



Appeal Decision

Hearing held 9 & 10 October 2018

Site visit made on 9 October 2018

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 30 November 2018

Appeal Ref: APP/J0405/W/16/3185166

Land south of Springhill Road, Grendon Underwood

- 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 Mr Andrew Young and Landseer Properties Ltd (joint applicants) against Aylesbury Vale District Council.
 - The application Ref 16/04609/AOP is dated 23 December 2016.
 - The development proposed is Outline planning application with main site access to be considered and all other matters reserved for a residential development of up to 60 dwellings (30% affordable) including the construction of a new pedestrian footpath and cycleway, public open space and structural planting on land at Springhill, Grendon Underwood.
-

Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. I have amended the description of development from that given on the application form to that requested by the appellant in the statements. I have dealt with the appeal accordingly.
3. The application was submitted in outline with all detailed matters reserved apart from the access. I have dealt with the appeal on that basis, treating the plans as illustrative except where they relate to the access.
4. Amended plans were submitted after the hearing which show a slightly amended site boundary and consequently adjusted indicative layout. That said, those amendments are relatively minor and the number of dwellings remains the same. I have therefore accepted these plans and I am satisfied that no interested party has been prejudiced by my approach.
5. A completed planning obligation has also been submitted. This commits to the provision of affordable housing and provides for open space and maintenance, a sustainable drainage system, and for contributions towards sports and leisure, education and sustainable transport schemes. I have taken these obligations into account.
6. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) has been published and I have therefore taken it

into account in my decision. Both main parties have had the opportunity to comment on the implications for the appeal and I am satisfied that no interested party has been prejudiced by my approach.

7. Both main parties refer to draft policies from the emerging Vale of Aylesbury Local Plan (VALP). In accordance with paragraph 48 of the Framework weight may be given to emerging policies subject to the extent of unresolved objections. The evidence before me on this matter is limited such it does not allow me to accurately make this judgement and as the examination of these policies has not yet fully concluded I have attached limited weight to them.
8. The Council resolved that had it been in a position to determine the appeal it would have refused planning permission for reasons relating to the effect on the character and appearance of the area, accessibility to services, infrastructure requirements and the loss of best and most versatile agricultural land. It is also contested whether or not the Council is able to demonstrate a five year deliverable housing land supply within the terms of paragraph 73 of the Framework. On this basis, I consider the main issues to be:
 - the effect of the proposal on the character and appearance of the area
 - the effect of the proposal on sustainable transport objectives
 - whether the proposal would amount to sustainable development having regard to the development plan and national policies (the planning balance).

Reasons

Character and appearance

9. The appeal site is part of a field adjoining a residential area and prison complex known as Springhill. The appeal site forms part of a number of fields on the east side of Edgcott Road between Springhill and the main built up area of Grendon Underwood. Those fields are relatively open and mainly free from significant buildings except for Hall Cottages a small traditional terrace of dwellings which stand-alone positioned close to Edgcott Road.
10. I have considered the detailed Landscape and Visual Impact Assessment and associated evidence. I note the proposal would be experienced against the background of the existing development at Springhill. I also note a clear gap would be retained between Springhill and Grendon Underwood and the existing trees, hedgerows and undulating landscape would assist to blend the proposal into the landscape and I find the proposal would have very limited adverse effects on local landscape features and elements as described in the Aylesbury Vale Landscape Character Assessment (LCA).
11. However, whilst a large part of the appeal site is proposed to be public open space further assisting to blend the proposal into the landscape, the majority of the public open space is illustrated to be in an area close to Edgcott Road and a large area along the eastern edge of the site. This would leave 60 dwellings bunched close together between the proposed areas of open space.
12. Even though the proposed dwellings would adjoin the rear gardens of the dwellings in Springhill, the only noticeable connection to Springhill would be through a narrow footpath between the existing dwellings.

