



Appeal Decision

Hearing held on 5 February 2014

Site visits made on 24 February 2014

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 June 2014

Appeal Ref: APP/J0405/A/13/2198840

Land to the rear of Brook Farm, Leighton Road, Stoke Hammond, Milton Keynes, MK17 9DD

- 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 the National Animal Welfare Trust against the decision of Aylesbury Vale District Council.
 - The application Ref 12/02184/AOP, dated 28 September 2012, was refused by notice dated 19 December 2012.
 - The development proposed is described as 'the erection of 40 residential dwellings'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 40 dwellings on land to the rear of Brook Farm, Leighton Road, Stoke Hammond, Milton Keynes, MK17 9DD, in accordance with the terms of the application, Ref 12/02184/AOP, dated 28 September 2012, subject to the conditions in the attached schedule.

Application for costs

2. At the hearing an application for costs was made by the National Animal Welfare Trust against Aylesbury Vale District Council. This application is the subject of a separate Decision.

Procedural matters

3. At the hearing the main parties agreed that the proposal is more clearly described as the erection of 40 dwellings, and I have considered the appeal on this basis. The planning application was submitted in outline form, with all matters of detail reserved for subsequent consideration. The proposal is accompanied by a master plan¹ which indicates a possible form of residential development on the site.
4. A planning obligation in the form of a unilateral undertaking was submitted at the hearing (Document 9). The obligation covers the payment of a sport and leisure contribution and the provision of affordable housing.
5. Reasons for refusal Nos 3, 4 and 6 are concerned with the highway layout, ecological details and noise mitigation respectively. The main parties agreed in the statement of common ground that these matters could be addressed by

¹ A revised master plan, ref 12014(D)112C, was submitted following the appeal.

conditions. At the hearing the Council confirmed that it would not be pursuing these reasons for refusal. Reason No 2 concerns a financial payment related to open space provision and affordable housing, and reason No 5 is also concerned with the provision of public open space as part of the development and/ or by means of a financial payment. These matters are covered by the planning obligation, and the Council explained that it was satisfied with the form of that document.

6. On 6 March 2014, the Government published Planning Practice Guidance (PPG), and cancelled certain previous guidance. The content of the PPG has been considered, but in the light of the circumstances of this case it does not alter my conclusions.

Main Issues

7. I consider that the main issues in this appeal are:

- (i) The effect of the proposed development on the character and appearance of the area.
- (ii) The effect of other considerations on the overall planning balance.

Background

8. The appeal site comprises part of a larger area of land in the Appellant's ownership at Brook Farm. On the eastern side is a bungalow and garden areas with a frontage to Leighton Road: planning permission for five houses on this land was granted in 2013. Beyond this parcel, open land under grass cover extends back to the West Coast main railway line. The field at the western end (identified as the railway field by the Appellant) is outside the appeal site, which comprises paddocks between that field and the parcel of land with planning permission. The land extending back from the bungalow to the railway field is referred to as the linear paddocks and the area to the north of this as the isolated paddocks². It is intended that access to the appeal site would be gained from Leighton Road through the land on which planning permission has been granted.

Reasons

Character and appearance

9. Policy RA.14 of the Aylesbury Vale District Local Plan is concerned with development proposals at the edge of certain settlements, one of which is Stoke Hammond. The policy provides for residential or mixed-use development on the edge of the built-up area subject in the first instance to a maximum size threshold of 5 dwellings on a site of no more than 0.2ha, and to a series of further criteria. There is existing housing close to the site at Mount Pleasant to the south, at Olde Bell Close to the north-east, and in the form of the existing bungalow at Brook Farm. A large building at a commercial garage and car sales premises extends past the north of the bungalow alongside the boundary of the appeal site. The site is on the edge of the built-up area of Stoke Hammond.
10. As the proposal involves 40 dwellings on a site of about 1.47ha, it markedly exceeds the size limitations included in the first part of Policy RA.14. However,

² These areas are identified on figure 1 of Mr Ryder's statement.

at the hearing, the Council explained, having regard to legal advice, that these criteria were based on a time-expired housing requirement, and it did not argue that the proposal failed to comply with Policy RA.14 because of its size. Although they took differing views about the performance of the proposal against the remainder of the policy, the main parties agreed that it remained appropriate. Given the relationship of the size thresholds to the former housing requirement, I agree that they are out-of-date. The structure of Policy RA.14 is such that criteria a, b and c, which are concerned with the relationship of a proposal to the settlement and the countryside, are not listed as distinct requirements separate from the size thresholds. They were intended to be applied to proposals which had complied with those preceding tests. Consequently, whilst I share the view of the main parties that criteria a - c continue to have relevance in assessing proposals, their weight is diminished together with that of the size criteria.

