



Appeal Decision

Site visit made on 22 January 2019

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State.

Decision date: 29 March 2019

Appeal Ref: APP/J0405/W/18/3210323

Land north of North Close, Drayton Parslow MK17 0JQ

- 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 Mr Guinness Partnership Ltd against the decision of Aylesbury Vale District Council.
 - The application Ref 17/01429/APP, dated 14 April 2017, was refused by notice dated 28 March 2018.
 - The development proposed is residential development of 24 dwellings with associated works.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Guinness Partnership Limited against Aylesbury Vale District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018, replacing the version published in March 2012. The Government has subsequently published its Housing Delivery Test results, alongside the publication of an updated NPPF in February 2019. I have given the main parties the opportunity to comment on these documents. References to the NPPF in this Decision consequently reflect the 2019 NPPF.
4. A Unilateral Undertaking under section 106 of the Town and Country Planning Act (1990) (as amended) has been submitted with the appeal. As the Unilateral Undertaking was not before the Council prior to the determination of the planning application I have given the Council the opportunity to comment on the submission as part of the appeal process. The appellant has also been given the opportunity to respond to the comments received. I shall return to this matter below.

Main Issues

5. The main issues are:
 - The effect on the character and appearance of the area.

- The effect on biodiversity.

Reasons

Character and Appearance

6. The appeal site is a rectangular agricultural field on the edge of Drayton Parslow which is currently used to graze horses. The site is located on a steep north facing slope with land that falls away towards the north west to a stream that forms a boundary of the site. The 3 remaining sides of the site are bounded by open fields of which the site shares the same open rural character. The site would be accessed off North Close, a residential cul de sac of 2 storey dwellings. The pattern of development in the wider settlement has a strong linear emphasis off which are relatively short cul de sacs. The site, along with the wider surrounding area is located in the Murseley-Soulbury Claylands landscape character area within the undulating clay plateau landscape character type. The site may not be subject to any protective landscape designation but the site nonetheless makes a positive contribution to the character and appearance of the area.
7. The proposal would lead to development comprising a mix of 2 bedroom and 3 bedroom terraced and linked detached dwellings fronting onto an extension to North Close. Whilst dwellings in the area have a similar locational arrangement, the proposal would accommodate smaller plots creating a dense urban appearance, even if the total number of dwellings built would be less than an earlier expansion of the settlement referred to by the appellant. The creation of a spur road leading to the rear car parking court serving plots 3-9 would also not be characteristic of the settlement layout.
8. The distinctly urban appearance of the scheme would contrast markedly with the edge of the countryside setting. The site is currently free from permanent development and performs a transitional role between the existing built development and countryside beyond. The proposal would not complete the well-defined settlement pattern but would instead be an intrusion into the countryside to the detriment of the rural landscape. Irrespective of the unsuitability of an alternative scheme for the site discussed between the Council and the appellant, the replication of design features found in the area such as gable ends and the use of materials to match the surroundings would do little to ameliorate the harm. I therefore disagree with the appellant's Landscape and Visual Impact Assessment which at paragraph 5.15 says the proposed new typology of buildings that would be introduced to the village would form a legible addition.
9. The appellant has acknowledged that the proposal would cause some harm but is of the view that it can be mitigated by the landscaping scheme. I disagree. The limited front boundary treatment and narrow landscape strip at the end of what are relatively short gardens which are likely to contain domestic paraphernalia would do little to soften the new built up edge of the settlement, even with the passing of time. This is irrespective of whether a planning condition requiring further detail of the proposed landscaping scheme were imposed.
10. The proposal would harm the character and appearance of the area and as such would conflict with saved Policy GP.35 of the Aylesbury Vale District Local Plan (Local Plan) which requires the design of new development to respect and

complement the physical characteristics of the site and the surroundings and the natural qualities and features of the area.

Biodiversity

11. I note that the appellant has identified that the existing species poor grassland and bramble scrub is not of significant biodiversity interest. Nevertheless, the Biodiversity Impact Assessment of the site identifies a residual loss in biodiversity as a consequence of the development. This is contrary to the NPPF which at paragraph 170 says planning decisions should contribute to, and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
12. The appellant has submitted a revised landscaping scheme through the appeal process as part of ongoing work to address the matter. They also propose a biodiversity off-setting scheme and I note that the Council accept that this could be secured through a pre-commencement condition. On the basis of the information before me, had I been minded to allow the appeal I see no reason to disagree.

Other Matters

13. The Council has produced a schedule identifying the types of contribution sought from the development. This includes off-site sports and leisure facilities, education, flood compensatory measures and highway improvements. I note that the Council has included a requirement for a sustainable drainage scheme in their list of suggested planning conditions and that during the course of the appeal the appellant has prepared a Unilateral Undertaking with regards the other matters. However, given that I am dismissing the appeal it is not necessary for me to consider the proposed contributions further.
14. The development would generate economic benefits during construction and occupation of the dwellings thereafter. It would also provide some support in sustaining local services and facilities. There is dispute between the parties regarding the extent to which the settlement is an appropriate location for development. The site is located on the edge of what is identified as a smaller village in the Council's settlement hierarchy assessment, due to its limited services and facilities. Nevertheless, it is identified by the Council as a settlement capable of accommodating some limited growth and as such I give this moderate weight.
15. The appellant has identified social benefits in terms of the provision of 5 affordable dwellings. Although not a policy requirement, this along with the proposed mix of properties would make a positive contribution to meeting housing need which weighs positively in favour of the development.
16. The appellant has identified that the site received a favourable assessment in the Council's Housing and Economic Land Availability Assessment (HELAA). However, this does not constitute a housing allocation and a favourable assessment in the HELAA does not necessarily lead to the grant of planning permission.
17. The site is located between 2 parts of the Drayton Parslow Conservation Area, the importance and significance of which appears to include the age of the buildings and the quality of the architecture. The Council has identified that the development would not harm the setting of the Conservation Area. Given the

distance of the site from the Conservation Area and intervening development I have no reason to disagree.

18. The appellant has questioned whether the Council undertook a site visit. The Council has confirmed that both their Landscape Officer and Planning Officer attended site visits prior to determination of the planning application. Irrespective of this my assessment is based on my observations whilst on site and in the surrounding area and on the written evidence submitted.
19. My attention has been drawn to a planning application granted permission at appeal in support of the development¹. I have limited information in which to make a detailed comparison with the case before me. However, I note that the approved scheme was much smaller and in a different location where the specific site characteristics are likely to be different. In any event, each case is determined on its own merits and support for development on the edge of one part of the settlement does not necessarily mean it would be supported elsewhere. My assessment is based on the information before me.
20. I note the factual errors in the Council's submission, identified by the appellant. The inaccuracies have not influenced my determination of the appeal.

Planning Balance and Conclusion

21. The Council states that it has a 5 year housing land supply and this is not contested by the appellant. Furthermore, the results of the Housing Delivery Test do not indicate that housing delivery has been substantially below the housing requirement of the past 3 years. Paragraph 11 of the NPPF says when the development plan is silent or relevant policies are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, with the inclusion of Policy GP.35 the adopted Local Plan is not silent or out of date in terms of the most relevant policy to the case.
22. I have found that the development would harm the character and appearance of the area generating conflict with policy GP.35 of the Local Plan. This carries significant weight in my decision. Whilst the development would deliver additional housing, including affordable housing the Council fulfils its requirements with regards national policy on housing supply and consequently this benefit does not outweigh the harm I have identified.
23. I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR

¹ Reference APP/J0405/W/17/3168864