



Appeal Decision

Inquiry Held on 12 to 15 March 2019

Site visit made on 14 March 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2019

Appeal Ref: APP/J0405/W/18/3207382

Land rear of Station Road, Quainton HP22 4BX

- 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 G Flint and Mr and Mrs G Richardson against the decision of Aylesbury Vale District Council.
 - The application Ref 17/04041/AOP, dated 20 October 2017, was refused by notice dated 22 January 2018.
 - The development proposed is described as *'outline application (with all matters reserved except access) for the erection of up to 40 dwellings with associated access, open space, landscaping and associated works'*.
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Decision

1. The appeal is allowed and outline planning permission is granted for development described as *'outline application (with all matters reserved except access) for the erection of up to 40 dwellings with associated access, open space, landscaping and associated works'* at 151 and land to the rear of 151 Station Road, Quainton HP22 4BX in accordance with the terms of the application, Ref 17/04041/AOP, dated 20 October 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application was submitted in outline, with only access to be considered. I have dealt with the appeal in this manner. I have had regard to the submitted layout plan but as this is marked 'Illustrative' I have determined the appeal on the basis that it shows only one option for the layout of the development applied for. The address in the banner heading above has been taken from the application form but I have preferred the use of the address given on the appeal form in the decision above as this is a more accurate address for the location of the appeal site.
3. The Inquiry sat for 4 days from 12 March to 15 March 2019. On 14 March 2019 I visited the site and the immediate area on an accompanied basis before visiting a number of pre-agreed locations in the wider area on an unaccompanied basis. I also carried out an unaccompanied visit to the site and surrounding area before the start of the Inquiry.
4. A Statement of Common Ground ('SoCG') was submitted at the Inquiry. This sets out the policy context along with matters of agreement. There is

agreement that the site lies in a sustainable location and despite the wording of the only reason for refusal this was not an issue pursued by the Council.

5. The Council also confirmed that the third reason for refusal would be overcome on completion of a S106 agreement and the fourth had been resolved prior to the start of the Inquiry. A draft planning obligation in the form of a Unilateral Undertaking ('the UU') was submitted before the Inquiry but due to the need for signatures I agreed a period of time for this to be submitted following the closure of the Inquiry. A signed UU dated 1 April 2019 was duly received within that timescale.
6. The UU secures financial contributions for a policy compliant level of affordable housing, financial contributions towards open space and/or a Locally Equipped Area of Play, education contributions for a new teaching block at Waddesdon CE School, sports and leisure contribution, a highways contribution for improved bus services in the locality and an associated monitoring contribution. Further, a Lowland Meadow Enhancement Scheme to maintain and enhance a priority meadow habitat along with a sustainable urban drainage system.
7. The Council's CIL statement sets out the detailed background and justification for each of the obligations in terms of their necessity, relationship to the appeal scheme and their reasonableness. In general, these matters were not controversial at the Inquiry and the need for the obligations was not in dispute. The Council has a CIL charging schedule in place and on the evidence before me the obligations would accord with the provisions of Regulation 122 of the CIL Regulations 2010 and the tests for planning obligations set out in the National Planning Policy Framework ('the Framework'). I have taken them into account and return to them in the planning balance below.
8. A number of additional documents were received prior to and during the Inquiry, the latter of which as set out at the end of this decision. This included rebuttal proofs and further evidence in relation to housing land supply matters along with additional submissions at my request. The parties agreed that such evidence was integral to the main issues and third parties were given an opportunity to comment. Consequently, there would be no prejudice to any party from my consideration of these documents in determining the appeal and I have taken them into account.

Main Issues

9. Given the above and based on the evidence submitted and heard in relation to the appeal the main issues are:
 - The effect of the proposal on the character and appearance of the area, including the landscape.
 - Whether the Council can demonstrate a 5-year supply of deliverable housing sites and the significance of my findings for this appeal.

Reasons

Planning policy context

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The

statutory development plan includes the 'saved' policies of the Aylesbury Vale District Local Plan 2004 ('the LP') and the made Quinton Neighbourhood Development Plan 2016 ('the NDP').

