



Appeal Decision

Site visit made on 17 July 2018

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2018

Appeal Ref: APP/J0405/W/17/3191577

Land at Long Crendon Road, Long Crendon Road, Shabbington, Aylesbury, Buckinghamshire HP18 9HE

- 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 Pye Homes Ltd against the decision of Aylesbury Vale District Council.
 - The application Ref 17/02532/AOP, dated 15 May 2017, was refused by notice dated 12 December 2017.
 - The development proposed is outline planning application for the erection of up to 15 dwellings with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all detailed matters reserved. I have dealt with the appeal on that basis, treating the plans as illustrative.
3. A completed planning obligation has been submitted with the appeal. This commits to four of the proposed dwellings being provided as affordable housing and provides for open space and maintenance, a sustainable drainage system, and for contributions towards sports and leisure and education. I have taken these obligations into account.
4. I have also altered the description from that given on the application form to that given on the appeal form to reflect the amendment to include affordable housing. Whilst the inclusion of affordable homes was not before the Council when it made its decision, I am satisfied that they have considered this matter and thus I have accepted this amendment. I am satisfied that interested parties have not been prejudiced by this approach.

Preliminary Matters

5. It is disputed whether the Council can demonstrate a deliverable housing land supply in accordance with paragraph 47 of the National Planning Policy Framework (the Framework).
6. I note the Council's objectively assessed need (OAN) has not been fully tested through a full local plan examination. I also acknowledge that a proportion of any unmet OAN in the district and neighbouring areas may need to be met in

the district. I have also considered the comments with regard to the correct buffer, historical performance and the changing nature of OAN assumptions.

7. However, there is no substantive detailed evidence before me which challenges the Council's housing land supply and related evidence¹ nor is there any robust evidence which suggests an alternative OAN figure to that used by the Council.
8. Furthermore, I have been presented with numerous appeal decisions where it has been found the Council could demonstrate at least a five year supply. Thus, based on the evidence before me, I have determined the appeal on the basis that the Council can demonstrate at least a five year supply of deliverable housing land.

Main Issues

9. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- whether the proposal would amount to sustainable development having regard to the development plan and national policies.

Reasons

Character and appearance

10. The appeal site is a field adjoining the main built up area of Shabbington. To the north and east is open countryside which together with a mix of linear detached and semi-detached dwellings on Long Crendon Road to the south gives the area a linear edge of settlement character and appearance where the linear built development provides a gradual transition from the main built up area of Shabbington to the countryside.
11. I acknowledge the appeal site is within the Peppershill Arable landscape character area and close to the Thame Valley landscape character area where small arable fields, grassland with strong hedges, dispersed farmsteads and the historic character of the built up part of Shabbington are noted as distinctive features. I also accept that the dwellings on the south side of Long Crendon Road and to the west on Lower Farm Close are more modern than the traditional buildings deeper into the main built up area of Shabbington. I also note the appeal site and the immediate surrounding countryside has no formal landscape designation and I have considered the related high court judgement².
12. The appeal site boundary benefits from substantial hedging and trees. When viewed from outside of the built up area of Shabbington the existing built up settlement edge is defined by the elevated positioning of the existing dwellings on Long Crendon Road and mainly the roofs of the dwellings on Lower Farm Close and the Burnhams.
13. As such, when viewed from distance outside of the built up area of the settlement the proposed development would be partly screened and softened by significant vegetation. In my view, the proposed development illustrated on

¹ Housing and Economic Development Needs Assessment (HEDNA) update December 2016, HEDNA Addendum September 2017, Five Year Housing Land Supply Interim Position Statement August 2017 & the Housing and Economic Land Availability Assessment January 2017

² Stroud v Gladman ([2015] EWHC 488 (Admin))

