additional dwellings. The appellant now advocates⁸ that the MoU represents a formal agreement and that this figure should now be included as part of the five year housing land requirement. Consequently it considers this would mean an increase in the FOAN to 1370dpa which, when applied to the Council's identified supply of deliverable sites, would mean that the Council had less than three years supply.
23. Whilst I accept that the MoU is a clear statement of intent, the figures it contains have not been subject to any testing through the local plan process. Consequently, I agree with the Inspector for the Buckingham Road appeal⁹ that to include a figure that has not been tested at examination or found sound within the five year housing land supply requirement would amount to the application of a 'policy-on' approach. I consider that this would be the wrong approach for a S78 appeal. This approach is consistent with that taken by other Inspectors considering the issue of housing land supply elsewhere in AVDC¹⁰ albeit that I recognise that these decisions predate the latest MoU.
24. Before concluding on this matter it is important to note the evidence submitted for this appeal on the matter of housing land supply focused solely on whether or not the FOAN has been correctly calculated. No evidence was given regarding the deliverability of the Council's supply of sites. However, I note that in its most recent submission¹¹ the appellant, as a result of the findings of the Inspector at the Castlemilk Inquiry, is now questioning the supply of sites. However, in its response¹² the Council states that since the Castlemilk decision concerns regarding the availability of a number of the disputed sites have now been resolved. As a result it contends that there is no reduction in supply from these sites and in any event given the extent of the five year supply as shown in the most recent Housing Position Statement¹³ it considers that it makes no difference to the existence of a five year supply.
25. Therefore, in conclusion on the basis of the evidence that I have read and heard I consider that the FOAN promoted by the Council whilst untested is based on reasonable and plausible assumptions. As a consequence, whilst I recognise that it has yet to be tested through the Local Plan process, I am satisfied that for the purposes of this appeal that the Council can demonstrate that it has a five-year housing land supply.

The effect of the proposal on the character and appearance of the area and on the open countryside

26. At the Inquiry all the parties agreed that the proposal would affect the character and appearance of the area by virtue of introducing housing and its related infrastructure into what is effectively a greenfield site. However, it is

⁸ PID 1.7

⁹ PINS reference: APP/J0405/W/16/3154432

¹⁰ PINS references: APP/ J0405/W/16/3152120 and 3154432

¹¹ PID 1.7

¹² PID1.8

¹³ Enclosure to PID 1.8

- the harm that may result from this change and the effect that this would have on the character and appearance of the area that falls to be assessed.
27. The site is located within the Chilton Ridge Landscape Character Area (LCA) and the Brill-Winchendon Area of Attractive Landscape (AAL). As a consequence the Council contends that the site forms part of a valued landscape and thus benefits from the protections afforded by paragraph 109 of the Framework.
28. The Framework does not provide a definition of what constitutes a 'valued landscape'. However, at the Inquiry the Council accepted that valued landscapes are 'extraordinary' and consist of the '*most important landscapes to preserve and are amongst the most sensitive*'¹⁴. It is clear from the evidence that I have read and heard that the site's open and undeveloped nature is clearly appreciated and valued by those who live in and around the area. Nevertheless, the site consists of an agricultural field currently laid to pasture which forms a small part of a much wider landscape designation the key characteristic of which appears to be its openness which enables expansive rural views.
29. Whilst I understand the Council's concerns¹⁵ regarding the long term erosion of the rural landscape, by piecemeal development of sites that are not considered individually to be important but that collectively make up a larger identified area of shared character, from what I observed on site there is nothing about this site that appears to make it particularly sensitive or to elevate it out of the ordinary. Furthermore, it does not seem to fulfil a significant role, such as maintaining a green gap or preventing the coalescence of villages, in protecting or enhancing the countryside. Therefore, given its location immediately adjacent to the village edge I do not consider that its loss would undermine the designation of the AAL or the LCA as a whole.
30. I accept that due to its elevated nature there are extensive panoramic views out from the site to the wider countryside. However, with the exception of the occupants of neighbouring properties and people exiting footpath LCR/1/1, I consider that the majority of views of the site from the surrounding area are relatively limited and from most viewpoints the site is viewed in the context of the existing village. As a consequence I do not deem them to elevate the appeal site in landscape terms, particularly when assessed against the range of factors that aid the identification of valued landscapes that are set out in Box 5.1 of the third edition of the GLVIA. Furthermore, I consider that whilst the site shares the characteristics of the wider LCA and the AAL – these characteristics do not constitute demonstrable physical attributes¹⁶ as the key characteristic of these areas appears to be their openness which enables long distance and panoramic views of a rural landscape.
31. As a consequence whilst I recognise that the site benefits from being within the LCA and the AAL, as does the whole of Long Crendon, on the basis of the evidence before me I consider that this does not amount to a valued landscape for the purposes of the Framework.