11. Criterion a of Policy RA.14 requires that the site should be substantially enclosed by existing development. The Appellant's landscape consultant calculated that 420m (68%) of the 622m perimeter of the appeal site abutted housing and the commercial garage. The Council disputed these figures, suggesting that that part of the boundary (measured at 648m) which was assessed in this way could be as low as 250m. As acknowledged by both main parties, the assessment of enclosure is ultimately a matter of judgement, and it should not be determined solely with regard to a mathematical calculation. I am satisfied that more than half of the boundary of the appeal site abuts existing residential and commercial development. However I consider that it is more important to consider the form of the site in relation to adjacent uses. The eastern part of the linear paddocks is adjacent to the curtilage of the bungalow at Brook Farm and contained between the premises of the Key Motor Company to the north and housing to the south: I am in no doubt that this area is enclosed by existing development. The remainder of the site abuts garden areas and the yard on the garage premises on part of its eastern side, but to the west lies the railway field. Part of the northern boundary runs alongside the end of a large garden with open land further to the west: nearby built development is offset to the north-east. At the southern end the adjacent land has been incorporated within a garden area. The Council queried the lawfulness of the extent of this garden, but in any event it comprises a large open area, with buildings set some distance back from the boundary. Housing on this larger part of the site would not be contained by the existing built form, and consequently, taken as a whole, I find that the site is not substantially enclosed by existing development.
12. To satisfy criterion b, proposals should satisfactorily complete the settlement pattern without intruding into the countryside. The Local Plan contains no guidance as to what is meant by completion of the settlement pattern. Other than in an extremely constrained location, it is difficult to conceive of a scheme which would fully achieve this stated intention for the whole of a settlement. Bearing in mind that, when adopted, Policy RA.14 only provided for modest schemes of up to five dwellings, it seems to me that this part of criterion b can only realistically mean that the proposal should complete the pattern of development in this part of Stoke Hammond. I consider that the construction of 40 dwellings, extending westwards along a spine road, would satisfy that test. As shown on plans of urban form submitted by the Appellant³, since the

³ Figures 6A and 6B of Mr Ryder's statement.

mid-twentieth century development has taken place in several locations off the roads leading into the settlement. This has included the housing at Mount Pleasant immediately to the south of the site, and on the opposite side of Leighton Road residential development at Phoebe's Orchard extends along a side road. Further north, housing at Hillersdon Chase is set back from Newton Road. The westward extent of the appeal proposal would not be markedly greater than that of Mount Pleasant together with the adjacent housing at Hunters Lodge, and due to the direction of Newton Road, development to the north-west extends closer to the railway. I consider that the appeal proposal would be consistent with the pattern of development in this part of Stoke Hammond, and accordingly that it would complete the pattern of development here.

13. There is no settlement boundary to Stoke Hammond. Policy RA.14 and its explanatory text refer to the built-up area, and it is the spread and continuity of built development which most clearly indicates the physical extent of the settlement. The Appellant argued that on this side of Stoke Hammond the railway embankment is perceived as the settlement boundary. The presence of the embankment restricts intervisibility between the area around the appeal site and land further west. However, other than in the vicinity of Newton Road, there is a clear belt of open land (including the appeal site) between the embankment and the edge of the built-up area, which is continuous with open land to the south. The railway line has not severed a small parcel of land from the countryside further west, but it and the realigned A4146 on its western side, are transport routes which run through the countryside, albeit only a short distance from Stoke Hammond. The appeal site comprises paddocks, and it lies within the countryside on this side of the settlement. Consequently, I find that, although the proposal would be consistent with the pattern of development in this part of Stoke Hammond, it would also intrude into the countryside.
14. The land between the appeal site and the railway is in the Appellant's ownership. Criterion c requires that the proposed development should not comprise the partial development of a larger site. There is no indication in the concept plan or the master plan that the Appellant seeks to pursue development on the railway field, and, given the Council's objection to the existing site, I do not anticipate that it would consider development to be appropriate there. Although in the same ownership, I consider that the appeal site and the railway field are distinct sites, and I find no conflict with criterion c.
15. To summarise, the appeal proposal would not be fully compliant with criteria a - c of Policy RA.14 in that it would not be substantially enclosed by existing development and it would intrude into the countryside. However the weight of this part of the policy is diminished since it relates to size thresholds which the Council acknowledges are out-of-date.
16. The Appellant's landscape consultant set out a landscape character hierarchy for the area within which the appeal site lies, and this was not disputed by the Council. Stoke Hammond lies on the edge of national character area 88 - Bedfordshire and Cambridgeshire Claylands, within landscape character zone Z2 - Clayland Villages of the Landscape Plan for Buckinghamshire, and within landscape character area 4.9 Newton Longville - Stoke Hammond Claylands of the Aylesbury Vale Landscape Character Assessment (LCA). Each of these assessments refers to the undulating topography of the landscape, which

