
Appeal Decision

Site visit made on 30 September 2014

by Christa Masters MA (Hons) MRTPI

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

Decision date: 10 November 2014

Appeal Ref: APP/J0405/A/14/222284

Land south-west of Chilton Road, Chearsley, Aylesbury HP18 0DN

- 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 J.A. and B. J. Lloyd against the decision of Aylesbury Vale District Council.
 - The application Ref 14/00308/AOP, dated 31 January 2014, was refused by notice dated 16 May 2014.
 - The development proposed is erection of ten dwellings with access, parking, and amenity space, together with overflow car park to the Village Hall.
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Decision

1. The appeal is dismissed.

Procedural matters

2. On the day of the site visit, I also undertook a site visit for a separate planning appeal at Stoney Furlong, Chilton Road, Chearsley (appeal reference APP/J0405/A/14/2223105). Although the main issues are the same in each case, each appeal has been considered on its own merits.
3. The application is in outline form only with all matters reserved. An indicative layout plan has been provided which shows the potential location of the access to the site as well as a potential layout of the site. I have therefore determined the appeal on this basis.
4. The Council have referred to a recent appeal decision reference APP/J0405/A/13/2198840. The Parish Council have also referred to a previous appeal on the site, appeal reference T/APP/5132/A/81/1294b/G2. The appellant has referred to a further decision reference APP/J0405/A/14/2215077. I have had regard to these decisions in reaching my conclusions below.

Main Issue

5. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal makes adequate provision for off site leisure and education facilities;

Reasons

The effect of the proposal on the character and appearance of the area

6. The appeal site lies to the south-west of Chilton Road and is currently an open area of agricultural land. It is located on the brow of a hill and on the side of a ridge, and slopes gently away to the south. A public footpath runs along the frontage hedgerow of the site. The area to the south is open agricultural land and there are far reaching views to the site from the Crendon Road.
7. To the north east of the site is a row of semi-detached properties which are set back from the main road by a grass verge. There are further detached dwellings in generous plots located to the north west of the site. The site is located within an Area of Attractive Landscape. As such, policy RA.8 of the Aylesbury Vale District Local Plan (AVDLP) 2004 states that development proposals in these areas should respect their landscape character.
8. The Aylesbury Vale Landscape Character Assessment (2008) provides a useful background to the defined landscape characteristics of the area. The site is located within LCA 9.7 Chearsley Ridge (LCT9). Chearsley is the only village within the area. Some of the key characteristics include a narrow ridge top, good views in all directions and the open character. In addition, some of the distinctive features noted include the historic settlement of Chearsley and farms along the ridge sides.
9. The appellant's landscape consultant has prepared a Landscape and Visual Impact Assessment (LVIA) in support of the appeal. The report concludes that there is unlikely to be any significant harm to the Area of Attractive Landscape arising from either the overall scale of the development or its type or location.
10. There are a number of conclusions drawn by the report that I disagree with. Firstly, I do not agree that the site slopes back towards Chilton Road. This was evident from the site visit and also from photograph P16 within the LVIA where the gentle slope away to the south is evident. In addition, I also disagree that there would be no or limited views of the development from the surrounding roads. In particular, motorists driving from Long Crendon to Chearsley have very clear views of the appeal site on the approach to the village and I witnessed this myself from travelling in this area on the day of my site visit. Whilst the existing hedging and vegetation may screen the site to some degree, these hedgerows are uneven in places. Regardless of the existing screening, this does not alter the fact that development in this prominent ridge location would have a permanent effect on this open area of the landscape to the detriment of the open character of the area and the views of the site from a number of local vantage points.
11. There would also be clear views of the proposed development from the circular walk referred to by a number of third parties, and the development has the potential to dominate the ridge line given the prominent location of the appeal site. On the day of the site visit, I was able to see there are very clear views from the appeal site to the rolling countryside beyond, as well as clear views of the appeal site from a number of local vantage points, particularly along the Crendon Road as demonstrated by photograph locations P19&20.
12. Turning to consider the visual effect of the proposed development, I have considered the evidence presented in table 1 within the landscape assessment.

On this basis, I consider the direct visual effect would be moderate/high when viewed from Chilton Road as there would be full views of the development on the approach to the site from this road. The proposal would in my view alter the open character of the area in a very significant way from the road frontage.

13. The proposal would introduce built development into what is otherwise an open agricultural landscape. In this way, it would materially alter the open character of the area. The dwellings proposed would a prominent addition and have a very significant adverse effect on the open character of the area, and the landscape quality of the Area of Attractive Landscape as a result.
14. The appellant has argues that the layout, form, scale, landscaping and massing of the proposed development would all be controlled through reserved matters submissions. They also state that in this way, the proposed development could be controlled so as not to have any significant landscape or visual intrusion. In my view the development would create a sterile enclosed environment on what is an existing important open area of agricultural land. Taking into account the depth of the development proposed, and the fact that the dwellings are likely to be two storey in height, controls at the submission of reserved matters stage would not sufficiently address the harm to the landscape character of the area identified above.
15. In relation to the first main issue, I therefore conclude that the proposal would harm the local landscape character. It would therefore conflict with the objectives of policy RA.8 as it would fail to respect the existing landscape character of the area. Such is the harm in relation to the effect of the proposal on the character and appearance of the area, that I am dismissing the appeal on this matter alone.
16. For the same reasons, the proposal would also conflict with the advice contained within the National Planning Policy Framework (the Framework) and in particular, paragraphs 7 and 109. Paragraph 7 requires the planning system to perform a number of functions in relation to sustainable development. These include, amongst other things, contributing to protecting and enhancing the natural, built and historic environment. In addition, paragraph 109 seeks to ensure that the planning system protects and enhances valued landscapes.
17. Policy RA.8 against which the proposal has been determined is not relevant to the supply of housing. There is therefore no case to be made that the policy is not up-to-date. This being the case, there is no basis for engaging paragraph 14 (or the 4th bullet point thereof) of the Framework. Moreover, the policy broadly accords with the policies of the Framework outlined above and can therefore be afforded substantial weight in accordance with paragraph 215 of the Framework.

