



---

## Appeal Decision

Site visit made on 19 June 2018

**by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 November 2018**

---

**Appeal Ref: APP/J0405/W/18/3193945**

**Land off Stone View, Oving, Bucks HP22 4HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Rectory Homes Limited against the decision of Aylesbury Vale District Council.
  - The application Ref 16/00967/APP, dated 15 March 2016, was refused by notice dated 25 September 2017.
  - The development proposed is the erection of 21 dwellings and associated parking, together with the creation of new accesses off Stone View, landscaping and all enabling and ancillary works.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. During the determination of the planning application, the number of proposed dwellings was reduced from 24 to 21 and garaging deleted. In the interests of accuracy, the Council's description of the location of the development has been used in the above banner heading details.
3. A Unilateral Undertaking (UU) dated 20 June 2018 details contributions towards local infrastructure, a programme of drainage works and the carrying out of highways works in the event of development proceeding. This is a matter that I will return to in my decision.
4. A planning application for housing at Whitchurch has been permitted at a Council planning committee on 12 July 2018. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018. The examining Inspector's interim findings on the emerging Vale of Aylesbury Local Plan (VALP) were published on 29 August 2018. Main parties' views on these matters have been considered in this decision.

### Main Issues

5. The main issues are whether the proposal would provide a suitable site for housing, having regard to settlement strategy, the character and appearance of the area, accessibility to services and facilities.

## Reasons

### *Settlement strategy*

6. The village of Oving is identified as suitable for 'limited small-scale development' within the Aylesbury Vale District Council Local Plan (AVDLP) 2004-2011 (2004). In this context, a development of 21 dwellings would conflict with AVDLP policy RA.14 because it only permits residential development for up to 5 dwellings on sites not exceeding 0.2ha on the edge of settlements. Nevertheless, the policy relates to the plan's housing targets for a period up to 2011 and predates the revised NPPF and accordingly, the weight to be given to this policy conflict is limited.

### *Character and appearance*

7. The appeal site comprises mainly rough grassland with some low lying vegetation and is located on the south side of Stone View, a cul-de-sac development of two storey semi-detached dwellings. 1-4 Windmill Bungalows, lie on the western boundary of the site near to the junction of Stone View/ Bowling Alley/Bauk Road. There is a Public Right of Way (PRoW), the Outer Aylesbury-Ring Recreational Route (OA-RRR), along Stone View, which continues towards Whitchurch. To the south of the site, there is a large agricultural field beyond which is Oving Road and further fields.
8. In the Oving Conservation Area (CA), there are a number of traditional and historic buildings of different architectural designs which are located to the west of the appeal site and partly along Bowling Alley. More recent 19<sup>th</sup> and 20<sup>th</sup> century development has taken place on the peripheral of the village, including along Bowling Alley, Whitchurch Lane and Stone View.
9. Despite the varied pattern of development, dwellings are generally set within spacious plots with significant landscaping. Far from containing the village, this spaciousness and landscaping connects it with the surrounding countryside. Attractive pastoral land, including fields, pasture and allotments, surround the village and many dwellings look out onto this. Along Bowling Alley, there is a large grassed recreational ground beyond the rear of Stone View. The village has a hilltop location with gently sloping areas around it and many surrounding areas are accessible from PRoWs from the village. For all these reasons, the village has attractive verdant, spacious and rural qualities.
10. The Stone View dwellings have an unsympathetic urban quality by reason of forming a closely sited and fairly uniform styled row of dwellings. However, the appeal site still has a natural quality through being overgrown and undeveloped and therefore, it has a close affinity to the surrounding pastoral uses around the village, including the adjoining agricultural field. As a result, it visibly forms part of the natural broad ridge which slopes down to Oving Road and a wider landscape of open hills and ridges, interspersed with boundary vegetation and woodland. The openness of the site also allows panoramic views of this surrounding countryside. Such features reflect the key characteristics of the Pitchcott-Whitchurch Ridge Landscape Character Area within Aylesbury Vale Landscape Character Assessment 2008 and the Quanton-Wing Hills Area of Attractive Landscape (AAL) under the AVLP. On-street parking and telegraph poles/lines along Stone View are not so extensive as to diminish these qualities.

11. The proposed dwellings would be attractively designed, with heights restricted to 1.5 storeys alongside the site's exposed countryside boundaries. However, the site's frontage would be interspersed with access roads leading to dwellings behind, and some frontage dwellings having shared private drives. Along with vehicle parking areas, this would result in extensive and unsympathetic hard surfaced areas. As a result, development would appear overly 'engineered' in highway terms in marked contrast to most of housing development within the village which have less formal access layouts.
12. Within the development, the 'backland' located dwellings would also be closely sited to the dwellings fronting the road when compared to the prevailing pattern of development in the village. Additionally, the plot sizes of dwellings would be noticeably smaller than those of the existing dwellings opposite along with most within the village. For all these reasons, such a layout and form of development would result in an overly suburban development which would fail to respect the distinctive character and appearance of the village and its surroundings.
13. The Appellant's Landscape and Visual Impact Assessment (LVIA) considers the significance of effect (of the development) to be moderate/minor on the wider landscape setting whilst the significance of the effect on the site's localised setting would be moderate. For visual impact, the significance of the development's visual effect would be Major-Major/Moderate in Year 1 and Major/Moderate in Year 10 from the PRow along Stone View. The corresponding effect from Bauk Road would be Moderate (year 1) and Moderate/Minor (year 10) and Oving Road would be Moderate (year 1/year 10).
14. The landscape does not have particular physical attributes that would take it out of the ordinary meriting 'valued' landscape but the revised NPPF still recognises the intrinsic character and beauty of the countryside. Within this context, the LVIA has down played the value of the baseline visual and landscape resources, the sensitivity of the landscape and visual receptors and the magnitude effect of the proposed development for the reasons indicated. Furthermore, from the Oving Road and Bauk Road viewpoints, there should be greater significance given to pedestrian views due to the existence of footways. Based on my site visit, the OA-RRR PRow offers attractive panoramic views of the countryside, including fields and hedgerows, and the distant Chilterns which the proposed development would substantially alter by reason of its layout and form. Looking down the development's access roads, views would be dominated by hard surfaced areas with vehicles and closely sited dwellings.
15. In terms of mitigation, there would be hedging and trees alongside the development's countryside boundaries. There is an established vegetation structure and mature treescape, including hedgerows in the surrounding area, but there are also open areas, such as in the vicinity of the appeal site, which are important to allow panoramic views. Screening would significantly erode this quality. In any case, landscaping would take some time to establish and the largely deciduous nature of the proposed landscaping would significantly expose the development during non-leaf months of the year even taking into account the extent of branches at these times. Accordingly, there are significant concerns about the effectiveness of the mitigation.

16. In conclusion, the overly suburban layout and form of the development would harm the identity of the village, notably its rural qualities, and the character and landscape of the area conflicting with AVLP policies GP.35, GP.84 and RA.8.

*Accessibility to services and facilities*

17. The Council's Settlement Hierarchy Assessment 2017 identifies Oving as one of the District's 'smaller villages' and having a pub, employment site, two recreational/sports grounds and a community/village hall which are within reasonable walking distance. Nearby Whitchurch has a GP surgery and school within walking distance along a footpath. Although this village's shop is beyond reasonable walking distance, it can be accessed by cycle.
18. There are bus stops on nearby Bowling Alley providing connections to nearby settlements and based on the Appellant's detailed transport statement, the frequency of weekday and weekend services would be good. Additionally, there are bus services from Bowling Alley which connect up with two nearby secondary education schools. For rural areas, accessibility to services and facilities cannot be expected to be as great as urban areas. Taking this into account, the accessibility to services and facilities and the use of private motor car for some trips, would not be unreasonable.

*Other matters*

19. An objective of the NPPF is to significantly increase the supply of homes. Various appeal decisions support the Council's position on a surplus five year housing land supply (HLS). Conversely, the Appellant's assessment and critique of the emerging Vale of Aylesbury Local Plan (VALP), including commentary of a changing development context and demographic modelling, indicates a deficit in the 5 year HLS. However, the recent interim findings of the examining Inspector into the VALP are of greater relevance. Taking into account the VALP's housing requirement of 31,539 dwellings, the Council calculates a 5 year HLS of 5.15. The Appellant calculates a 5 Year HLS deficit of 2.88 years (taking into account undersupply from previous years) and 3.53 years (excluding previous undersupply). I shall comment upon this further in my conclusions.
20. There is a 1960 outline planning permission for housing on the appeal site and land at 1-4 Windmill Cottages which required further details to be approved with no time period prescribed. In the 1960s, development has taken place at 1-4 Windmill Bungalows to implement part of the permission. Given these circumstances, I find that there is an extant 1960 outline permission and for the remaining dwellings to be built, details could be submitted for approval. Due to the layout, this fallback position would not be as suburban in character and appearance as the appeal proposal. There would be greater space about the development, reduced number of dwellings and a less dominant highway layout.
21. However, the required further details have not been submitted for approval and no development has taken place on the appeal site since 1960. The outline layout is also unconventional with some dwellings sited opposite one another across a landscaped area and a separate detached garaging area. Therefore, there is only a small 'greater than theoretical possibility' that the Appellant's fallback position would occur and small weight is attached to it as a material consideration.

22. There has been a recent planning permission granted for housing on a field in an AAL adjacent to Whitchurch. However, the layout and form of the development would largely mirror neighbouring residential areas and there is no PRoW consideration like the appeal development. In any case, every proposal must be considered on its particular planning merits.
23. The UU secures contributions for works to mitigate against the impact of the development on local infrastructure, drainage and highways. There is no requirement for education contributions and therefore, these are unnecessary. Nevertheless, the UU obligations are fairly and reasonably related in scale and kind to the development and meet the other statutory tests of the Community Infrastructure Regulations 2010 (as amended) based on the evidence before me.

#### *Planning balance*

24. There would be a moderate increase in housing supply arising from 21 dwellings. However, the harm to the character and appearance of the village and its surroundings would be substantial contrary to AVLP policies GP.35, GP.84 and RA.8. The development would not be a limited extension to the village contrary to AVLP policy RA.14, albeit the nature of the conflict is limited. For all these reasons, the proposal would be contrary to the development plan taken as a whole.
25. The housing is to be delivered within the next 5 years which would bring about economic and social benefits through the construction of the dwellings and financial spend of new residents, and the provision of housing for people. Small and medium sized sites can make an important contribution to meeting housing requirements and the scheme would be built-out relatively quickly, if permitted. A broad mix of housing, including bungalows, would be provided. New residents would have reasonable access to facilities and services with opportunities by means other than the private car. The new housing would enhance and maintain the vitality of the rural community. An ecologists report indicates that the buffer strip would result in a net gain in biodiversity.
26. These economic, social and environment benefits would weigh significantly in favour of the proposal. Of particular importance is the boost to housing supply. However, the design of the scheme would harm the character and appearance of the area in a substantial way. For the reasons indicated, the identity of the village, including its rural setting, would be severely compromised, and the landscape and visual impacts would be far greater than that indicated in the LVIA. The NPPF states the creation of high quality buildings and places is fundamental to what planning and development processes should achieve.
27. Taking everything together, even if I had concluded that there is a shortfall in the 5 year HLS of the scale as suggested by the Appellant (taking into account undersupply), the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF taken as a whole. The presumption in favour of sustainable development would not apply.
28. In summary, the proposal would conflict with the development plan and the revised NPPF. Only small weight is attached to the fallback position. There are no material considerations that indicate that the proposal should not be

determined in accordance with the development plan and refused planning permission.

**Conclusion**

29. For the above reasons, having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR

Richborough Estates