¹⁴ Paragraph 6 of ID 8.2

¹⁵ Paragraph 9 of ID 8.2

¹⁶ Stroud District Council v Gladman Developments Ltd [2015] – ADD DOC ref indicates that a valued landscape needs to pose some physical attribute which takes it above mere countryside

32. The Framework¹⁷ states that decisions should aim to ensure that developments respond to local character and reflect the identity of local surroundings. This principle is also found within policy GP.35 of Aylesbury Vale District Local Plan (2004) (the AVDLP) which amongst other things advocates that new development should respect and complement the physical characteristics of the site and its surroundings; the natural qualities and features of the area and the effect on important public views and skylines.
33. Whilst I acknowledge that the scheme would be at a different density to other developments within the village, the proposed density would still be relatively low. Nevertheless, I accept that in the context of Long Crendon, it would result in the introduction of a significant amount of development that, in order to accommodate the number of units proposed, would need to extend some distance back from the road and up the flank of the ridge. However, the scheme would be viewed against the backdrop of the existing village and development at the top of the site would be set down from the ridge owing to the restrictions on development in this area due to the location of the Iron Age hill fort remains.
34. I observed at my site visit that although Long Crendon may originally have been a linear settlement it would appear that over time the areas between the main routes have been settled and as a consequence development at a variety of different densities and layouts extend back from the main roads. As a result while I accept that the proposal would represent a different layout and urban grain to the established pattern of development on the eastern side of Chilton Road I do not consider that it would be out of character with the village as a whole. Furthermore, it is reflective in terms of layout and density of other settlements on the edge of the village such as Abbots Ridge which is also located at an entrance to the village and adjacent, albeit separated by a road, to open countryside.
35. I accept that the proposal would result in the urbanisation of this section of the road and the extension of the built form of Long Crendon out into open countryside and agree with the Council that this would result in a change in the character and appearance of the site from an open agricultural landscape to a more suburban one.
36. However, in order to mitigate the impact of development a significant quantity of landscaping is proposed particularly along the north-eastern boundary and the frontage with Chilton Road. In addition where possible it is intended that existing hedgerows would be retained and reinforced. I agree with the Council that the countryside around Long Crendon is characterised by its openness and lack of trees. However, I observed at my site visit that whilst the countryside itself is relatively open, trees do appear in wider landscape views and in particular these tend to demarcate and be particularly prevalent in and around the location of settlements. As a consequence I consider that, in the context of Long Crendon, the introduction of the mitigation planting at the site would not be out of character and furthermore once established would filter views of the development particularly for those receptors closest to the site.
37. Having visited the various long distance viewpoints discussed at the Inquiry and referred to in the evidence, I consider that views of the site from the wider area are relatively limited and whilst I accept that the proposal would extend

¹⁷ Paragraph 58 of the National Planning Policy Framework (2012)

up the ridge and so would be higher than the adjoining housing, when it is visible it would be viewed against the context of the existing village. Views of the development from the other side of the ridge would be relatively restricted due to the limited ability to build on the upper parts of the site and the proposal to restrict building heights in this area. Consequently, I consider that in long distance views Long Crendon would remain as a village sitting on the south-western slope of the Chilton ridge and views of the ridge would not be compromised.