describes the area within which the appeal site is located⁴. Of most relevance is the local LCA. In addition to the gently undulating to rolling landform, the hedged field boundary pattern, which is evident on and in the vicinity of the site, is identified as part of the landscape character. Overall, the LCA considers the condition of the landscape to be moderate, with the mainline railway at Stoke Hammond described as a visual detractor. The degree of visibility is also referred to as moderate, varying with the undulating landform and the general lack of tree cover in the LCA as a whole, and the degree of sensitivity is referred to as low.

17. The Appellant's landscape consultant has incorporated a landscape and visual impact assessment (LVIA) in his statement. This approach has attracted criticism from the Council which contends that the LVIA has been contaminated as a result. It is also suggested that the baseline assessment is compromised, in view of the reference made to the appeal site's current characteristic not being countryside. I note, however, that the baseline landscape assessment refers to the paddocks which compromise the appeal site in landscape terms. There is no assessment of the proposal in respect of the occupants of the dwellings permitted at Brook Farm (above, para 8), but this matter was discussed at the hearing. Notwithstanding certain shortcomings, the LVIA is of assistance in considering the effect of the appeal proposal on the character and appearance of the area.
18. The appeal proposal would result in the loss of the paddocks between Brook Farm and the railway field. Although the land was not actively managed at the date of my visit, it is not degraded and contributes to the open landscape on this side of Stoke Hammond. As such, notwithstanding the noise and activity from the nearby railway line, I consider that it is of medium sensitivity. The Council has prepared tables for assessing the significance of landscape and visual impacts which were used by the Appellant's landscape consultant⁵. Having regard to the landscape table I consider that the impact of the development would be of high/ medium adverse significance. The railway field, which is similarly unmanaged grassland, abuts the western side of the appeal site. It is immediately adjacent to the railway line, and is consequently of low sensitivity. There would be the opportunity to establish a well-defined boundary to the new housing, and appropriate landscaping would avoid a harsh edge to the site. The presence of the proposed development would only have a low adverse impact on the railway field.
19. The 40 dwellings proposed on the appeal site would not represent an unduly large development, and I have already found that it would be consistent with the pattern of development in the settlement (above, para 12). The proposal would not represent an inefficient use of land having regard to the nature of the surrounding area. Whilst there would be a localised change to the setting of this part of Stoke Hammond, the development would not materially extend the depth of development along this stretch of Leighton Road, and it would effectively consolidate the existing form of the settlement. I do not consider that it would detract from the character or identity of Stoke Hammond.

⁴ Details of national character area 88 are at Appendix 4 to Mr Ryder's statement, of landscape character zone Z2 at paragraphs 4.4-4.6 of Mr Ryder's statement, and of landscape character 4.9 at Appendix 5 to Mr Ryder's statement.

⁵ The tables are included in Appendix 6 to Mr Ryder's statement.