11. The Council's reason for refusal alleges conflict with Policy GP.35 of the LP and Policies E2 and H1 of the NDP. In this context and insofar as paragraph 11 (d) of the Framework is concerned the matter of what are the most important policies was the subject of much disagreement along with the various potential reasons why the LP/NDP and policies might be regarded as out of date and/or the weight I should give to those reduced and whether the so called tilted balance in paragraph 11 (d) is therefore engaged.
12. Policy GP.35 of the LP is a design policy and the appellant's case did not seek to dispute that it is not relevant to outline applications and consistent with the Framework. I agree and I give it full weight. My attention was also drawn to Policies RA.13 and RA.14 of the LP by the appellant, the former not being relevant or most important because it relates to development within settlement boundaries. Appendix 4 includes Quinton and Policy RA.14 is permissive for residential or mixed-use development of up to 5 dwellings on a site not exceeding 0.2 hectares subject to 3 criteria. The Council accept that it is relevant as it relates to sites 'on the edge of the built-up areas of settlements listed in Appendix 4' but that it is not a 'most important policy'.
13. The Council also accept the policy is out of date and should be given very limited weight but that it is also 'generally consistent with the aim of the NPPF'¹. I do not know the exact reasons why the Council did not include Policy RA.14 in the reason for refusal because despite it being considered out of date, the acid test of weight to be given, even if a policy is out of date, is its consistency with the Framework.
14. Nevertheless, in the context of the amended wording of the Framework the presence of this policy does not engage the tilted balance insofar as it is not a most important policy for the proposal before me. The Council also confirmed at the Inquiry that even if the tilted balance under paragraph 11 (d) was applied, the adverse impacts would significantly and demonstrably outweigh the benefits and I return to paragraph 11 of the Framework and the decision making process in the planning balance and conclusion below.

The Quinton Neighbourhood Development Plan

15. The NDP was made on 31 October 2016. Policy H1 of the made version supports proposals for new homes within the settlement boundary, subject to certain criteria, but there is a presumption against new homes outside the settlement boundary, '*except on sites adjoining the Settlement Boundary along Station Road where a distinct boundary to open countryside can be achieved and where appropriate amenity of adjacent existing dwellings can be maintained*'.
16. It was brought to my attention before the Inquiry that a main modification required by the examiner and endorsed by the Council was not carried through to the made version and that this error is the subject of a proposed claim for judicial review by the appellant. The modification amended the above wording to include '*back land development of homes behind frontage dwellings will only*

¹ DR PoE paragraph 2.9.

be supported where a distinct boundary to open countryside can be achieved and where appropriate amenity of adjacent existing dwellings can be maintained'. The reason given for this was to be consistent with the Framework as it essentially did not plan positively to support development due to the restricted nature of the submission version.

17. The Council were unable to provide me with any satisfactory explanation of what happened and the simple fact is that it remains unclear to me whether the published version of the NDP is the lawfully made NDP. Nonetheless, I am required to determine the appeal in accordance with the development plan in force at the time of my decision and this includes the NDP as it stands. However, having done so the appeal site is clearly next to the settlement boundary which runs along the rear boundaries of properties on Station Road. As such in any reasonable interpretation based on the wording of the policy it *'adjoins the settlement boundary along Station Road'* and there is nothing in the NDP or evidence before me to persuade me the test should be restricted to a site that *'adjoins Station Road'*.
18. Although the Council have concerns regarding the ability to achieve a boundary given the possible size of rear gardens and the location of the boundary within and around the curtilages of residential properties, there is no cogent reason why an appropriate boundary could not be designed and secured at the reserved matters stage. The proposal provides space for a clear and definite landscaped hedgerow boundary that would be sympathetic with the pattern and type of field boundaries in the surrounding area. Subject to the details it could be distinct and well defined as required in the supporting text to the policy.
19. Dealing with the NDP as contended should have been made, no agreed definition of backland development is before me although the Council considered this was restricted to development of rear gardens. I do not agree with such a restrictive interpretation and as a matter of fact and degree it can amount to any land to the *'back'* or *'rear'* of existing development where it adjoins the boundary of that development or property.
20. In considering both versions the outlook from some of the adjoining houses would be noticeably altered, even with a potential set back of the new development to assist in mitigating the effects on those occupiers. However, planning is concerned with land use in the public interest so that private loss of view would not constitute a significant material planning consideration. The Council do not object on these grounds² and a satisfactory relationship is ultimately a design matter that could be negotiated and achieved at the reserved matters stage. This should include substantial additional landscaping along the shared boundary in order to soften the outlook from those properties. With careful attention to the design of the proposal at the reserved matters stage the amenity of adjacent occupiers in particular in terms of outlook and privacy would be maintained.
21. For these reasons, in both the version that was made and the one that it is contended by the appellant should have been made, the proposal would accord with Policy H1, the relevant requirements of which are set out above. Policy E2 is a matter to which I now turn to as that policy is concerned with matters of character and appearance.

² Confirmed in CE by DR and in 4.16 of the SoCG.