38. The Framework¹⁸ moves away from blanket landscape designations and towards the introduction of criteria based policies for assessing proposals that affect landscape areas. As both AAL and LCA's are blanket designations the amount of weight that should be attached to policy RA.8 was a matter of debate between the parties. However, for the reasons outlined above I have found that the proposal would comply with the requirements of policy RA.8. Compliance with policy RA.8 would mean that the proposal would not result in harm to the landscape or the wider countryside and consequently would accord with the requirements of the Framework in that it would not be harmful to the intrinsic character and beauty of the countryside¹⁹ and would respond to local character and reflect the identity of local surroundings²⁰. Consequently, in the context of this appeal, I consider that I can attach significant weight to the proposal being in accordance with relevant policies in the development plan.
39. As a result, I consider that the proposal would not result in an obstruction in to open countryside that would have significant adverse impacts on the character and appearance of the site, its surroundings, the character of the streetscene, the character and setting of the village or the AAL and would be in accordance with policies RA.8 and GP.35 of the AVDLP which require that development proposals in AALs should respect their landscape character and where development would adversely affect this character appropriate mitigation is provided (RA.8) and that development in the countryside has to be compatible with its surroundings and respect the natural qualities and features of the area (GP.35).

Whether the development proposed would be in accordance with the policies contained within the emerging Neighbourhood Plan

40. A Neighbourhood Plan²¹ is in the process of being prepared for Long Crendon. Since the Inquiry closed the Council has received the independent examiner's report²² which recommends that subject to a number of modifications that the plan meets the Basic Conditions and that once modified the plan should proceed to Referendum on the basis that it has met all the relevant legal requirements. Furthermore a date in early September has now been set for the referendum. I therefore consider that the emerging LCPNP is at a very advanced stage in the plan making process.
41. The emerging LCPNP would cover the plan period from 2013-2023. The stated purpose of the plan is to have policies that can be used to allocate development land. It contains a number of policies relevant to the delivery of housing and

¹⁸ Paragraph 113 of the National Planning Policy Framework (2012)

¹⁹ Paragraph 17 of the National Planning Policy Framework (2012)

²⁰ Paragraph 58 of the National Planning Policy Framework (2012)

²¹ AID 1.8

²² PID 1.3

- identifies sites which represent the local communities preferred locations for growth. The appeal site is not an allocated site within the emerging LCPNP.
42. The emerging LCPNP defines a settlement boundary for the village and plans for the delivery of 82 homes over the plan period. This number is based on the figures contained within the emerging Vale of Aylesbury Local Plan (VALP) and would be achieved through the delivery of 60 units that already have planning permission and the allocation of a number of sites within the settlement boundary which could deliver, subject to planning permission, the remaining 22 units.
43. I acknowledge that the appeal site and this proposal are referred to, albeit briefly, in the emerging LCPNP²³. However, I disagree with the appellant that the LCPNP has been advanced on the basis that planning permission may be granted or sets out what would occur in the event of this happening, as the plan clearly excludes the appeal site because it falls outside of the proposed settlement boundary and would deliver housing in numbers in excess of those planned for. Furthermore the emerging LCPNP specifically highlights a concern about over delivery²⁴ of new housing due to the environmental constraints that exist within and around the village.
44. I accept on the basis of the evidence I have read and heard that, due to its size, Long Crendon has the capacity to absorb additional housing and that granting planning permission for the scheme would not necessarily prevent the sites identified in the emerging LCPNP coming forward, albeit that they may not need to have been allocated for housing as the units that they would deliver would not be required. I also acknowledge that other policies within the plan would not be compromised should this site be granted planning permission, although this is in part due to the fact that the emerging LCPNP specifically excluded the site.
45. I acknowledge that the appellant considers that the plan would be in conflict with the emerging VALP as the housing figures it contains have not been tested at examination. Furthermore, they advocate that it adopts a phased approach to the delivery of housing and consequently would not deliver the full amount of housing allocated to Long Crendon by the VALP. However, I note from the recent independent examiner's report²⁵ that he considered the emerging LCPNP to be in general conformity with the strategic policies contained within the AVDLP and the emerging VALP²⁶ and that the phased approach to the delivery of housing and the application of a shorter plan period²⁷ were appropriate and justified.
46. The Framework states that Neighbourhood Planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need²⁸. Where there is an emerging Neighbourhood Plan the Guidance²⁹ states that they can be a material consideration when determining planning applications. Factors to consider when attaching weight to the policies of an emerging Neighbourhood Plan

²³ Section 4.3 pages 14 and 16 of AID 1.8

²⁴ Section 4.3 pages 14/15 of AID 1.8

²⁵ PID 1.3

²⁶ Paragraph 4.22 of PID1.3

²⁷ Paragraph 4.10 of PID1.3

²⁸ Paragraph 183 of the National Planning Policy Framework (2012)

²⁹ 007 Reference ID: 41-007-20170728

include the stage of preparation of the plan which has been reached, including the extent to which there are unresolved objections to relevant policies, and, where a plan has not yet been the subject of a referendum, the level of local support.