20. The LCA refers to the sensitivity of the Newton Longville – Stoke Hammond Claylands as low, and I have no reason to take a different view about the open countryside on the western side of Stoke Hammond. Although the site forms part of the countryside, the pronounced physical feature of the railway embankment intervenes between it and the wider rural landscape. I do not consider that the development would encroach to a damaging degree onto the belt of open land between the railway and the built-up area, and, given that the development would consolidate the form of the settlement, I do not consider that it would materially alter the relationship of Stoke Hammond with the surrounding countryside. The Brickhill Area of Attractive Landscape lies on the east side of Stoke Hammond. There is intervening built development along Leighton Road, and the loss of the paddocks on the appeal site to housing would not impinge on the character of this tract of landscape. In consequence there would be no conflict with Policy RA.8 of the Local Plan. In my judgement the proposal would have a neutral effect on the adjoining rural area, and it would not cause damage to its character or identity.
21. I have also considered the visual impact of the proposal. There would be views of the development from nearby dwellings at Olde Bell Close and The Green to the north-east, and to the south of the site, the occupants of properties at Mount Pleasant, Hunters Lodge and Little Acre would also see the development. As part of my site visits, I had the opportunity to look towards the appeal site from the garden and house at No 10 Mount Pleasant. The development would also be visible from some of the houses proposed at Brook Farm. Whilst some of the existing dwellings have predominantly open views at present, from others the presence of buildings on the other side of the appeal site is apparent. Existing vegetation would provide some screening from the north-east. Whilst it is likely that the presence of the additional built form would be more readily noticed from dwellings adjacent to the southern part of the site, landscaping would lessen its impact, and I consider that there would be a medium adverse visual impact from existing dwellings. I have reached a similar view in respect of the houses proposed at Brook Farm.
22. From Leighton Road, housing on the appeal site would be seen as a continuation of that at Brook Farm. This limited view would only be available at the junction with the access road, and bearing in mind that the existing bungalow and adjacent trees and bushes restrict views towards the paddocks, I do not consider that there would be an adverse impact from this position. I have reached a similar view in respect of passengers on the railway line. Whilst they would have an elevated view towards the site, this would be of extremely short duration, with the housing seen in conjunction with the existing buildings of Stoke Hammond.
23. There are views towards the appeal site from the bridge on Newton Road over the A4146 and the adjacent section of bridleway. From here the upper part of the proposed housing would be apparent beyond the railway embankment, but its impact would be lessened by intervening tree cover, and the development would be seen at some distance together with glimpses of existing buildings. Even without additional planting, the proposed residential development would not be prominent, and its impact would be of low adverse significance. Elevated views towards Stoke Hammond are available from Great Brickhill, which is about 2km to the north-east. From vantage points here existing development is seen interspersed with tree cover and individual buildings are not distinct because of the distance. Whilst the overall presence of additional

development at the appeal site may be discerned, I do not consider that it would have any material effect on these long distance views.

24. Stoke Hammond Conservation Area is centred on the junction of Leighton Road and Newton Road to the north of Brook Farm. It is separated from the northern part of the appeal site by housing at Olde Bell Close and adjacent open land, and the premises of the Key Motor Company lie between the eastern end of the linear paddocks and that part of the conservation area which extends to The Dolphin public house. I share the view of the Council that there would only be narrow glimpsed views of the proposed development from within the conservation area. The Council made it clear at the hearing that it does not consider that there would be a significant adverse effect on the conservation area arising from the proposal. Given the position of the appeal site, which is set back from Leighton Road and beyond existing buildings and some tree cover, I do not consider that the construction of dwellings in this location would detract from the setting of the conservation area.
25. There is conflict with aspects of Policy RA.14. However, although the proposal would not be substantially enclosed by existing development and it would intrude onto land which forms part of the countryside, the proposal would complete the settlement pattern in this part of Stoke Hammond and it would not have a harmful effect on the relationship between the built-up area and the surrounding open land. There would be localised harm of high/ medium adverse significance arising from the loss of the appeal site itself and a low adverse impact on the adjacent railway field. Additionally the extension of the built form onto the appeal site would have a medium adverse effect on the visual amenities of the occupiers of some nearby dwellings and a limited impact of low adverse significance on views from the north-west. I conclude that the proposed development would have certain localised adverse effects of low to high/ medium significance on the character and appearance of the area. However, given the size, configuration and position of the development, it would not impair the character or identity of the settlement as a whole or the adjoining rural area, and there would be no conflict with Policy RA.14 in this respect. Nor would the localised adverse effects on the character and appearance of the area represent a material conflict with the core planning principles in paragraph 17 of the National Planning Policy Framework (NPPF) to recognise the intrinsic character and beauty of the countryside and to contribute to conserving and enhancing the natural environment.

Other considerations

Housing land supply

26. There is no up-to-date housing requirement figure in the Development Plan. The Local Plan was prepared to cover the period up to 2011, and the Council has acknowledged that the housing requirement therein is consequently out-of-date. Whilst it was superseded by the housing figure in the South East Plan, the housing policies of that plan were revoked in 2013. A new housing requirement had been set out in the emerging Vale of Aylesbury Plan, but following criticisms concerning the duty to co-operate and soundness in respect of provision for housing and jobs by the Inspector appointed to conduct the examination⁶, the emerging Plan has been withdrawn. To address this situation, an interim approach is put forward using the Government's 2011

⁶ The Inspector's criticisms are set out in a letter dated 7 January 2014 to the Council.

based interim household projections. The Council itself refers to certain deficiencies in the projections, and both of the main parties referred to them as a starting point. It would not be appropriate to return to the Local Plan or the evidence base for the South East Plan to establish new requirements as the figures therein are out-of-date. In the present circumstances, therefore, I agree with the approach taken by the Council.

27. The Council has calculated five year requirements of 5,341 dwellings for 2013-18 and 5,280 dwellings for 2014-19, both incorporating a 5% buffer⁷. Table 2 of its five year housing land supply position statement (January 2014) compares the number of completions with the requirements of the Local Plan and subsequently the household projections for the six years from 2007-08 to 2012-13. Whilst completions failed to match requirements in four of these years, the greatest deficit was 84 dwellings compared with a requirement of 1,018 in 2012-13. At the end of each year there has been a significant number of dwellings covered by unimplemented permissions (between 7,336 and 9,169 dwellings). As planning permissions have been granted to enable housing to be brought forward, it does not seem to me that there has been a record of persistent under delivery in Aylesbury Vale. Consequently I do not consider that the higher buffer of 20%, referred to in paragraph 47 of the NPPF, should be applied in this case.
28. The Council has identified a supply of land sufficient for 5,526 dwellings for 2013-18 and for 4,955 dwellings for 2014-19⁸. The contribution of larger sites has been reduced to take account of build rates, the number of dwellings on small sites with planning permission has been adjusted downwards by 10% to allow for an element of non-deliverability, and there is no allowance for windfall sites. These measures all point to realistic assessments of supply. There was no detailed criticism of components of supply by the Appellant, although it was suggested that the requirement should be higher, having regard to the needs of the wider housing market area including Milton Keynes, Central Bedfordshire, Bedford and Luton. A local resident referred to several large housing sites in the area around Stoke Hammond⁹. However the Council explained that that part of the site at Newton Leys has been taken account of in its assessment: the other part is in Milton Keynes and other sites referred to are in the area of Central Bedfordshire Council.
29. The Council's figures give a 5.2 years supply of housing land at 1 April 2013, but only 4.7 years supply at 1 April 2014. I consider that it is more appropriate to refer to the latter figure as it relates to the latest five year period. As the calculation was undertaken prior to the base date it may underestimate supply if there have been subsequent grants of planning permission, although no indication of any such additional supply was given at the hearing, which took place less than two months before 1 April. Moreover, the possible need for Aylesbury Vale to meet some need arising in other districts, which was referred to by the Local Plan Inspector (above, para 25), reinforces my view that there is not at present a five years supply of housing land. Paragraph 47 of the NPPF refers to the importance of identifying a five years supply of sites to assist in significantly boosting the supply of housing.

⁷ Housing land supply calculation note, included in Document 12.

⁸ Housing land supply calculation note, included in Document 12.

⁹ Included in Document 10.

The contribution of the appeal site towards the provision of a five years supply of housing land carries significant weight in support of the appeal proposal.

Open space

30. The second and fifth reasons for refusal refer to the payment of a financial contribution in respect of public open space provision, and the fifth reason also suggested that a local equipped area of play (LEAP) may be appropriate as part of the development. The Appellant had indicated that a LEAP could be provided towards the southern end of the railway field, but the statement of common ground explains that the Council does not seek a play area in this location. Consequently the Appellant intends to address the question of open space provision through the financial contribution in the planning obligation.
31. The planning obligation would provide a sum of £159,764 towards sport and leisure facilities in accordance with community needs. I heard that an audit of facilities has identified a need to enhance sport and leisure provision in Stoke Hammond, with specific reference made to the need to carry out work at an existing play area. The Council would liaise with the Parish Council in determining precisely how the money should be spent. This provision of the planning obligation is consistent with Policies GP.86, GP.87 and GP.88 of the Local Plan, and is necessary to mitigate the effect of the appeal proposal.

Facilities and infrastructure

32. Concern has been expressed by local residents about the effect of the development on local facilities and infrastructure. Particular mention was made at the hearing about the adequacy of primary school provision. Stoke Hammond is served by the primary school at Great Brickhill. A local resident calculated that, together with the five dwellings at Brook Farm, the development could generate 33 children of primary school age whereas the school was only eight places below its capacity¹⁰. That position is simply a snapshot and it may not reflect the position expected by the time the houses would be built and fully occupied. I note, moreover, that the local education authority had been consulted on the planning application and had made no comment. To ensure that the development would be satisfactorily drained without creating problems elsewhere, a condition could require submission of a scheme for approval. The limited range of facilities in Stoke Hammond includes a public house and a shop, and the housing on the appeal site would be likely to provide additional support for existing local facilities.

Affordable housing

33. Policy GP.2 of the Local Plan and a supplementary planning document refer to a need for affordable housing. The planning obligation would provide 14 affordable homes. At 35%, this is consistent with the level of provision which has been sought in recent years, and it is a necessary component of the appeal proposal. The provision of affordable housing provides some additional weight in support of the proposal.

Living conditions

34. Some local residents have expressed concern about privacy. The relationship between existing and proposed dwellings would be addressed as part of the

¹⁰ Included in Document 10.

consideration of layout and appearance at reserved matters stage. However there is nothing before me to indicate that it would not be possible to achieve adequate separation distances on this site. Noise from the railway is apparent on the site, and a condition requiring a scheme of noise mitigation measures would be necessary to avoid undue disturbance to future occupants.

Wildlife

35. Reports prepared for the Appellant refer to the potential of the site to support breeding birds and to provide foraging and roosting opportunities for bats. The provision of bird and bat boxes would provide appropriate mitigation as part of a scheme of ecological measures. Paragraph 18 of the NPPF encourages opportunities to incorporate biodiversity in and around developments, and a condition concerning ecological measures would assist in mitigating the localised effect of the development and would address the fourth reason for refusal. A condition would also be necessary to prevent clearance of vegetation during the bird breeding season. The phase 1 habitat and ecological report records some badger tracks towards the southern end of the linear paddocks area. However there is no evidence of a sett or that the site is used by badgers for breeding or resting. The information before me does not indicate there would be an adverse effect on this protected species, and a condition requiring further survey work would, therefore, be unnecessary.

Highway safety

36. Concern has been raised that the additional traffic generated by the development would reduce highway safety, and that there would be a risk crossing Leighton Road. Following the construction of the new road adjacent to the railway, the A4146 now bypasses Stoke Hammond, and the Highway Authority has commented that as a result there has been a substantial reduction in vehicle movements along Leighton Road. In addition, I note that the Highway Authority does not consider that the additional movements generated by the appeal proposal would have a material impact on the safety and convenience of highway users.

The planning obligation and conditions

37. I have considered the provisions of the planning obligation above (paras 31 and 33). I am satisfied that they would be necessary to make the development acceptable in planning terms, would be directly related to the development, and would be fairly and reasonably related in scale and kind to the development. The statutory tests in Regulation 122 of the CIL Regulations are, therefore, met and the planning obligation is a material consideration which is properly taken into account in the appeal decision.
38. I have already referred to conditions concerning drainage, ecological measures, a restriction on the clearance of vegetation, and a noise mitigation scheme, all of which would be necessary for the development to proceed. Having regard to the recommendations of the phase 1 desk study, a contamination investigation should be undertaken on the site, with provision for remediation if required. In the interest of highway safety, the standards required for the access road should be specified. Most of the plans are illustrative as all matters of detail are reserved, but it is necessary to require the development to be carried out in accordance with the location plan as this identifies the extent of the appeal

site. A condition requiring tree replacement was suggested by the Council, but this more appropriately relates to the reserved matter of landscaping.