Character and appearance - Assessment of character

22. The rectangular shaped appeal site forms part of a flat field of semi-improved grassland with a small field pond in the centre and well contained from the wider area by virtue of the existing hedgerows and development along Station Road. It lies to the south east of properties on Station Road, a relatively recent development of residential and other uses that sits between the village of Quainton, with its more historic and distinctive character and the Buckinghamshire Railway Centre ('the BRC').
23. When walking along Station Road from the bridge over the railway line I observed a linear character of residential development with the appeal site being visually contained by the existing landscaping on its southwestern boundary. However, I also observed that there was some substantial development at depth. This included the BRC complex with its large car park and complex of associated buildings, carriages and other rail related paraphernalia stretching south along the rail line and opposite. It was evident that such development extended some way beyond the rear boundary of the appeal site and was screened from it by substantial landscaping.
24. Directly opposite the entrance to the BRC is a large complex of rural commercial buildings and hardstandings extending for some depth from the road frontage and sited at a lower level than the carriageway. I also observed that further to the north development extended back from the frontage in the form of a nursery and its associated array of horticultural buildings. Other development was also evident at the rear including a large stable building abutting the north eastern boundary of the appeal site, a garage building on the appeal site and other single storey buildings further to the north.
25. Further along Station Road and on the opposite side there is a small development referred to as Seechfield and although the Council contended that this was development 'within the plot', nonetheless, the perception is of development extending back from the frontage. There were also a few more isolated examples of complexes of rural buildings and stables set back from the northern side of Station Road with access directly from it.
26. Whilst there are some differences in use and scale of those buildings, nevertheless, they are an intrinsic part of the settlement pattern and character of the southern end of Station Road. Put simply there is some linear frontage development but also development in depth and the former is not strong enough in both visual or spatial terms to prevail and form the overriding character of development in the immediate area. This was also my perception when viewing this part of the settlement from Simber Hill where I observed a linear pattern of development is not strongly defined or perceived so as to form the dominant character of development in that part of the settlement.
27. The parties agree that the site does not sit within a valued landscape for the purposes of paragraph 170 of the Framework. The site is also not subject to any qualitative landscape designations within the LP, the VALP or the NDP. The Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) are clear however that the fact that an area of landscape is not designated nationally or locally does not mean it does not have any value.
28. At the national level, the site is identified as falling within the 'Midvale Ridge National Character Area 109'. This comprises a band of low-lying limestone hills

giving extensive views across the countryside. The national profiles are necessarily broad in their descriptions but at a more local level, the Aylesbury Vale Landscape Character Assessment (2008) identifies the appeal site within the 'Westcott Claylands LCA 5.9' ('the LCA').

29. The LCA is composed of various sized fields, predominantly in pastoral use and united by a good hedgerow pattern around small to medium sized fields. Distinctive features, amongst others, includes natural, calcareous, and unimproved grassland. The associated landscape guidelines include, amongst other things, encouragement of the retention and strengthening of the historic hedgerow pattern including establishing new hedgerows and to maintain the extent and condition of neutral calcareous unimproved and semi-improved grassland, wherever possible, including encouragement of good management practices.
30. The immediate locality is also likely to be subject to considerable physical changes in the near future because of HS2 which will run on the opposite side of the BRC. This substantial infrastructure project is likely to include significant engineering works to re-align Station Road and what are likely to be considerable earthworks to change the topography and appearance of this part of the landscape dramatically. In combination with the Council's own allocated sites³ on the northern side of Station Road and notwithstanding they are not part of the baseline; the locality is highly likely to see a considerable change through the introduction of a greater amount of built development that will affect the physical fabric and character of the LCA.

Landscape character and appearance

31. Both parties sought to undermine the respective Landscape and Visual Impact Assessments ('LVIA') but it was clear to me that both approaches had merit, albeit with some notable but not critical omissions that were examined at the Inquiry. Ultimately the content and opinions in such assessments involve inherently subjective judgements and I am not bound to accept even undisputed evidence and must also rely on my own judgment.
32. Both parties agree there would be a 'negligible' effect on the Midvale Ridge NCA and I agree. There is also agreement that the sensitivity of the landscape character is 'medium', and the difference lies between the 'negligible' and 'medium' 'magnitude of change' in year 1 contended by the appellant and Council, respectively and the effect of landscaping in future years. This equates to a 'moderate/minor' and 'moderate' significance of effect given the sensitivity is agreed as being 'medium'.
33. Clearly the change from an open field to a housing development, even allowing for landscaping and planting, would have a permanent effect and a consequent change in the appreciation of the immediate landscape by formation of a new edge to it. However, this would also be the case in relation to any greenfield development proposal and it is only a relatively small part of the much larger LCA. The key consideration is whether it would be so significant to be harmful and fail to comply with the policies of the development plan.
34. The submitted aerial photograph⁴ clearly shows a number of regular shaped fields of different sizes and shapes and bordered by mature field hedgerows.

³ QUA0014-016.

⁴ Appendix AM3 of AM PoE.

- The surrounding field pattern is geometric and can be seen and appreciated on the ground. The rectangular shape of the appeal site and the area of grassland that remains would be reflective of the natural landscape pattern, even more so than the Council's own indicative layout for QUA0014-016 would be.
35. The Council criticised the proposal as being development in depth which, it was alleged, would clearly and noticeably change the settlement pattern. My observations as set out above are that examples of development in depth exist elsewhere in the immediate area and are an intrinsic part of the settlement pattern along Station Road. Development on the appeal site would not be of a markedly substantial depth and would still be wrapped by the landscape and bordered by a suitable hedgerow.
 36. Linearity is clearly part of this but those buildings include substantial rural and commercial buildings extending back into the open countryside from Station Road. They are part and parcel of the way this area is perceived and the linearity of development is not so strong that it should preclude development to the rear in this part of the settlement, mindful that on my reading this is what the modification of Policy H1 of the NDP essentially allows for. The siting of this development would not result in a dissociation of the settlement or a perception of being severed from the wider landscape.
 37. The Council also contend that locally there would be a disassociation of hedgerows and a significant alteration to the setting of the pond. However, on the ground the boundary would align with the established hedgerow pattern to the north and be parallel to the existing field boundary. The geometric field pattern would still prevail and the proposal would not extend beyond the depth of the BRC car park or the stable and nursery buildings to the north. The pond is a feature of the landscape, but it did not appear to me to be such a distinctive landscape feature of such importance that its enclosure by additional housing signifies harm would occur to the landscape. Moreover, it would be retained and in the long term enhanced to provide ecological connectivity benefits as a breeding ground and pathway for Great Crested Newts.
 38. Small areas of Lowland Meadow, a Habitat of Principal Importance ('HPI') would be lost to accommodate the development but ultimately replaced by the creation of a slightly larger area of HPI which would benefit from greater protection and management. Mixed native hedgerows would also be planted and the areas and subject to conditions I am satisfied that there would be no net loss of HPI. Overall, there would be some ecological and environmental protection and enhancement in accordance with the landscape guideline of the LCA. This is also the type of enhancement that accords with Policy GP.35 insofar as it would be complimentary to the natural qualities and features of the area.
 39. Drawing my conclusions together on landscape effects, I share the appellant's view that the proposal would result in a barely perceptible degree of change and that the LCA in this location has the ability to accommodate the change proposed. To this extent the significance of effect would be 'Minor' as opposed to the more 'Moderate' and 'Major/Moderate' the Council suggests. There would not be unacceptable harm to the key characteristics of the landscape and moreover, some compliance with the guidelines within the LCA.

Visual effects

40. The Council disagrees with the findings of the LVIA in 7 of the 10 viewpoints and further viewpoints were put forward by both parties⁵. Despite disagreement as to the robustness of the viewpoints initially selected I find the totality of the viewpoints were entirely representative of the experience of the appeal site and I subsequently viewed the appeal site from those additional viewpoints at my site visit.
41. In wider views I saw from my site visit that Simber Hill is a considerable distance away and views of the appeal site are obscured by development along Station Road. On clear day the roof tops of the houses would be visible, but the site is seen against the backdrop of the BRC and residential development in the foreground. This includes the perception of development at depth which will be further exacerbated by the Council's allocations at QUA0014-016. The relatively small scale of the appeal site when compared with the full panorama of the view of the landscape would, in combination with proposed landscaping, mean that any effect would be much lesser than the 'Moderate/Major' the Council suggests.
42. Due to topography I found no clear views from the Public Right of Way⁶ ('PRoW') which runs broadly north south, some distance to the east of the appeal site and which sits at a lower level than the appeal site and with a number of intervening field hedgerows. From viewpoint 4 the upper storeys would be visible but the built form would be seen in the context of existing buildings to the rear and intervening vegetation. There would be a negligible deterioration in that view and the proposal would not be visually dominant to those using the PRoW. This would be even less from viewpoints 5 and 14 due to the lower level of the PRoW at these points and their distance from the appeal site.
43. Closer to the site the properties which bound the land along Station Road would have variable views from rear windows and gardens (viewpoint JB1), although some of these at ground floor would be filtered by the boundary vegetation which could be strengthened by additional tree and shrub planting. There are limited views of the site from Station Road itself (viewpoints 2 and 3) given the siting and layout of properties and small gaps and some minimal views of the housing would be seen through the access into the site. These would result in no more than 'Moderate/Minor' effects.
44. In terms of the additional viewpoints from the BRC (JB2 and 3) and additional 11 and 12 views would be filtered by vegetation and development within the BRC including a large brick building and train carriage shed. The visual effects would ultimately depend on the layout, scale and appearance of the development which are not matters before me, but I see no reason why a scheme could not be appropriately designed and accommodated on the site at the reserved matters stage. This includes the clear necessity that careful attention would need to be paid by any future developer to including variety in the dwelling heights and form so as to appropriately reflect the variety that exists along Station Road and is part of its character and appearance. This is plainly a detailed design matter to be negotiated at the reserved matters stage.