47. In addition Paragraph 216 the Framework advises that the weight to be accorded to emerging plans depends, in summary, on three facts: how far advanced they are in preparation; the extent to which there are unresolved objections; and the degree of consistency with relevant policies in the Framework.
48. The emerging LCPNP is clearly at an advanced stage of preparation. Furthermore, the outstanding objections that existed to the plan at the time of the Inquiry have now been considered by the examining inspector and the examining inspector found, subject to a number of suggested modifications, that the emerging LCPNP was sound and consistent with the Framework.
49. Whilst the emerging LCPNP has yet to be the subject of a formal referendum it was clear from the evidence submitted in writing by the numerous Interested Parties and given at the Inquiry that there is a high level of support locally for the emerging LCPNP. Whilst I accept that the emerging LCPNP is not yet part of the development plan I consider that it is at a very advanced stage of preparation and given the level of local support that and the date set for the referendum it is likely to be made in the very near future. As a result I consider that very significant weight should be attached to the policies of the emerging LCPNP.
50. Consequently, for the reasons set out above I consider that by delivering units on an unallocated site outside the proposed settlement boundary the proposal would be contrary to policy LC1 of the emerging LCPNP.

The nature and extent of any social, environmental and economic benefits that the scheme may deliver

51. I accept that the proposal would deliver several social, environmental and economic benefits. The delivery of housing is a clear benefit of the scheme which reflects one of the key objectives of the Framework. Moreover, the scheme would secure the delivery of affordable housing in an area where there is acknowledged local need. There would also be financial contributions to enable the delivery of off-site highways works and improvements, provision of new bus stops/shelters and/or improvements to public transport infrastructure in the vicinity of the site; the provision on-site of an area of public open space and a play area as well as financial contributions towards off-site leisure provision all of which would benefit the existing population of Long Crendon as well as any residents of the proposed scheme. In addition the scheme would generate employment opportunities during the construction phase and future residents would contribute to supporting the local economy. As a result I accept that the scheme would deliver a number of positive benefits.

Other matters

52. In order to comply with the Framework and policy GP.2 of the AVDLP a percentage of the proposed units would need to be affordable. The appellant has submitted completed Section 106 agreements (the S106s). Under the

- terms of the agreement, no less than 30% of the units on-site would be affordable.
53. In addition the S106s would also provide financial contributions to enable the delivery of off-site highways works and improvements, provision of new bus stops/shelters and/or improvements to public transport infrastructure in the vicinity of the site and the provision and monitoring of a travel plan; a financial contribution towards the provision of primary and secondary education; the provision on-site of an area of public open space and a play area and the future maintenance of these areas; the provision on-site of SuDS and financial contributions towards off-site leisure provision which in this case would be contributions towards the enlargement and improvement of the Long Crendon Sports and Recreation Ground and Sports Pavilion.
54. On the basis of the evidence I have read and heard I am satisfied that the obligations within the S106s are necessary to make the development acceptable in planning terms; are directly related to the development and are fairly and reasonably related in scale and kind to the development. As a consequence I consider that they meet the tests within Regulations 122 and 123 of the Community Infrastructure Regulations (2010) and the Framework³⁰ and would comply with policies GP.2, GP.88 and GP.94 of the AVDLP, which require the delivery of up to 30% affordable housing on schemes of 25 or more units (GP.2) and seek contributions towards the provision of off-site facilities where they would be necessary to mitigate the impact of the development (GP.88 and GP.94). I am therefore satisfied that the issues raised by the Council in its second reason for refusal have been adequately addressed.
55. In addition to there being the visible remnants of historic ridge and furrow earth works, in the northeast corner of the site are the buried remains of an Iron Age hill fort. All of these features are non-designated heritage assets.
56. Whilst I acknowledge that the layout plan submitted with the appeal is indicative, its purpose is to illustrate that the development proposed could be accommodated within the site. The plan shows that the area where the hill fort is located would be kept free from development. In addition both parties have suggested a condition that would require that the hill fort remains are not built on and that a 10m buffer around the remains should be established. As a result I am satisfied that the proposal would not adversely affect this non-designated heritage asset.
57. The proposal would however result in the loss of the ridge and furrow remains. I note from the evidence that the Council's Archaeological advisor³¹ has not objected to their loss. Nothing I have heard or read in the evidence before me leads me to a different conclusion and therefore, having regard to paragraph 135 of the Framework, whilst I recognise that the proposal would result in the loss of these assets I consider that the harm that would result from their loss would be acceptable.
58. A local resident advocated that due to pre-existing health conditions the proposal would breach Article 8 of the First Protocol of the European Convention on Human Rights as incorporated by the Human Right Act 1998 which provide the right for respect for private and family life. However, I