13. Thus, when viewed from Edcott Road particularly passing by the access and from the public rights of way passing through and close to the appeal site the illustrative details show what would appear as a large block of relatively compact development tagged onto Springhill. Furthermore, Hall Cottages would effectively appear to be absorbed into the built up area of Springhill eroding their pleasant spacious rural setting.
14. I acknowledge the existing hedgerows would be retained and enhanced and new landscaping would be provided. I also note the proposed visual improvements to the public right of way network in the area.
15. 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 and through gaps in 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. Furthermore, the improvements to the public rights of way would not outweigh the harm to users of the public rights of way arising from the character and appearance of the proposed development.
16. Overall, I find when viewed in the immediate vicinity of the appeal site the proposed development would result in an unintegrated urban extension of Springhill into the countryside. This would appear as a disconnected urban feature which would harm the edge of settlement open countryside character and appearance of the area and would harm the rural setting of Springhill and Hall Cottages.
17. 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 Policies GP35 and GP84 of the Aylesbury Vale District Local Plan Written Statement Part 1 (2004) (LP) which seek to achieve good design, protect the character of an area and the enjoyment of public rights of way.
18. In reaching these conclusions, I fully accept the details are illustrative. However, I am not satisfied the appeal site could be sensitively developed to accommodate 60 dwellings without harming the character and appearance of the area. Thus, consistent with other Inspector's¹ I find saved Policy GP35 of the LP is applicable to this outline scheme. Furthermore, insofar as saved Policies GP35 and GP84 of the LP aim to achieve good design they are consistent with the good design aims of the Framework. I therefore afford full weight to the conflict with them.

Sustainable transport objectives

19. Grendon Underwood is identified as a medium village in the emerging VALP with a variety of local services including a school, a shop, a pub and village hall, playing fields and play equipment. However, the proposed development would be adjacent to Springhill which although part of Grendon Underwood, is separated from it by a large area of open countryside. Whilst the prison complex offers employment opportunities Springhill has limited services and facilities.

¹ Appeal Decisions APP/J0405/A/14/2219574 & APP/J0405/W/16/3146817

20. The existing footpath adjacent to Edgcott Road linking Springhill with Grendon Underwood where services and facilities are located is unlit, narrow and close to a busy road where vehicles travel at speed. The existing public rights of way connections across the countryside are also unlit, poorly marked and in poor condition in parts. As such both routes are unattractive for existing Springhill residents to walk along to access services and facilities in Grendon Underwood and neither route is particularly suitable for cycles, pushchairs or wheelchairs.
21. The proposal would include significant upgrading of the existing public right of way route across the countryside, with new gates and hardsurfacing making it usable for cyclists, wheelchairs and pushchairs and more comfortable for walkers particularly during poor weather.
22. The proposed route would be away from traffic and would have a wider path than the route along Edgcott Road. I acknowledge that the upgraded public right of way would not benefit from surveillance and routes in and out of it would be limited. However, there is no substantive evidence before me to suggest that the proposed upgraded public right of way would be unsafe. Thus, the proposed upgraded countryside route would be a safer, more attractive and a shorter route than the route along Edgcott Road, irrespective of whether it was lit or not.
23. Furthermore, the proposed planning obligations include upgrading the existing bus stop at Springhill and contributions towards other sustainable transport measures. Thus, I find the proposal would encourage the existing Springhill residents to travel by modes other than private motorised transport. This weighs in favour of the proposal.
24. However, even so, 60 new dwellings would still be positioned adjacent to Springhill which has limited services and facilities. Whilst occupiers would have the opportunity to use the upgraded route to access services and facilities in Grendon Underwood those services and facilities would remain some distance away across undulating countryside.
25. Furthermore, the public transport connections to larger settlements where employment and other services not offered in Grendon Underwood could be accessed would remain relatively infrequent even with the planning obligation sustainable transport measures in place.
26. In my view the upgraded public right of way, due to the length of the route irrespective of whether it would be lit or not would not be sufficiently attractive or convenient to ensure the future occupiers of the proposed dwellings would use it instead of private motorised transport to access services in Grendon Underwood. Moreover, the occupants of the proposed dwellings would need to travel further afield to meet day to day needs such as employment and healthcare which could not all be met locally.
27. That said, in my view, the occupiers of 60 new dwellings, even with the public right of way improvements and transport planning obligations in place, would more likely than not utilise private motorised transport to meet the majority of their day to day services, facilities and employment needs.
28. Private motorised transport is the least sustainable travel mode and in this regard the proposal would be harmful to sustainable transport objectives. That harm would not be outweighed by the benefit in terms of encouraging the

existing residents of Springhill to use alternatives to private motorised modes of transport.

