



Appeal Decision

Hearing held on 30 August 2017

Site visit made on 30 August 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 28 September 2017

Appeal Ref: APP/J0405/W/17/3169545

Land at The Broadway, Grendon Underwood HP18 0XH

- 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 outline planning permission.
 - The appeal is made by Edward Ware Homes and Mr Ken Smith against Aylesbury Vale District Council.
 - The application Ref 16/03170/AOP, is dated 31 August 2016.
 - The development proposed is the erection of up to 82 dwellings and the provision of car parking, public open space, landscaping and other associated works.
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of up to 82 dwellings and the provision of car parking, public open space, landscaping and other associated works.

Preliminary Matters

2. All matters except access were reserved for further approval. Illustrative Site Layout Plan drawing no P-SP-ISL-A3 and a hand-drawn view of the proposal looking north (drawing number Per-N-Broad-A3 Rev 2) were submitted with the application. Whilst the Council accepts that it would be possible to achieve an acceptable internal site layout, it has concerns regarding specific aspects of the submitted plans. Consequently, it was agreed at the hearing that those elements of the site layout which are material to the planning considerations in the appeal could be secured by means of a planning condition. Such a condition would, therefore, deal with the provision of green infrastructure along the northern and southern site boundaries, a robust landscape frontage onto The Broadway and open space within the site; the maintenance of the route of the existing public right of way which crosses the site; a layout which enables a high degree of permeability for pedestrians and cyclists within the site and is well related to the surrounding area. I have had regard to these matters in my consideration of the appeal.
 3. Although the appeal results from the failure of the Council to determine the application, its Statement of Case confirms that the application would have been refused for three reasons relating to the effects of the proposal on the character and appearance of the landscape and the setting of Grendon Underwood; the possible loss of Best and Most Versatile agricultural land and the absence of a planning obligation to secure financial contributions to social infrastructure. The appellant subsequently submitted further information on agricultural land and a
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draft Planning Obligation. As set out in the Statement of Common Ground, the Council considers that these documents would overcome the second and third reasons for refusal. I see no reason to disagree with that approach.

4. An agreed and signed planning obligation was submitted at the hearing and a dated version shortly thereafter. Since the appeal is being dismissed for other reasons, it is not necessary for me to give further consideration to the provisions of the Obligation in respect of contributions to social infrastructure. However, the Obligation would also make provision for affordable housing and I consider this matter below in the Planning Balance.
5. After the hearing the Government published a consultation paper entitled 'Planning for the right homes in the right places' and the main parties were given the opportunity to comment on it. Amongst other things, the paper sets out a standardised methodology for calculating objectively assessed housing need. Under this methodology the indicative housing need for Aylesbury Vale would increase to 1,499 dwellings per annum from the current level of 965 dwelling per annum. However, the paper is at the consultation stage and, based on the Council's timetable, its emerging Local Plan would be submitted for examination before the transitional arrangements for adopting the new methodology come force. Therefore I accord the consultation paper very limited weight.

Main Issue

6. Having regard to the considerations above, the main issue is the effect of the proposal on the character and appearance of the landscape and the setting of Grendon Underwood.

Reasons

Landscape

7. The appeal site and surrounding area is not subject to any national or local landscape designations. However, paragraph 17 of the National Planning Policy Framework (the Framework) requires planning decisions to recognise the intrinsic character and beauty of the countryside and to support thriving rural communities, amongst other things. Paragraph 109 seeks to protect and enhance valued landscapes. Policy GP.35 of the Aylesbury Vale District Local Plan 2004 (LP) requires proposals to respect and complement the physical characteristics of the site and its surroundings, the historic scale and context of the setting, the natural qualities and features of the area and important public views and skylines. There is nothing to suggest that this policy is not consistent with the Framework¹ or applicable to outline planning applications. Policy GP.38 requires development to include landscape proposals to help buildings fit into their surroundings and conserve natural features. Policy GP.40 presumes against the loss of trees and hedgerows of landscape value.
8. The appeal site comprises parts of two agricultural fields immediately to the south of the built up area of Grendon Underwood and east of The Broadway. The area falls within the Kingswood Wooded Farmland Landscape Character Area (LCA) as defined by the Aylesbury Vale Landscape Character Assessment (AVLCA). That assessment finds that the LCA has a distinct landscape character relating to the strong hedgerow and woodland pattern across an undulating landform. The

¹ At the hearing the appellant confirmed that paragraph 7.53 of its Planning Statement should refer to policy GP.53 being in conflict with Framework rather than policy GP.35.

landscape is considered to be of moderate visibility and sensitivity and should be conserved and reinforced. The appellant's Landscape and Visual Impact Assessment (LVIA)² finds that the landscape value of the LCA is medium to high and its susceptibility to the type of development proposed is medium. I see no reason to disagree with those assessments.