³⁰ Paragraph 204 of the National Planning Policy Framework (2012)

³¹ CD5.1

consider that the proposal would be at a sufficient distance from their property so as not to result in loss of light or privacy or an increase in noise and air pollution to a level that would detrimentally affect their health. The effects of construction whilst not a material consideration could be controlled by the use of a suitably worded condition that would amongst other things limit the hours of work, ensure that dust at the site would be suppressed and noise mitigated in order to protect the living conditions of the occupants of nearby properties.

59. At the Inquiry a number of Interested Parties claimed that the site and the surrounding area suffered from flooding and raised concerns that the proposal would exacerbate the problem. However, I note from the agreed SoCG that the Strategic Flood Management Team at Buckinghamshire County Council do not consider that, subject to a number of conditions and the delivery on-site of a SuDS, the proposal would materially increase or exacerbate flood risk either on-site or in the wider locality. Nothing I have read or heard leads me to question this advice and therefore I am satisfied that the proposal should not lead to an increased risk of flooding.
60. There was a significant level of concern raised in relation to the potential effect of the proposed development on the capacity of the local road network and highway safety particularly given the sites proximity to Long Crendon School. However, based on all the evidence before me and the observations during my site visits I am satisfied that any increase in traffic from the proposed development would not compromise highway safety or result in congestion on the local road network. Moreover, this is consistent with the views of the Highways Authority³² who raised no objections in relation to capacity or highway safety, subject to a number of suitably worded conditions and various off-site highways works.
61. A number of residents advocate that the proposal would, through the introduction of additional streetlights, result in light pollution that would detract from the rural character of the area and night time views. However, I disagree with the Council³³ that the site is currently dark or that light from the proposal would appear isolated given the site's location adjacent to the edge of the village.
62. A concern was raised that the proposal would lead to the coalescence of Long Crendon and Easington. However, I note from my site visit that the two villages are approximately a mile apart and as a result given the limited nature of the scheme I am satisfied that the proposal would not materially close the gap between the two villages.
63. At the Inquiry both parties agreed that the use of suitably worded conditions regarding boundary treatment and management of construction could satisfactorily address the concerns regarding the necessary mitigation measures to safeguard pupils at Long Crendon School voiced by the Head teacher.

Conclusion

64. For the reasons that I have set out above³⁴ I consider that for the purpose of this appeal the Council can demonstrate that it has five years of housing land

³² CD5.1

³³ Paragraph 66 of ID 8.1

³⁴ Paragraphs 13-25

supply. Furthermore, in my opinion the proposal would not result in an obtrusion in to open countryside that would have significant adverse impacts on the character and appearance of the site, its surroundings, the character of the streetscene, the character and setting of the village or the AAL³⁵. As a result in my judgement the proposal would be in accordance with the relevant policies of the AVDLP and in particular RA.8 and GP.35.

65. Therefore I consider that the fourth bullet point of paragraph 14 of the Framework is not engaged as in my opinion the development plan is neither absent, silent nor are the relevant policies (RA.8 and GP.35) for this appeal out of date. Consequently, bullet point three of paragraph 14 advocates that for decision taking development proposals that accord with the development plan should be approved without delay.
66. Planning law³⁶ also requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
67. Therefore having concluded that the proposal is in accordance with the development plan it is necessary for me to consider whether there are any other material considerations that exist which could lead me to reach a different conclusion.
68. As I have already outlined³⁷ while the proposal would be in accordance with the AVDLP the proposal would result in delivering units on an unallocated site outside the proposed settlement boundary contrary to the emerging LCPNP.
69. The Framework highlights the importance of neighbourhood planning as giving communities the opportunity to develop a shared vision for their neighbourhood and to enable local people to get the right types of development for their community.
70. Paragraph 185 of the Framework states that 'once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood where they are in conflict'. Paragraph 198 advocates that 'where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted'.
71. Whilst I accept the emerging LCPNP has not yet been made and therefore paragraphs 185 and 198 of the Framework are not directly applicable I consider that the guidance they provide as to how to judge the weight to be given to the policies of a neighbourhood plan are relevant to this appeal. Given the very advanced stage that the plan has reached and the strong level of local support and the fact that date for the referendum has now been set I consider that the LCPNP has a very good prospect of being made. Furthermore, it provides a clear picture as to how the local community consider that the village should be allowed to develop. As a consequence I consider that the LCPNP is a material consideration to which I must attach very significant weight.