⁵ Viewpoints JB1, JB2, JB3 and 11, 12 and 13.

⁶ The Bernwood Jubilee Way/North Buckinghamshire Way/Midshires Way and Outer Aylesbury Ring QUA/19/1 and QUA/19/2.

45. The roof tops would be visible locally, in particular from the additional viewpoints but not unduly so because there is intervening vegetation and sufficient opportunities for additional substantial landscaping. The houses would be more visible in Year 1 but not overly intrusive and there is enough space for soft landscaping so any future scheme is unlikely to result in an overly hard or dense edge to the site. Even in winter, views of the housing would be seen through the de-leafed branches and over time the landscaping both within the properties and development in general, would mature to further soften the effects. The proposal is also for 'up to 40 dwellings' and the Council would be able to refuse any subsequent reserved matters application that they considered was unacceptably cramped or inappropriate in design terms.
46. In the context of the existing built form and mindful of the likely and considerable changes through HS2 and the intended VALP allocations⁷ in the immediate locality the proposal would not result in an unduly dominant or visually prominent development that would give rise to an undesirable suburbanisation of the site that would be harmful to its appearance or that of the area. There would be a change but the development's visual impact within its immediate surroundings would be highly localised and no more than 'moderate/minor'. It would not be overwhelming decisively negative.

Conclusions on character and appearance

47. Taking everything together, there may well be visual changes and even minor harm from a limited number of viewpoints in the short to medium term before the proposals assimilate into the landscape, along with the loss of a greenfield site. However, there would be overall compliance with Policy GP.35 of the LP which, requires that development should respect and complement the physical characteristics of the site and surroundings, the historic scale and context of the setting and the natural qualities and features of the area.
48. I also see no reason why quality materials could not be secured that would complement the substantial variety used in existing properties along Station Road and therefore achieve an appropriate relationship with existing development and be an asset to the streetscene. Accordingly, it would also accord with Policy E2 of the NDP insofar as compliance in such terms is required. Further, there would be no conflict with the conserving and enhancing the natural environment objectives of the Framework.

Five-year housing land supply

49. There were essentially 3 strands to the appellant's case, that allocated sites in the VALP should not be included in the deliverable land supply and that the Council's evidence base is not sufficiently robust for me to conclude a deliverable supply of 5 years. Further, that the amended definition of 'Deliverable' within the Framework means it is now a 'closed list' and excludes allocated sites. My attention was also drawn to how these matters have been addressed in other appeal decisions, albeit that they pre-dated the latest Government policy and guidance.
50. Whatever the courts may be required to ultimately decide on this latter point of law, for the purposes of this appeal the relevance of a conclusion on 5-year housing land supply is only necessary in considering whether there are material

⁷ QUA0014-016.

considerations that would indicate a decision should be made other than in accordance with the plan. In other words, whether the proposal should benefit from the application of the tilted balance in accordance with footnote 7 of paragraph 11 (d) of the Framework. However, in this appeal I have found compliance with the development plan, when read as a whole. Consequently, a conclusion on whether the Council has a 5 year supply has no significance for my decision and it is simply not necessary for me to reach a definitive conclusion on this matter.

Other Matters

51. In reaching this view I have had regard to the representations made by third parties, Quainton Parish Council, and the Quainton Village Society. These concerns range from effects on highway safety through traffic increases, pressure on local infrastructure, facilities and services, lack of inclusion in the Council's HELAA⁸, the strategy of the VALP and loss of privacy through overlooking.
52. In terms of highway safety, the relevant highway authority does not object and having viewed the surroundings both during the day and early evening I do not consider the proposal would result in harm to highway safety. Contributions towards highway improvements are secured by condition and education contributions within the UU. There is also nothing substantive from the relevant providers that suggests local services and facilities would be placed under unacceptable pressure that would not be mitigated by the combination of suggested conditions and obligations before me.
53. Given the most important policies are concerned with character and appearance and I have found compliance with those and the LP as a whole, it is not determinative in my view that the VALP identifies a future share of housing development for Quainton. I am also mindful that there is some inherent uncertainty as to whether Quainton will be the subject of further housing considering the uplift required by the VALP Inspector and in light of that Inspector's view that "it may be possible for the Council to meet it entirely by additional allocation close to Milton Keynes"⁹. This in no way indicates to me any degree of certainty that it will and nothing substantive was put forward by the Council at the Inquiry to demonstrate otherwise. Despite the Council's best intentions, they may not be able to secure the number of dwellings required by the uplift at the preferred locations, not least because those sites are subject to co-operation from neighbouring authorities and ultimately may not come forward as envisaged. That is not sufficient justification for objecting to a proposal that I have found to be sustainable development.
54. My attention has also been drawn to the issue of precedent. However, I see no reason why, if this proposal were to be allowed, that it would undermine the Council's ability to exercise its judgement in relation to similar development proposals on this or other sites, especially because each case is determined on its own merits and because each site will have different constraints and opportunities.