9. The AVLCA defines area to the west of The Broadway as Marsh Gibbon Vale LCA, which has a flat or gently sloping landform, although retaining the strong network of hedges and regular field pattern. The LVIA recognises that the appeal site sits at the transition between these LCA's.
10. The LVIA goes on to conclude that the local landscape is of medium to low value based on the presence of detracting features. The exposed edge of the housing along the western part of the site's northern boundary is visible on the approach from the south. However, whilst modern in appearance, the scale and form of this housing is generally consistent with that of more established parts of Grendon Underwood. Moreover, it sits within the well-defined edge of the settlement. The same is true of other areas of modern infill on the south side of Main Street, although most are also less visible due to the greater presence of vegetation along the eastern part of the site's northern boundary. As such, I consider that the modern development on the south side of the settlement does not significantly impinge upon or detract from the value of the character of the adjoining landscape. The agricultural buildings at Manor Farm on the west side of The Broadway have a somewhat unkempt appearance. Nevertheless, such buildings are to be expected in rural areas and, in this case, they are fairly well contained by roadside boundary hedges.
11. Moreover, as the main parties agree, the appeal site and adjoining areas fall within the settings of the Grade II* listed St Leonard's Church and Shakespeare House and its associated Grade II listed barn as well as part of the Grendon Underwood Conservation Area. I deal with the effect of the proposal on the settings of these heritage assets below. However, notwithstanding intervening development, the church tower, in particular, is prominent in views channelled by roadside planting on the approach to the settlement along The Broadway. It can also be seen from the public footpath which crosses the site. Therefore, the local landscape forms part of the rural backdrop for these heritage assets, as well as for Grendon Underwood. The AVLCA identifies this as a distinctive feature of the Kingswood Wooded Farmland LCA. The local landscape is in generally good condition and its field pattern and landform is representative of the wider LCA. Consequently, I find that it does not have a significantly lower value than the Kingswood Wooded Farmland LCA as a whole. Nevertheless, the local landscape would not amount to a 'valued landscape' for the purposes of paragraph 109 of the Framework.
12. The LVIA finds that the local landscape character has a low susceptibility to the form of development proposed. The local landscape is contained by the settlement edge to the north and The Broadway to the west. The land rises to a local ridgeline to the south, which also provides a degree of containment. However, this landform is typical of the wider LCA. Moreover, the southern boundary of the appeal site is not marked by any physical features and, apart from its proximity to the settlement edge, the landscape character of the site is indistinguishable from the land to the south.

² Pegasus Group August 2016

13. The line of pylons which runs some distance to the south of the ridgeline is not significant in the local landscape. The playing fields to the east of the site have a mildly urbanising effect. Nevertheless, they are accommodated within the surrounding pattern of field boundaries and are largely free of built development. Therefore, although the relationship between the edge of Grendon Underwood and the local landscape reduces its susceptibility to change somewhat compared with the LCA as a whole, I consider that its susceptibility is medium to low. On this basis, I find the local landscape to be of medium sensitivity.
14. The proposal would lead to the loss of parts of two agricultural fields, the partial loss and enclosure by built development of the hedgerow between those fields and the loss of part of the hedgerow along the boundary with The Broadway. It would also move the edge of the settlement considerably further south. The appellant argues that the new built edge would align with Manor Farm to the east and the playing fields to the east. However, both of these features have a greater affinity with the countryside than with residential development. Although the existing edge of the settlement is made up of established and more recent infill development, it follows a fairly consistent line. All of the existing development adjoining the site is accessed from Main Street and, on the south side of the road, is contained within a fairly shallow band. As such, the alignment of this settlement edge contributes to the linear form of the settlement as a whole.
15. The proposal would roughly double the depth of development on the south side of Main Road. Moreover, in contrast to the existing development, it would be accessed from The Broadway. There would be no functional links to the existing built up area and a landscape strip would separate the new and existing areas. The proposal would therefore, be sited next to, rather than integrated with, Grendon Underwood. The southern boundary of the site would be entirely new and no more than loosely related to any existing landscape features. The loss of the hedgerow and the creation of a new footpath along The Broadway to the north of the proposed access would dilute the channelled views to the listed church tower. The new footpath would also have an urbanising effect on the approach to the settlement which is currently rather verdant due to the set back of the rear of the Rumptons Paddock houses behind a planted verge. The provision of planted open space behind the new footpath would have a limited mitigating effect. Consequently, I consider that the proposal would be poorly related to the existing settlement and would result in a significant incursion into the local landscape.
16. The southern boundary would be marked by new hedgerow and tree planting and there would be areas of open space within the site. It is also proposed to restrict the height of new building in the southern part of the development. These measures would help to soften the edge of the development to a greater extent than the existing, rather disjointed, planting on the southern edge of Rumptons Paddock and Midsummer Drive. However, unless the planting on the southern boundary were considerably deeper than is suggested by the Illustrative Site Layout, in which case it would be out of character with the adjoining field boundary enclosures which are typically low, manicured hedgerows and occasional trees, it would be unlikely to effectively screen and contain the new buildings. Nevertheless, I recognise that the new planting on the northern and southern boundaries of the site would help to offset the loss of existing hedgerows. The LVIA considers that the proposed open space areas would create a green space between Shakespeare House and the rural area. I consider this in relation to the setting of the listed building below. However, even if the open space extended to

the southern site boundary, it would amount to a small proportion of the new edge of the development.

17. Considered in the context of the Kingswood Wooded Farmland LCA as a whole, the impact of the proposal would be localised and contained by Grendon Underwood and the rising land to the south. Nevertheless, in the local context, the magnitude of the impact would be medium to high. Having regard to the value, and susceptibility of this landscape, I find that the proposal would have a moderate to major adverse impact.
18. Given the containment of the site in the wider landscape, I recognise that the visual impact of the proposal from longer range views (for example LVIA/Landscape and Visual Matters Statement of Case Viewpoints (VP) 01, 02, 03, 11 and 12) would be limited and filtered. However, I consider that its visual impact from closer range views would be more significant. In particular, the proposal would fundamentally alter the views from the footpath which crosses the site (VP 10). This route offers the opportunity to gain access to the countryside directly from the village hall and playing fields. The open, uninterrupted views of the immediate and wider landscape would be replaced by far more enclosed views. Even if the site were laid out so that the footpath crosses an area of open space, views would be considerably less expansive and the presence of built development would be very apparent. Therefore, I consider that the magnitude of change would be high and, given the high sensitivity of this viewpoint, the significance of the impact would be major adverse on completion and in Year 15.
19. I have already expressed concern regarding the screening effectiveness of the proposed planting on the southern site boundary. As such, I consider that built development would be readily apparent in views from the south (for example VPs 06, 07, 08 and D). Given the contribution of the church tower to views along The Broadway, I judge that VPs 07 and 08 have high sensitivity, notwithstanding the exposed edge of the settlement in the vicinity of Rumptons Paddock. I have also concluded that the proposal would create an unwelcome intrusion in the landscape and would impact on views to the church and the southern approach to Grendon Underwood. Consequently, I find that the magnitude of change in these views would be medium and the impact moderate.
20. On the site visit I was able to see the site from a residential property at the southern end of Rumptons Paddock. I appreciate that the author of the LVIA did not have a similar opportunity and that the planning system does not exist to protect private views. Nevertheless, the view obtained on the site visit is likely to be representative of a number of the properties which adjoin the northern boundary of the site. Collectively, they merit consideration and, are of high sensitivity (LVIA Table A.4). Wide ranging views of the open fields and the more distant countryside are available. The proposal would replace these views with new planting at close range and built development beyond. The nature and depth of the planting would subject to further approval. Although it would be reasonable to expect the scheme to be attractive of itself when mature, the extensiveness of the views and the direct connection to the countryside would be lost. The magnitude of change would, therefore, be medium and the significance of the impact would be moderate adverse.

Setting of Grendon Underwood

21. The appellant questions the extent to which the linear character of Grendon Underwood can be perceived 'on the ground' and the significance of its linearity.

The form of the settlement may be difficult to appreciate from any single viewpoint. However, in practice, it is viewed from a range of viewpoints, often experienced in sequence. In this case, the consistent settlement edge is apparent on the approach from the south along The Broadway. Progression along the length of Main Street, with glimpses of the countryside at various points, underlines the sense of built form being contained within a fairly narrow band on either side of the road. Further reinforcement of the form of the settlement can be obtained by moving along the footpaths which run from Main Street into the adjoining countryside.

22. Settlement form is only one element in the assessment of landscape character. However, LP Policy GP.35 also requires the physical characteristic of the site surroundings and the historic scale and context of the settlement to be taken into account. Framework paragraph 58 aims to ensure that developments respond to local character and establish a strong sense of place. As the Grendon Underwood Conservation Area Summary notes, the settlement forms a 'straggling ribbon' whose form arises from the limited infilling of relatively recent development between the clusters of older buildings which make up the five sections of the Conservation Area. The linearity of Grendon Underwood is therefore, locally distinctive and worthy of protection. I have already concluded that the proposal would relate poorly to the settlement edge.
23. Drawing all of these considerations together, I find that the proposal would have a significantly harmful impact on the character and appearance of the landscape and the setting of Grendon Underwood. As such, the proposal would conflict with LP Policy GP.35 and Framework paragraphs 17 and 58.

Other Matters

24. It is common ground that the appeal site falls within the settings of Grendon Underwood Conservation Area and the listed St Leonards Church and Shakespeare House and barn. It was also agreed that the settings of these heritage assets have evolved with relatively recent development in the area between the assets and the appeal site. I have already referred to the infill development between the various parts of the Conservation Area. Residential development at Midsummer Drive, Rumptons Paddock and to the south of Shakespeare House also serve to reduce the functional links and, in many views, the direct visual connection between the heritage assets and the wider rural landscape, including the appeal site. This limits the significance of the appeal site to the settings of Shakespeare House and barn and the Conservation Area. Moreover, open space within the proposal development could be located adjoining the southern boundary of Shakespeare House. This would ensure a vestigial link between the House and barn and the countryside.
25. In terms of the setting of the church, I have already found that the proposal would have an adverse impact on views on the approach from the south. Consequently, although I agree with the main parties that the harm to the settings of the Conservation Area and Shakespeare House and barn would be towards the lower end of the less than substantial scale, I consider that the harm to the setting of St Leonard's Church, whilst still less than substantial, would not be at the upper end of that range.
26. The proposal would, therefore, result in a degree of conflict with LP policy GP.53 which presumes against development that causes harm to the settings of Conservation Areas. However, this policy does not allow for less than substantial

harm to be balanced against the benefits of a proposal. In that regard the policy is not consistent with paragraph 134 of the Framework and this limits the weight I can attach to it.

27. Nevertheless, the proposal would not accord with Framework paragraph 131 which requires the desirability of sustaining and enhancing the significance of heritage assets to be taken into account. It would also conflict with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which has similar aims with regard to the settings of listed buildings. Considerable importance and weight should be given to this harm. Framework Paragraph 134 advises that where, as in this case, a proposal would lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal. I consider this matter in the Planning Balance below.
28. The appellant considers that the Council will be required to satisfy an unmet need for housing from adjoining Districts through the plan-making process. However, in the context of this appeal, it does not dispute that the Council is able to demonstrate a five year supply of housing. However, both parties agree that the LP does not set an up to date housing requirement and is, therefore, 'time expired'. As such, the Council accepts that the LP is out of date for the purposes of Framework paragraph 14. I address this matter further below.
29. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Planning Balance and Conclusion

30. Since the LP is out of date, Framework paragraph 14 requires planning permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework as a whole, or that specific policies indicate that development should be restricted. Footnote 9 confirms that such policies include those for the protection of designated heritage assets. In accordance with Framework paragraph 134 therefore, the less than substantial harm to the affected heritage assets must be balanced against the public benefits of the proposal. Such benefits could include anything which contributes to the economic, social or environmental roles of sustainability.
31. The proposal would contribute up to 82 units towards the District's housing land supply and paragraph 47 of the Framework seeks to boost the supply of housing irrespective whether the five year requirement is met. This consideration weighs in favour of the proposal. It would also provide some 25 affordable units and the Council has confirmed that there is an identified need for affordable housing in the Grendon Underwood area. Therefore, whilst I am not persuaded that the provision of affordable housing should be regarded as a 'human benefit'³ as well as a social benefit, I do attach significant weight to it.
32. The proposal would provide for highways alterations, including the narrowing of The Broadway carriageway, extending the 30mph speed limit and the provision of a footpath from the proposed access to Main Street. I recognise that the Community Led Plan identifies a need for transport and safety measures, including a crossing from Main Street to the church. However, as the appellant accepts, the proposed highways alterations would make this crossing only marginally easier.