³⁵ Paragraphs 26-39

³⁶ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

³⁷ Paragraphs 26-39

72. In conclusion whilst I accept that the proposal would deliver a number of positive social and economic benefits and would cause limited harm to the character and appearance of the area the proposal would conflict with the emerging LCPNP to which I have attached very significant weight. As such when assessed against the policies of the Framework as a whole the LCPNP is a material consideration which leads me to determining this appeal other than in accordance with the development plan.
73. For these reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Jo Dowling

INSPECTOR

FOR THE LOCAL PLANNING AUTHORITY:

Jack Connah and Suzanne Ornsby QC, of Counsel (week 1)

Suzanne Ornsby QC and Katherine Barnes, of Counsel (weeks 2 and 3)

They called

| | |
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| Jonathan Bellars | Landscape Architect and Urban Designer for Aylesbury Vale District Council |
| Jonathan Lee | Managing Director, Opinion Research Services |
| Philippa Jarvis | Principal of PJPC Ltd (Planning Consultancy) |

FOR THE APPELLANT:

Thea Osmund-Smith, of Counsel

She called

| | |
|-------------------------|--|
| Phil Rech | Director, FPCR |
| Dr Ricardo Gomez | Director, Regeneris Consulting |
| Laura Tilston | Planning Manager, Gladman Developments Ltd |

INTERESTED PERSONS:

| | |
|----------------------|--|
| Mr Tim Chapman | Long Crendon Parish Council |
| Mr David Copping | Local resident |
| Mr Hayden Davies | Local resident |
| Ms Caroline Didsbury | Local resident |
| Mr John Fishburn | Long Crendon Neighbourhood Plan |
| Mr Andy Hamment | Crendon Residents Against Gladman (CRAG) |
| Ms Susan Holding | Local resident |
| Mr James | Local resident |
| Ms Heidi Jones | Local resident |
| Ms Kylie Kyleman | Local resident |
| Mr Terry Mills | School Crossing Supervisor |
| Mr Geoff Newman | Local resident |
| Mr Philip Rose | Local resident |
| Mrs Sue Stamp | Head teacher, Long Crendon School |

| Documents submitted during week 1 (13-15 December 2016) of the Inquiry | | |
|--|-----|---|
| ID | 1.1 | Brief opening statement on behalf of the appellant |
| | 1.2 | Opening statement on behalf of the Local Planning Authority Aylesbury vale District Council |
| | 1.3 | Addendum to Jonathan Bellars' proof of evidence |
| | 1.4 | Corrigendum of proof of evidence of Jonathan Bellars' |
| | 1.5 | Copy of the appeal decision APP/J0405/W/15/3002218 – the 'Ivinghoe' decision |
| | 2.1 | Plan 6804-L-02 rev H annotated to show the gradient of the site |
| | 2.2 | S106 Planning Obligation – CIL compliance schedule |
| | 3.1 | Page 22 of Mr Rech's proof of evidence |
| Documents submitted while the Inquiry was adjourned | | |
| AID | 1.1 | Statement of Professor Tim Shreeve |
| | 1.2 | Statement of Andrew Hamment |
| | 1.3 | Extract from Aylesbury Vale Landscape Character Assessment – LCA 9.5 Brill and Muswell Hill |
| | 1.4 | LVA Figure 6 revision A |
| | 1.5 | LVA figures 7 and 8 revision A |
| | 1.6 | Email dated 20.01.17 from Mr Philip Rose providing an update on the status of the Long Crendon Parish Neighbourhood Plan and a copy of the Regulation 14 notice |
| | 1.7 | Authorisation from the Crendon Residents Against Gladman (CRAG) for Mr Andrew Hamment to represent them at the Inquiry |
| | 1.8 | Copy of the Long Crendon Parish Neighbourhood Plan 2013-2023 (March 2017) |
| Proof of Evidence: Full Objectively Assessed Housing need (OAN) in Aylesbury Vale from Dr Ricardo Gomez (including appendices A-C) | | |
| Rebuttal Proof of Evidence of Ricardo Gomez (including Appendices A-D) | | |
| Proof addendum by Laura Anne Tilston (March 2017) | | |
| Proof of Evidence of Jonathan Lee on behalf of Aylesbury Vale District Council (21 March 2017) (Including appendices 1-17) | | |
| Supplementary Proof of Evidence by Philippa Jarvis (28 March 2017) (including appendices 1-2) | | |