⁸ Housing and Economic Land Availability Assessment.

⁹ Inspector's response to Council's reply to his Discussion Document D5 – ID3.

55. Quainton Parish Council have referred to a previous decision at land known as The Strand¹⁰. However, I have not been provided with the full details and so cannot be certain that it is directly comparable, noting that its location is not within the Station Road area, being much closer to the historic core of Quainton village. It does not therefore alter my views in relation to the main issues and in any event, each case must be determined on its own merits.
56. I appreciate there will be local disappointment with my decision not least given residents' involvement in creating the NDP, the likely impending effects of HS2 in such proximity to the settlement and what they perceived to be the erosion of the reasons why Quainton was chosen for many of them to settle with their families. The proposal however would allow for others to settle, including those in need of affordable housing. This would add positively to the mix and overall diversity of the community whilst also complying with the NDP in an area of generally high housing demand.
57. There was also some criticism by the Council and third parties of the approach to the site following a previous scheme for 80 houses that was withdrawn in July 2017. However, it appears to me that the evolution of the scheme before me demonstrates the very type of compromise that the planning system seeks to achieve. Moreover, the fact that an earlier scheme proposed more houses and this has subsequently been reduced has no real bearing on the planning merits of the appeal before me. Thus none of these other considerations, on their own or in combination, alter my view to allow the appeal.

Conditions

58. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. The appellant has confirmed in writing acceptance to the wording of pre-commencement conditions. A condition is required to ensure compliance with the approved plans and other submitted details as access is a matter to be considered and in the interests of ecology and for the avoidance of doubt as this provides certainty. I have attached conditions limiting the life of the planning permission and set out the requirements for the submission of reserved matters in accordance with the Act albeit there is no need for suggested condition 3. To ensure the housing is delivered in the short term as intended by the appellant the commencement condition has been amended to 18 months following the date of approval of the reserved matters, the timescale for submission of those has also been reduced to 18 months.
59. Material samples are required in the interests of the character and appearance of the area and for the same reason that no development shall exceed 2 storeys in height. By virtue of proximity to Archaeological Heritage Assets, conditions are necessary to record and/or safeguard any such assets. To ensure that the development does not result in sewerage flooding, a condition is necessary to ensure approval and implementation of appropriate details. In the interests of preventing surface water flooding, a further condition is necessary to require the approval and implementation of a Sustainable Urban Drainage System. In the interests of safeguarding the living conditions of future occupants, conditions are necessary to require the submission and implementation of a noise assessment due to the proximity of the proposed HS2 route and other rail schemes and a Construction Method Statement.

¹⁰ APP/J0405/W/16/3157098.

60. In the interest of highway safety a condition requiring the new access to Station Road to be constructed as approved is required. Further, that the footway on Station Road and proposed pedestrian and other highway safety improvements, as detailed in the submitted Transport Statement, are carried out. In the interests of ecology an Ecological Mitigation and Enhancement Strategy based on the submitted BSG Ecological Appraisal is also necessary.
61. Conditions 9, 10, 11, 13, 16 and 17 are conditions precedent and were agreed by the appellant at the Inquiry. I am satisfied that they are fundamental to the development to ensure that it does not occur until such matters are resolved, in the interest of heritage assets, flood risk, highway safety, living conditions and ecology.

Planning balance and overall conclusion

62. For the reasons given above the proposal would comply with Policy GP.35 of the LP and Policies E2 and H1 of the NDP, the former as made or the version that is contended should have been made. The proposal would therefore comply with the development plan, when read as a whole.
63. The proposal would also result in ecological enhancements through the creation of HPI and associated better management and maintenance. The provision of housing, delivered in a shorter period than normal weighs in favour of the proposal, not only in the light of national policy to significantly boost the supply of homes but also the provision of 30% affordable housing in an area of generally high housing demand, irrespective of the 5 year supply position¹¹. There would also be short term economic benefits during construction, an increase in spending in the local economy from future residents and future support for local services and facilities which also weigh in favour. For the avoidance of doubt, I give no weight to those contributions which are to simply mitigate the effects of the proposal and contained within the UU.
64. Overall, the proposal would fulfil the social, economic, and environmental dimensions of the definition of sustainable development. My finding of compliance with the development plan means the proposal would be the sustainable development for which paragraph 11 (c) of the Framework indicates should be approved without delay. It is therefore simply not necessary to consider the requirements of paragraph 11 (d) any further.
65. In conclusion, the proposal would comply with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

¹¹ DR accepted at the Inquiry a deficit of 813 dwellings should have been provided by April 2018 and that this deficit should be given 'considerable weight' as a material consideration.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Caroline Daly, of Counsel instructed by Aylesbury Vale District Council

She called

Mr Jonathan Bellars Aylesbury Vale District Council
BA MA PhD

Mr Asher Ross GL Hearn
Dip TP

Mr Daniel Ray Principal Planner
BSc (Hons) Msc MRTPI Aylesbury Vale District Council

FOR THE APPELLANT:

Mr Paul G Tucker, of Queens Counsel instructed by Mrs Jacqueline Mulliner
Terence O'Rourke

He called

Andrew Macquire Aspect Landscape Planning
BA (Hons) DipLA CMLI

Jacqueline Mulliner Terence O'Rourke
BA (Hons) BTP (dist) MRTPI

INTERESTED PERSONS:

Mr Arthur Evans Chairperson Quinton Parish Council
Mr Brian Fludgate Clerk to Quinton Parish Council
Mr Martin Jacobs Quinton Village Society
Mr John Ashton Pye Homes
Mr Ashley Maltman Pye Homes
Mr G Richardson Appellant
Mrs Vivian Craker Local resident
Mr Lee Whitlock Local resident
Mr Freddie Humphreys Kings Chambers

Gerald Richardson Roger Cleal
Joan Cleal Mr A Holland
Claire Lucas John Rust
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DOCUMENTS SUBMITTED AT THE INQUIRY

Document Number	Document name	Submitted by
Document 1	GLIVIA Statement of Clarification 2/14 and extracts	Council
Document 2	AM/JB Landscape and Visual Effects Comparison Tables	Appellant
Document 3	VALP documents – AVDC response to discussion document D5 and Examining inspector’s response 4 March 2019	Council
Document 4	Opening submissions on behalf of the appellant	Appellant
Document 5	Opening submissions on behalf of AVDC	Appellant
Document 6	Statement of Mrs V Craker	Mrs V Craker
Document 7	Referendum version of Quainton Neighbourhood Development Plan 2015 - 2033	Council
Document 8	Appeal Statement of Common Ground	Council
Document 9	Housing Land Supply Statement of Common Ground	Appellant/Council
Document 10	Housing and economic land availability PPG extracts	Appellant
Document 11	AVDC Landscape Architect response to application 17/00737/AOP	Council
Document 12	Planning Statutory Review Claim Form – Court ref: CO/86712019	Council
Document 13	Draft planning conditions	Council
Document 14	Amended planning conditions	Council
Document 15	CIL Compliance Schedule	Council
Document 16	Pye Homes written agreement to pre-commencement conditions	Appellant
Document 17	VALP allocated sites QUA014-16 chronology of events	Council
Document 18	Addendum to statement of common ground on housing land supply	Appellant/Council
Document 19	Housing land supply comparison tables	Appellant/Council
Document 20	Statement of Mr L Whitlock	Mr L Whitlock
Document 21	AVDC closing submissions	Council
Document 22	Appellant closing submissions	Appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

Document 23	Completed S106 agreement (Unilateral Undertaking)	Appellant
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SCHEDULE

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and submitted details:
 - Landscape and Ecology Plan PL12C
 - Demolition Plan PL02B
 - Location Plan L01A
2. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.
3. Application for approval of reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.
4. The development hereby permitted shall begin before not later than 18 months from the date of approval of the last of the reserved matters to be approved.
5. No development above ground level shall take place on the building(s) hereby permitted until details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
6. No dwelling shall be occupied until details of the foul water drainage scheme for the site have been submitted to and approved in writing by the Local planning authority and no dwelling shall be occupied until the approved foul drainage scheme serving that dwelling has been implemented as approved.
7. No building on any part of the development hereby permitted shall exceed 2 full height storeys in height.
8. Prior to the submission of the reserved matters the applicant, or their agents or successors in title, shall have undertaken archaeological evaluation in form of a geophysical survey and trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. Where significant archaeological remains are confirmed these will be preserved in situ.
9. Prior to the submission of the reserved matters where significant archaeological remains are confirmed, no development shall take place until the applicant, or their agents or successors in title, have provided an

appropriate methodology for their preservation in situ which has been submitted by the applicant and approved by the local planning authority.

10. Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

11. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- Assessment of water quality and demonstration that the surface water drainage strategy meets the criteria of the SuDS Manual in relation to pollution treatment.
- Existing and proposed discharge rates and volumes
- Ground investigations including:
 - Infiltration in accordance with BRE365
 - Groundwater level monitoring
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy listed in the National Planning Policy Guidance. This may include surveys and confirmation from third parties.
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, volumes of all SuDS components and details of land raising
- SuDS components agreed in the outline application
- Full construction details of all SuDS and drainage components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of any proposed land raising works with demonstration that this will not cause an increase in flood risk to existing and proposed development
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
 - Flow depth
 - Flow volume
 - Flow velocity
 - Flow direction

- Prevention of the discharge of water onto the public highway.

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the local planning authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

12. The applicant will submit with any detailed planning application for approval by the local planning authority a full assessment of the potential noise impacts from the proposed HS2 railway, the upgraded East West Rail Link and the Quanton Railway Society Site.

The assessment should use data contained in the HS2 Environmental Statement, the draft East West Rail Environmental Statement or the final version if published at the time of the assessment, and an assessment of the noise generated by the Quanton Railway Society premises conducted in accordance with BS 4142:2014. The assessment should consider both the individual and cumulative impacts of these sources.

The assessment should indicate any mitigation necessary to ensure that the guideline sound levels, shown below, in the proposed dwellings and the associated private amenity spaces are not exceeded. The mitigation shall subsequently be implemented in accordance with the approved details

Location	Daytime	Night time
	07:00 to 23:00	23:00 to 07:00
Living Room	35dB LAeq,16hr	
Dining Room	40dB LAeq,16hr	
Bedroom	35dB LAeq,16hr	30dB LAeq,8hr
		45dB LAmxF
External private amenity spaces	50dB LAeq,12hr (07:00-19:00)	

13. No development shall take place until the new access to Station Road has been constructed in accordance with drawing no: DTA Drawing 18294-0, titled 'Proposed Site Access'. The access shall not be constructed other than in accordance with; 'Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access Within Highway Limits" 2013.

14. Prior to the occupation of the development a detailed design for the proposals for the upgrade of footway works on Station Road and subsequent pedestrian improvements shall be submitted to the local planning authority for approval. The approved scheme shall subsequently be implemented prior to occupation of the first dwelling to improve pedestrian connectivity between the site and amenities in Quanton Village and provide raised kerbs to bus stops within the vicinity of the site. These should be designed and constructed in general accordance with Buckinghamshire County Council's Guidance and allow for any required public consultation. For the avoidance of doubt these include the feasibility of implementing the measures outlined in Transport Note dated 6 June 2017, the details of which are set out within the Transport Statement submitted on 20 October 2017.

15. Prior to the occupation of the development a detailed scheme of highway safety improvements, as appended to the Transport Statement submitted on 20 October 2017, shall be constructed in accordance with details to be submitted to and approved by the local planning authority in writing.
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- all site operatives', visitors' and construction vehicles
 - storage of plant and materials
 - loading, off-loading of plant and materials
 - parking and turning within the site
 - Pre condition surveys
 - Site hoarding
 - Delivery, demolition and construction hours
 - Adequate precautions to prevent the deposit of dust and mud and debris on the adjacent public highways.
17. Prior to the commencement of the development (including vegetation removal), an ecological mitigation and enhancement strategy (EMES) (in accordance with the BSG Ecological Appraisal dated 17 July 2018) shall be submitted to, and be approved in writing by, the local planning authority. The EMES shall include the following:
- a. Review of site potential and constraints
 - b. Purpose and objectives for the proposed works.
 - c. Extent and location/area of proposed works on appropriate scale maps and plans (e.g. retention/new planting of trees).
 - d. Type and source of materials to be used where appropriate, (e.g. native species of local provenance, specification, number and location of bat and bird boxes, provision of permeable fencing/refugia for hedgehog).
 - e. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - f. Details of proposed mitigation measures for protected species (e.g. timing, works requiring supervision by an ecological clerk of works, appropriate lighting strategy)
 - g. Protocols for the containment, control and removal of invasive species (e.g. Montbretia)
 - h. Details of initial aftercare and long-term maintenance of ecological habitats (e.g. hedgerows).
 - i. Details for monitoring and remedial measures.

Development shall take place in accordance with the approved EMES and copies of any European Protected Species licences (or other such protected species licences) must be submitted to the local planning authority for its records

----- End of conditions -----