³ Appellant's Planning Statement paragraph 9.74

For the most part, the other alterations would simply integrate the proposal into the highway network. As such, I give them limited weight as public benefits.

33. Existing residential areas are accessed from Main Street which allows a reasonable level of connectivity and direct linkage to local facilities and services. In contrast, the proposed dwellings would be accessed from The Broadway and there would be no direct vehicular or pedestrian links between the site and Main Street. In my view, this arrangement would tend to isolate future residents from the rest of the settlement and stifle opportunities for integration and social cohesion. This consideration weighs against the proposal. The on-site open space would be provided for future occupiers although, since this a requirement of the relevant development policy and the space would not be conveniently accessible to existing residents, it amounts to a neutral consideration in the planning balance.
34. The proposal would also provide short and long term economic benefits through construction activity, expenditure by future residents which would to help support local facilities and services, and contributions towards Council tax receipts and the New Homes bonus. These benefits are quantified and agreed in the Statement of Common Ground. However, there is no substantive evidence to suggest that the population of Grendon Underwood is in decline or that its facilities and services are currently unviable. I have also referred to the proposed layout having an isolating effect with regard to access to local facilities and services. Therefore, I accord the economic benefits of the proposal moderate weight.
35. I have already concluded that the proposal would have significantly harmful impacts on the character and appearance of the landscape and the setting of Grendon Underwood. Whilst conditions could be used to ensure that the proposal would not have an adverse effect on bio-diversity, I note that the Ecology and Protected Species Appraisal submitted with the application does not find that the proposal would result in any benefit in this regard. Overall therefore, I consider that the proposal would have a significantly negative impact on the environmental role of sustainability.
36. Nevertheless, taking the three roles of sustainability together, I find that the public benefits of the proposal are just sufficient to outweigh the less than substantial harm to the identified heritage assets. Consequently, this specific policy does not indicate that the development should be refused. In these circumstances the 'tilted balance' in favour of sustainable development applies.
37. Whilst the LP is out of date by virtue of being 'time expired', there is nothing to suggest that Policy GP.35 has been overtaken by events or is inconsistent with the Framework. Moreover, the policy is concerned with the design of new development and its relationship with its surroundings, rather than with the supply of housing. Given that the Council's five year housing land supply has not been challenged, there is no firm evidence to suggest that Policy GP.35 is functioning to restrict the provision of new housing. As such, I accord it full weight. The proposal is in conflict with this policy as well with paragraphs 17 and 58 of the Framework.
38. I have had regard to the benefits of the proposal as set out above. Although I have found that they just outweigh the limited harm to the settings of the heritage assets, the proposal would also have significantly harmful impacts on the character and appearance of the landscape and the setting of Grendon Underwood and is, therefore, contrary LP Policy GP.35 and relevant provisions of the Framework. I consider that these adverse impacts would significantly and

demonstrably outweigh the benefits of the proposal. Consequently, I find that the proposal is not sustainable and does not derive support from the presumption in favour of sustainable development set out in Framework paragraph 14.

39. For the reasons set out above, the appeal should be dismissed and planning permission should be refused.

Simon Warder

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Christopher Cox	Principal Planner, Pegasus Group
James Atkins	Landscape Director, Pegasus Group
Hannah Armstrong	Senior Heritage Consultant, Pegasus Group
Michelle Berrington	Transport Planning Associates

FOR THE COUNCIL

Sue Pilcher	Planning Officer, Aylesbury Vale District Council
Hannah McGrory	Landscape Officer, Aylesbury Vale District Council
Louise Anderson	Planning Policy Officer, Aylesbury Vale District Council
David Broadley	Planning Policy Officer, Aylesbury Vale District Council

INTERESTED PERSONS

Cllr Cameron Branston	Aylesbury Vale District Council
Paul Jackson	Grendon Underwood Parish Council
Barry Martindale	Rumptons Paddock resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Updated response from the Council's Heritage Team
2. Signed, undated Deed of Undertaking

DOCUMENTS FOLLOWING THE HEARING

3. Signed Deed of Undertaking dated 30 August 2017