| Statement of Common Ground (April 2017) | | |
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| Documents submitted during week 2 (25-28 April 2017) of the Inquiry | | |
| ID | 4.1 | Second opening statement on behalf of the local planning authority Aylesbury Vale District Council for the w/c 25 April 2017 |
| | 4.2 | Further brief opening statement on behalf of the appellant |
| | 4.3 | Long Crendon Parish Council submission to Chilton Road planning appeal 25 th April 2017 |
| | 4.4 | Suggested conditions following discussions at the Inquiry – agreed by the appellant and Council |
| | 4.5 | Copy of appeal decision for land West of College Road South, Aston Clinton PINS ref: APP/J0405/W/16/3147513 |
| | 4.6 | Hedgerow Assessment 2017 by the Environment Partnership |
| | 4.7 | Response on Ecological Matters raised by third parties |
| | 6.1 | Email from Liz Seal, Associate Director, Ecology dated 21 April 2017 |
| | 6.2 | Statement of Common Ground Note on 5 year Housing Land Supply Figures |
| | 7.1 | Email trail regarding appointment of Dr Ricardo Gomez to prepare evidence base for the appeal (redacted) |
| Documents submitted during week 3 (2 May 2017) of the Inquiry | | |
| ID | 8.1 | Closing statement on behalf of the Local Planning Authority Aylesbury Vale District Council |
| | 8.2 | Closing submissions on behalf of the appellant |
| | 8.3 | Certified copy of S106 agreement with Buckinghamshire County Council by the appellant |
| | 8.4 | Certified copy of the S106 agreement with Aylesbury Vale District Council by the appellant |
| Documents submitted after the Inquiry closed | | |
| PID | 1.1 | Certified copy of S106 agreement with Buckinghamshire County Council by the Council |
| | 1.2 | Certified copy of the S106 agreement with Aylesbury Vale District Council by the Council |
| | 1.3 | Report on Long Crendon Neighbourhood Plan 2013-2023 dated 16 June 2017 |
| | 1.4 | Email from Laura Tilston dated 21.06.17 with agreed wording for suggested condition |

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| | 1.5 | Email response from Laura Tilston dated 28.06.17 responding to the LCPNP Examiners Report |
| | 1.6 | Email response from Philippa Jarvis dated 28.06.17 responding to the LCPNP Examiners Report |
| | 1.7 | Response by Gladman to Memorandum of Understanding in respect of Distribution of housing growth across the HMA and Castlemilk appeal and the associated Inspectors report (ref: APP/J0405/V/16/3151297) – August 2017 |
| | 1.8 | Letter from Susan Kitchen of Aylesbury Vale District Council dated 21 August 2017 responding to PID1.7 |
| | 1.9 | Email from Laura Tilston dated 15 August 2017 |
| Documents submitted in relation to costs | | |
| CA | 1.1 | Appellants costs application |
| | 1.2 | Costs application by Aylesbury Vale District Council with regards to Dr Gomez's rebuttal proof |
| | 1.3 | Costs application by Aylesbury Vale District Council with regards to OAN |
| | 1.4 | Response of the Local Planning Authority to the Appellant's costs application |
| | 1.5 | Response of the Appellant to the response of the Local Authority to the Appellants costs application |
| | 1.6 | Response of the Appellant to the Local Authority's Costs application in relation to Dr Gomez's rebuttal proof |
| | 1.7 | Response of the Appellant to the Local Authority's Costs application regarding OAN evidence. |
| | 1.8 | Reply of the Local Planning Authority to the Appellant's response to the LPA's Costs Application |