Whether the proposal makes adequate provision for off site leisure and education facilities

18. The appellant has submitted a completed Unilateral Undertaking to address the Councils second reason for refusal, which related to the lack of a contribution towards off site leisure and educational facilities. The document aims to secure financial contributions towards meeting the need for additional facilities and services arising from the development in accordance with policies GP.88 and GP.94 of the AVDLP.

19. In relation to the leisure contribution, the Council have relied upon the Sports and Leisure Supplementary Planning Guidance (SPG) 2004 as well as the Ready Reckoner Companion Document (2005) which provides a formula for calculating the contributions sought. However, no update to this document has been provided by the Council. On the basis of this information there is insufficient evidence presented to demonstrate that there is an existing shortfall in sports and leisure provision, or that the proposed development would create such a shortfall. The Council have failed to demonstrate that the monies are necessary, and have not provided any details as to what and where the contribution sought would be spent.
20. Similarly, in relation to the education contribution sought, whilst the Council have stated that the children and young people department of the county Council would require such a contribution to provide additional grammar school facilities, they have not stated where existing deficiencies lie. In relation to both contributions, the Council has failed to justify the sums sought with up to date information.
21. I therefore conclude the measures sought would fail to accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. Accordingly, there would be no requirement for either of the contributions identified. Nevertheless, this does not outweigh the harm I have identified above in relation to the effect of the proposal on the character and appearance of the area.

Other matters

Housing Land Supply

22. The Framework aims to boost significantly the supply of housing (paragraph 47). To this end, local planning authorities are required to identify and update annually a five year supply of specific, deliverable sites for housing (plus 5%).
23. The local planning authority accepts that it does not have an up to date planning 5 year housing land supply. However, it has referred to a position statement of March 2014 and supplied a position statement dated June 2014. This interim approach is based on the Government's 2011 interim household projections. The appellant has referred to deficiencies in this approach. On the basis of the evidence presented by the Council, I also consider it is reasonable to require a 5% buffer rather than a 20% buffer as advocated by the appellant. The Council contend that they have a district housing land supply of 5.6 years for the period 2014-2019 and a supply of 5.2 years for the period 2015-2020. The appellants consider these figures to significantly underestimate the housing requirements, based on evidence presented regarding the Strategic Housing Market Assessment (SHMA) for Oxfordshire, a neighbouring authority.
24. In my view, the position statement of June 2014 is not based upon a full objective assessment of the need for market and affordable housing in the area as required by Paragraph 47 of the Framework. Taking the above matters into account, there does not appear to me, on the basis of the evidence presented, to be a present five years supply of housing land and there can be no doubt that the site would make a contribution towards the provision of a five year supply of housing to which I have attached weight in my decision making.

Sustainability

25. Turning to consider the issues of sustainability, paragraph 7 of the Framework identified three strands to sustainable development – economic, social and environmental. All three strands are mutually dependant and should not be undertaken in isolation. In terms of the economic role, the proposed housing development would provide employment opportunities during the construction phase of the development. There would also be potential economic benefits arising from the new residents in terms of spending in the local economy. This would weight in favour of the proposal before me.
26. In terms of the social dimension, the development of 10 houses would go some way towards contributing to the supply of housing in an area where the Council has not been able to demonstrate a five year supply of housing in accordance with the Framework. This would weigh in favour of the proposal. The appellant has also shown the potential location for a overflow car park to be provided for the village hall which could be viewed as supporting the social function of the village. However, I have not been provided with any detailed justification as to why such an overflow car park maybe necessary, nor have I seen any evidence presented that there is a pressing need for such a facility. On this basis, I have only attached very limited weight to this issue.
27. Finally in relation to the environmental aspects, I have already concluded above that there would be very significant adverse effects on the landscape character and appearance of the area as a result of the appeal proposal. This fact weights heavily against the proposal.
28. For the reasons set out above, I therefore conclude that the proposed development would not comprise sustainable development as defined by paragraph 7 of the Framework. The adverse effects of the proposal in relation to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the proposal when assessed against the guidance contained within the Framework.
29. I understand the concerns and apprehension of local residents with regard to issues of the effect on local drainage, local medical care, effect on local wildlife, access and effect on local transport provision. However, such concerns are not supported with detailed evidence to substantiate their case in respect of these matters, nor have I seen any formal responses of the relevant statutory or other consultees. On this basis I am able to afford such concerns only very limited weight in the determination of this case. In addition, a number of third parties have referred to the Chearsley Village Plan (2014). This document states that the Village intends to see the development of approximately 10 houses over the next 15-20 years. However, this document has no formal status in planning terms and accordingly, I have only attached very limited weight to it.
30. Concerns have also been expressed locally that the proposal would set an undesirable precedent for future development as an extension to the appeal site. However, each case must be considered on its own merits as is the case here. In addition, the previous appeal decision referred to on the site by the

Parish Council is over 20 years old. Given the passage of time and the changes which have taken place to the development plan policies during this time; this limits the weight which I can afford to this decision.

Conclusion

31. For the above reasons and taking all other matters into account, the appeal should be dismissed.

Christa Masters

INSPECTOR

Richborough Estates