- both options would very much appear as part of the built up area of Shabbington making the settlement itself no more prominent in the landscape. Thus, there would be no noticeable change in the appearance of the settlement from the surrounding countryside. I therefore find no harm to the rural landscape or the landscape setting of the village irrespective of whether the proposal would be visible in valued landscape or not.
14. Furthermore, whilst I accept that the views from the dwellings on Long Crendon Road, over the countryside would be replaced with a view over the proposed development subject to design and layout this change does not automatically translate into harm.
 15. Nevertheless, both illustrative options show fifteen dwellings informally arranged around an access road taken from Long Crendon Road. Illustrative option one shows the proposed dwellings set some distance back from Long Crendon Road behind open space but remaining visible in the context of the formally arranged dwellings which extend along the Long Crendon Road frontage.
 16. In my view, the block of development shown on illustrative option one would effectively turn away and appear separated from the existing built development on Long Crendon Road. Furthermore, being adjacent to the rear garden boundaries it would also appear disconnected and unrelated to the dwellings on Lower Farm Close.
 17. Moreover, illustrative option two shows a row of buildings closer to Long Crendon Road. However, the proposed illustrative varied mix of terraced, semi-detached and detached dwellings and detached garages set varying distances from Long Crendon Road behind relatively extensive hardsurfaced parking areas, would introduce a significant bulk of development to the road frontage that would fail to relate to the formal character and layout of the properties opposite.
 18. Whilst I accept these details are illustrative, these visual conflicts would be noticeable when viewed from Long Crendon Road within the built up part of the village. They would be particularly prominent travelling along Long Crendon Road entering or leaving the settlement due to the bend in the road adjacent to the appeal site. With the absence of any substantive evidence to the contrary, these conflicts would also be experienced when using the public right of way which currently passes through the appeal site, irrespective of its exact route.
 19. I acknowledge the proposal is for a relatively low density development. However, based upon all the illustrative details before me, I am not satisfied that the appeal site could comfortably and sensitively accommodate up to 15 dwellings in a form of development that would relate to and appear integrated with the formal and linear character and layout of development nearby.
 20. As such both illustrative options show development proposals which would appear uncomfortable and in conflict with the prevailing linear and formal pattern of development nearby. This conflict would harm the approach to and route from the built up part of Shabbington on Long Crendon Road and the use and enjoyment of the public right of way irrespective of its final route.
 21. I note the existing hedgerows would be retained and new landscaping would be provided. However, notwithstanding detailed design new landscaping would

take some time to become established and whilst it would soften the appearance of the proposed development it would not screen it from view. In any event the proposed development would be visible above the landscaping and through the access drive. Thus I am not satisfied that the existing and any proposed landscaping would overcome the harm I have identified.

22. Thus for the reasons given, I find the proposal would be harmful to the character and appearance of the area and would therefore be in conflict with saved Policy GP35 of the Aylesbury Vale District Local Plan Written Statement Part 1 (2004) (LP) which seeks to achieve good design and protect the character of an area. In so far as saved Policy GP35 of the LP aims to achieve good design it is consistent with the good design aims of the Framework, thus I afford full weight to this conflict.

Sustainable development

23. I note the Council's comments that the site is used for recreational purposes. However, it has no formal designation as such and is privately owned. Whilst a public right of way passes through it, this would not need to change as a result of the scheme. Thus notwithstanding detailed design an attractive area of public open space would be provided including a children's play area, picnic benches and ecology enhancements which would be benefits of the scheme.
24. I also acknowledge that the proposal would provide new customers and potential employees for local businesses and services and there would be economic benefits associated with construction. Specifically I note the comments that there would be equivalent to three full time temporary employees and note the employment benefits in the supply chain and related businesses.
25. I have also noted the proposed contributions towards education and sports and leisure and that the scheme would incorporate a sustainable drainage system. Furthermore, I note proposed option one would have a visual benefit associated with the removal of power lines.
26. However, whilst the proposed dwellings would adjoin an existing settlement such that they would not be isolated and there is a bus stop adjacent to the appeal site connecting it to larger centres, there are limited opportunities to meet day to day service, retail and employment needs in Shabbington. Furthermore, the bus services connecting to such facilities nearby are relatively infrequent. Thus, the occupiers of the proposed development would be highly likely to be dependent on private motorised transport to meet their day to day service, retail and employment needs.
27. I acknowledge the comments that the draft Framework³ encourages housing to be distributed over a range of sites. However, whilst the proposed development would provide 15 new homes four of which would be affordable, there is no substantive evidence before me which demonstrates the proposed housing would meet the specific needs of the local community at this point in time. Even though the Council's ability to demonstrate a five year supply does not restrict new development the weight I attach to the social benefit of the additional housing including affordable homes is significantly reduced as the Council can currently demonstrate a five year supply.

³ Draft revised National Planning Policy Framework, March 2018

28. That said even if I were to accept the proposal would enhance the vitality of the rural community, the combined social, economic and environmental benefits of the proposed development are relatively modest and are outweighed by the significant environmental harm I have identified with regard to the character and appearance of the area and the harm arising from the dependence on private motorised transport.
29. Overall, I therefore conclude that the proposed development would not amount to sustainable development and for the reasons given, on balance it would not accord with the development plan or the Framework.

Other Matters

30. I have noted that elements of the planning obligation are disputed. However as I am dismissing the appeal for other reasons, even if I were to find all the obligations detailed in the completed planning obligation were required and lawful, the benefits of the scheme would still not outweigh the harm I have identified.

Conclusion

31. For the reasons set out above, having had regard to all other matters raised, I conclude that on balance the appeal should be dismissed.

L Fleming

INSPECTOR

Richborough Estates