



Appeal Decision

Site visit made on 24 July 2018

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2018

Appeal Ref: APP/J0405/W/18/3195698

Land north of Lawn Farm, Main Street, Charndon, Bucks, OX27 0BL.

- 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 Mr D Tutt against the decision of Aylesbury Vale District Council.
 - The application Ref. 17/01907/AOP, dated 18 May 2017, was refused by notice dated 17 August 2017.
 - The development proposed is the erection of up to 15 houses and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the principle of development accords with the development plan and national guidance;
 - The effect on the character and appearance of the area;
 - The accessibility of the site; and
 - The effect on pedestrian safety

Reasons

Background

3. The appeal site comprises part of an arable field which lies on the northern edge of the village of Charndon opposite the parish hall and playground and the access to Main Street would be within the 30 mph zone. The village has a very linear form and lies in open countryside
4. It is proposed to build up to 15 houses on the site although the proposal is in outline format with all detailed matters reserved for subsequent consideration. I have therefore treated the layout shown on the submitted site plan for illustrative purposes only but I note that the layout shows that the majority of the properties would be two storeys in height. A public footpath crosses the site.
5. The proposal is accompanied by a signed Unilateral Undertaking (UU), dated 21 May 2018, which in general terms, covenants the owners of the land to: make provision for a SUDS drainage scheme; contribute to the provision of sport and leisure facilities; and make a contribution for monitoring; should the appeal be allowed and planning permission granted.

Policy context and housing land supply

6. The development plan includes saved policies in the Aylesbury Vale District Local Plan 2004 (AVDLP) and although the Council recognises that the provisions of this plan are 'time expired', the policies may be given weight depending on the degree of consistency with the National Planning Policy Framework. Further, the appeal was being considered when the revised Framework was issued on the 23rd July and the parties were invited to make further comment on this in relation to their appeal case. I have had regard to these comments and any reference I make to the Framework is to the revised 2018 version.
7. The Council is also preparing a new plan - the Vale of Aylesbury Local Plan (VALP) which, following consultation, has reached the examination stage and I understand that this was held in the spring of this year and the Examining Inspector's findings are awaited. Notwithstanding this, depending on the issue involved and the nature of any objection, some limited weight can be given to the provisions of the VALP at this stage.
8. In terms of housing land supply, whilst it is clear that the Council could not show an adequate supply at the time of the consideration of the planning application, the Council now refers to its latest Position Statement dated June 2018 where it demonstrates it has a 11.7 years supply for the period April 2018 - end of March 2023. This calculation takes into account sites with a resolution to grant planning permission which are awaiting the completion of a formal 106 agreement. This position on HLS is not disputed by the appellant in any detail but he says that the policies that restrict the supply of housing should be given little weight as the AVDLP is out of date and the VALP has not yet been found to be sound.
9. Overall on this issue it appears to me that the land allocated for housing development in the VALP has progressed sufficiently through the formal plan making process for these sites to be taken into consideration. Further, regarding other sites where there is a resolution to grant planning permission, there is a reasonable prospect that these sites will be delivered. Therefore, on the evidence put to me I am satisfied that the Council can demonstrate a five year supply at the moment.

Principle of development

10. In terms of the principle of further development in Charndon, the village is listed in the Appendix 4 of the AVDLP and therefore policies RA.13 and RA.14 apply. The former relates to 'infilling' within small gaps in frontages or development of up to 5 houses which consolidates existing settlements subject to specified criteria. Clearly the development proposed would be likely to exceed the limited scale envisaged and would not comprise 'infilling' or consolidation using the normal meaning of such terms, therefore I find that this policy does not permit the proposed scheme. Policy RA.14 relates to land on the edge of built up areas of settlements listed in appendix 4 and again the principle of development is limited to up to 5 dwellings. Therefore, the principle of the proposal is not supported in this main arm of the development plan.
11. In terms of the VALP I note that the Settlement Hierarchy Assessment (2017) (a background document), assesses Charndon as a 'smaller village', that is one of small scale with limited services and facilities or poor access to them. The

assessment concludes that such a village is not sufficiently sustainable to accommodate further significant development, however a small level of development is unlikely to lead to any environmental harm and will contribute to the community's vitality. Policy S2 of the Submission version of the VALP sets out the spatial strategy for growth and under part (h) includes an overall scale of development for the 'smaller villages'. Policy S3 indicates that no specific allocations are made for these villages but small scale development will come forward through neighbourhood plans or individual planning applications.

12. The appellant says the draft version of the plan identified that the village could accommodate up to 15 units although he accepts that this figure was not included in the submission version. Further, any numbers are likely to have referred to the whole of the plan period and not an indication of the potential on an individual site. I am therefore not able to afford this draft plan position any weight.
13. Overall on the issue I find that while the principle of further limited development in Charndon is accepted in the AVDLP and the emerging VALP, the scale of development envisaged in the proposal would not accord with the AVDLP and it would also not comprise either 'infilling' or 'consolidation'. It also appears in excess of the scope of limited development suggested in the emerging VALP.