29. Thus, on balance I find the proposal would have a harmful effect on achieving sustainable transport objectives. These findings are consistent with those set out in the appeal decision² relating to the site nearby and for the reasons given I find the proposal would be in conflict with paragraph 103 of the Framework which seeks to focus significant development in locations which limit the need to travel and offer a genuine choice of transport modes. For the same reasons it would also be in conflict with the aims of Buckinghamshire's Local Transport (2016 to 2036) (LTP4). Whilst this overall harm is not severe it does weigh against the proposal.

Sustainable development (planning balance)

30. It is contested whether the Council can currently demonstrate a five year supply of deliverable housing land in accordance with paragraph 73 of the Framework. I have considered the numerous appeal decisions³ relating to this matter. However, I find the evidence with regard to housing land supply to be inconclusive.
31. Nevertheless, if I did accept the five year supply could not be demonstrated the proposal would need to be considered in accordance with the presumption in favour of sustainable development which means the Framework taken as a whole and the tilted balance engaged.
32. Paragraph 78 of the Framework makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 79 of the Framework states decisions should avoid the development of isolated homes in the countryside.
33. The proposed dwellings being adjacent to Springhill would not be isolated. If I were to accept the Council can demonstrate no more than four years deliverable housing land supply with appropriate buffers, 60 new dwellings would make a significant contribution to the shortfall and would enhance the vitality of the rural community. This would be a benefit to which I must attach significant weight. Furthermore, I note 30% of those dwellings would be affordable a further significant benefit. Moreover, I also note the associated new homes bonus and Council tax revenues.
34. The proposal would also provide new customers and potential employees for local businesses and services and there would be economic benefits associated with construction. I note the benefits associated with the proposed upgraded public right of way, the proposed contributions towards education and sports and leisure and that the scheme would incorporate a sustainable drainage system and approximately 40% of the appeal site would be public open space, including an equipped play area.
35. However, even if the Council could only demonstrate no more than a four year deliverable housing land supply with the tilted balance engaged the combined social, economic and environmental benefits of the proposed development,

² Appeal Reference APP/J0405/W/17/3176173

³ Appeal Decision APP/J0405/W/17/3171692, APP/J0405/W/17/3170854, APP/J0405/W/17/3175193 & APP/J0405/W/17/3181140

although significant are significantly and demonstrably 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.

36. Overall, I therefore conclude that even if the tilted balance was engaged the proposed development would not amount to sustainable development. For the reasons given, on balance the proposal would not therefore accord with the development plan or the Framework.

Other Matters

37. 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.
38. I also note the agricultural land classification is disputed. However, even if I did accept the appeal site was not best and most versatile agricultural land this would not alter my overall conclusions.
39. I have also considered the numerous other appeal decisions put before me⁴. However, the circumstances of these cases are materially different in terms of the effect on the character and appearance of the area or sustainable transport objectives and none alter my overall conclusions. I have therefore afforded these appeal decisions limited weight.
40. I have noted the extensive public engagement and the comments in support of the proposal from nearby residents, particularly associated with the proposed upgraded public right of way. However, these matters or any others raised do not outweigh my earlier findings.

Conclusion

41. 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

⁴ Appeal Decisions APP/J0405/W/16/3169545, APP/J0405/W/16/3152120 & APP/J0405/W/16/3152132

APPEARANCES

FOR THE APPELLANT

A Boughton	BB Architecture and Planning
D Stiff	BB Architecture and Planning
R Pile	Connected Landscapes
A Young	Landowner
C Houston	Landseer Properties
R Searby	Landseer Properties

FOR THE COUNCIL

S Pilcher	Aylesbury Vale District Council
J Bellars	Aylesbury Vale District Council
D Broadley	Aylesbury Vale District Council
D Marsh	Buckinghamshire County Council

THIRD PARTIES

J Lelean	Resident
----------	----------

DOCUMENTS SUBMITTED AT THE EVENT

1. Statement by Aylesbury Vale District Council on Housing Land Supply
2. Appellant Housing Land Supply Calculations
3. Design Manual for Roads and Bridges, Volume 5 Assessment and Preparation of Road Schemes, Section 2 Preparation and Information, Part 4 TA 91/05 Provision for Non-Motorised Users February 2005
4. Local Transport Note 1/12, Shared Use Routes for Pedestrians and Cyclists, Department for Transport September 2012
5. Local Transport Note 2/08, Cycle Infrastructure Design, Department for Transport October 2008

DOCUMENTS SUBMITTED AFTER THE EVENT

1. Finalised Section 106 Planning Obligation
2. Amended Plans