Conclusions

39. The contribution of the appeal site to the District's housing land supply carries significant weight, augmented by the inclusion of affordable housing in the scheme. Provision of this housing would be consistent with the social dimension to sustainable development referred to in paragraph 7 of the NPPF. Moreover, the construction of the housing would contribute to growth, and it is likely that there would be additional support for local facilities from the residents of the new housing. Accordingly, the proposal would accord with the economic dimension of sustainable development. The development of the appeal site for housing would have certain adverse effects of low to high/medium significance on the character and appearance of the area, but these would be localised. I have found that these localised adverse effects would not represent a material conflict with the core planning principles in paragraph 17 of the NPPF to recognise the intrinsic character and beauty of the countryside and to contribute to conserving and enhancing the natural environment, and, whilst they would impinge to a degree on the environmental credentials of the scheme, overall I consider that it would represent a sustainable form of development.
40. As acknowledged by the Council, there are no up-to-date policies for housing land in the Development Plan (para 26). In this situation, paragraph 14 of the NPPF makes it clear that proposals for sustainable development should be approved unless any adverse effects would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. That latter provision does not apply in this case. I conclude that the benefits of contributing to the supply of housing land, including the provision of affordable housing, are not significantly and demonstrably outweighed by the localised harm to the character and appearance of the area arising from the proposal. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Richard Clegg

INSPECTOR

Schedule of conditions

- 1) Details of the access, 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 begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved location plan ref 12014(D)051A.
- 5) No development shall take place until a contamination investigation has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 6) The access details to be submitted in accordance with condition No 1 shall include a 5.5m access way, an adjacent 2m wide footway and a turning head.
- 7) No development shall take place until a scheme of noise mitigation measures, including a programme for implementation, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and programme.
- 8) No development shall take place until a scheme of ecological measures, including bird and bat boxes, a programme for implementation and a management plan, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the programme for implementation.

- 9) No site clearance works shall take place during the bird breeding season (1 March – 31 August inclusive).
- 10) No development shall take place until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the local planning authority. None of the dwellings hereby permitted shall be occupied until the drainage works have been provided in accordance with the approved scheme.

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Miss A Caplan BA MSc MRTPI	Associate Director, Brooke Smith Planning.
Mr S Ryder BA(Hons) DipLA(Dist) CMLI	Director, Ryder Landscape Consultants.
Mr S Proctor MRICS	Partner/ Department Office Head, Knight Frank LLP.

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Aughterlony BA(Hons) DipTP MRTPI	Senior Planning Officer (West).
Mr J Bellars BA DipLA(Hons) DipUD CMLI	Senior Landscape Architect and Urban Designer.
Mr R Garnett BTEC NDA	Greenspace Officer.
Miss L Beveridge BA(Hons) MSc MRTPI	Policy Team Leader.
Miss L Stevens BSc MSc	Planning Policy Officer.

INTERESTED PERSONS:

Councillor J Pearce	Chairman, Stoke Hammond Parish Council.
Mr C Marsh	Local resident and representing other local residents.
Mr W Kirk	Local resident.

DOCUMENTS

- 1 Report to Cabinet meeting on 3 February 2014 concerning the withdrawal of the Vale of Aylesbury Plan. Submitted by Miss Caplan.
- 2 Extracts from the Local Plan. Submitted by Mr Aughterlony.
- 3 Affordable Housing Supplementary Planning Document. Submitted by Mr Aughterlony.
- 4 Planning permission ref 12/02182/APP for 5 dwellings at Brook Farm, proposed site plan and planning obligation. Submitted by Mr Aughterlony.
- 5 Letter from Mr P Archer concerning planning application ref 12/02182/APP for 5 dwellings at Brook Farm. Submitted by Mr Aughterlony.
- 6 The Council's comments on the draft planning obligation.
- 7 The Council's list of suggested conditions.
- 8 Appeal decision, notice of refusal of planning permission, committee report and location plan in respect of residential development at garage premises Leighton Road Stoke Hammond. Submitted by Mr Aughterlony.
- 9 Planning obligation relating to the appeal proposal. Submitted by Miss Caplan.
- 10 Email dated 5 February 2014 from Mr Marsh concerning the appeal proposal and other residential development in the area.
- 11 Email dated 13 February 2014 from Miss Caplan concerning Document 10 and the withdrawal of the Vale of Aylesbury Plan.
- 12 The Council's housing land supply calculations and supporting information.

Richborough Estates