Effect on the character and appearance of the area

14. In considering this issue I looked at the site from Main Street and I have also had regard to the photographs submitted with the appellant's statement. The village has a linear form along Main Street and, generally the appeal site lies on the northern edge of it. I noted the housing development that exists on the southern side of the junction of School Hill and this forms the clear physical edge of the village as the parish hall to the north of the junction is seen as a separate entity in its open grounds and play space.
15. However, on the western side of Main Street I consider that the edge of the village stops around The Rowans, well short of Lawn Farm which has an open and visually distinct form of a farmstead rather than a developed appearance. Given these factors I agree with the Council's assessment that the appeal site lies beyond the present built up extent of the village and should be considered as open countryside. In physical terms the residential development of the appeal site would not integrate well with the present form of the village.
16. In visual terms, the site is flat and development here, particularly of two storey form would be particularly prominent and exposed when viewed from the north even with the proposal to retain some of the existing road side and field edge hedges and I do not agree that such development would be a natural expansion of the linear form of the village as the appellant submits. Further, the degree of additional planting strip proposed along the northern boundary of the site seems to me to be an acceptance that the site does not sit easily with the present open countryside landscape.
17. Taken together, whilst only dealing with the principle of development put forward, I find that the scale and location of the proposal would have a prominent and harmful visual impact which would not respect the character and appearance of the countryside setting of the village and would not be likely

to successfully integrate physically or visually with its present form. This harm renders the proposal to conflict with saved Policy P.35.

18. The appellant says that this site put forward is the best available for development in the village but there is no comprehensive and detailed analysis before me to substantiate this. Further, such assessment would normally come forward through the local community, such as via a neighbourhood plan as indicated in the emerging VALP. I am therefore not able to place much weight on this claim.

The accessibility of the site

19. The Framework indicates in section 9 that the planning system should actively manage a pattern of growth in support of the objectives of securing sustainable transport. From the evidence put to me it seems that the village has very limited facilities and services as required to meet the day to day needs of its residents. It also has limited access to a range of transport modes, although I did note the presence of the bus stop opposite the appeal site frontage. These factors are generally as assessed in the Settlement Hierarchy Assessment and which rank Charndon as a 'small village'. It therefore appears to me that the village has relatively poor accessibility to services and facilities by a range of transport modes but the emerging policy recognises that, notwithstanding this locational drawback, some limited development over the plan period is necessary in principle to help maintain the community's vitality.
20. As I have found that the scale of development proposed on this site would be at odds with the village's status as a 'small village', the number of houses put forward would in principle conflict with the plan's spatial strategy for growth in a sustainable way. Even though only limited weight can be placed on the emerging VALP at the moment, I find that the proposal would conflict with a pattern of growth facilitating sustainable transport as intended in the Framework.

Effect on pedestrian safety and drainage matters

21. The issue of pedestrian safety and drainage disposal form a reason for refusal although the Council accepts that its concern on these relatively technical aspects are capable of being resolved by conditions and/or a legal agreement. Bearing in mind this is an outline proposal with all detailed matters reserved, I am satisfied that the detailed layout of the housing scheme could make provision for pedestrian access which links in with the rest of the village and the parish hall. This aspect can be covered by a condition on any approval.
22. In terms of drainage, no site specific problems have been identified and having regard to the requirements of the Unilateral Undertaking (UU), as mentioned in paragraph 5 above, it is clear that the proper disposal of surface water and foul drainage can be secured as part of the development. I therefore do not need to consider this issue further.

Other matters

23. The UU also deals with a contribution to the provision of facilities for sport and recreation which are put forward to meet the requirements of saved policies GP 86-88 and GP 94. I am satisfied that the requirements of the Undertaking are necessary to make the scheme acceptable in some specific planning terms, are directly related to the development, and are fairly and reasonably related in

scale and kind to the development. This part of the scheme therefore meets the requirements of paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations.

Planning balance

24. Bringing together my conclusions on the main issues, I have found that, in principle, the scale and location of the proposed housing development would conflict with the saved polices in the AVDLP. The proposal would also conflict with the strategy in the emerging plan but only limited weight can be given to this at the moment. I have also found the housing scheme would be likely to harm the character and appearance of the area because it would have a prominent and imposing impact on the edge of the village and would not integrate successfully into its present form. The village has poor accessibility and the scale of development proposed would not be consistent with achieving a sustainable pattern of growth. The proposal therefore conflicts with the development plan and the parts of the Framework that I have referred to.
25. These factors constitute significant adverse effects but they have to be balanced with the benefits of development and especially in relation to the government's objective of significantly boosting the supply of housing. The proposal would make a contribution to this and I note that the illustrative plans show a range of house types with an emphasis on small 2 and 3 bedroom units. Nevertheless, the evidence before me shows that the Council have a healthy supply of housing land at the moment pending the adoption of the emerging new plan. The scale of housing proposed is also likely to result in some community benefits with improved facilities for sport and recreation which may not be achieved with smaller schemes elsewhere in the village. I also recognise that there would be limited economic benefits mainly during the construction phase and through development related payments afterwards.
26. However, I find that these benefits are limited and general to most development and do not outweigh the adverse effects of the development which would be permanent. The local harm that would arise to the character and appearance of the village that I have identified means that the environmental objectives of sustainable development, as now set out in paragraph 8 of the Framework, would not be met and I find that the proposal would not accord with the Framework when this is read as a whole.
27. Overall, the other considerations that arise in this case do not outweigh the conflict with the development plan and this indicates that planning permission should not be granted.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR