



Appeal Decision

Site visit made on 4 January 2016

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

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

Decision date: 01/02/2016

Appeal Ref: APP/J0405/W/15/3135457

West Bourn, Main Street, Padbury, Buckinghamshire MK18 2BJ

- 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 Christopher McNally against the decision of Aylesbury Vale District Council.
 - The application Ref 15/01428/AOP, dated 27 April 2015, was refused by notice dated 17 July 2015.
 - The development proposed is the erection of 15 houses and bungalows, five of the dwellings to be affordable housing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved. I have therefore treated the submitted plans as indicative only.

Main Issues

3. The main issue in this case is whether the site would constitute a suitable site for housing, having regard to the principles of sustainable development, the character and appearance of the surrounding area including Padbury Conservation Area and nearby non-designated heritage assets, as well as flood risk.

Reasons

4. Padbury is an attractive village set to the south east of Buckingham. The village is essentially linear in form, with Main Street set off London Road (A413). However, some looping streets in the form of Old End, Bryne Lane and Lower Way add to the character of the village. A few modern cul de sacs are also present. The village sits within a shallow valley, and consequently topography is quite gentle with Main Street sloping towards the north east.
 5. The Padbury Conservation Area (the PCA) covers the majority of the village, running along much of the length of Main Street. The appeal site lies outside the PCA, but the boundary of the site adjoins the PCA along much of its northern side. The character of the PCA is defined by the linear nature of the settlement, the high architectural quality of many of the buildings in the village, and the space retained between many of these dwellings and Main Street. This character is enhanced by the village's landscape setting. The site lies partially behind Rose and Ivy Cottages, a pair of semi detached rendered
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- dwellings with slate roofs. The properties are highly visible in the street scene and form a focus to views from Old End. The properties are not listed buildings, but are noted as non-designated heritage assets by the Council.
6. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Paragraph 135 of the Framework requires the effect of a proposal on the significance of a non-designated heritage asset to be taken into account, with a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.
 7. The appeal site lies at the south west end of Main Street and is set to the rear of various properties on the southern side of this road. The site comprises of rough agricultural land which rises towards the south east. Whilst the site lies outside of the PCA, views of the site and beyond are possible from various points within the PCA; from parts of Main Street and from further up Old End to the north. Consequently the site makes a positive contribution to the significance of the Conservation Area. A stream runs across part of the site, and the proposal would be accessed via an existing gate which is located roughly opposite the entrance to the cul-de-sac of Amblers Way. The appellant notes the presence of an approved agricultural building on the land, for which the existing access point would be widened to some 8.5m wide, with associated splays. The indicative plans show a possible scheme of some 15 houses.
 8. The village has a regular bus service to nearby Buckingham and a number of services, such as a butcher, a village hall and two public houses. The Council acknowledge that Padbury is a sustainable location for housing and I would agree with this assessment. However, the south western end of Main Street has no public footpath and as such the appeal site would be somewhat cut off from the heart of the village. To counter this the appellant has submitted an indicative plan which shows that a footpath could be constructed on the south side of Main Street to the site access, with a cut through path also located adjacent to the property of Fairhaven, within the appellant's ownership. Such a footpath could be conditioned, would help to connect the proposal and other existing development with the village and would ensure that the site would be reasonably sustainably located.
 9. The proposal would, in the context of the overall size of Padbury, constitute a significant sized development. The form of the proposed development would run contrary to the essentially linear character of the village, introducing a secondary linear form behind Main Street. The appellant notes the construction of various cul-de-sacs in the village, such as Bennetts Close, Potters Glen, and Amblers Way. However, these cul-de-sacs appear to be considerably shorter in length than the indicative road in this case and have a minimal effect on the linear character of the overall village.
 10. Furthermore, in whatever form the proposal took, the development would also involve the building upon a green area of open countryside, adversely affecting the expansive views outwards and the setting of the PCA. The appellant considers that only limited public views are available of the site. However,

during my visit I noted the views of the site available from the north side of Main Street, particularly from the highway footpath which is set at a higher level than the road, as well as those from Old End further to the north. I also note in this respect the indicative siting of the end 2 properties, with large gardens backing up to the rear of Highway and Warner Houses. However, such a design would still compromise views, with domestic curtilages and paraphernalia significantly altering the existing views of open countryside.

11. The proposal would extend the extent of the village to the south west. Views from this approach of the village of the scheme would be limited; however, the provision of a residential development from the existing access would have a slight adverse impact. Views would likely be possible of the initial row of properties, and whilst I note the presence of the agricultural consent, this would be for an agricultural building and access which would be more resonant with the rural character of the appeal site. Furthermore, I also have not been provided with the full details of this consent.
12. The indicative design shows a large area of open space potentially located to the rear of Ivy and Rose Cottages and states that housing set behind these properties could be accommodated within lower ground levels. This would mitigate the effect on the setting of these properties to a certain extent. However, such plans are only indicative, and conversely the shown potential location of a dwelling and garage behind and between Rose Cottage and Turpin Lodge would still potentially adversely affect the significance of the non designated heritage assets.
13. The appellant is of the view that more harm was caused to local heritage assets by the development of Bennett's Close and Potters Glen, two reasonably modern cul-de-sacs nearby. In this respect I have no details of the applications and approvals for these developments, or of what effect the proposals had originally. Each case must also be dealt with on its own merits.
14. The Council and local residents raise concerns over possible flooding. As well as the stream crossing the site, at the time of my visit, the site was fairly boggy in parts and a significant amount of surface water was present. My visit took place at a time of year when there had been substantial recent rainfall; nevertheless the volume and amount of water on the site, as well as the presence of the stream leads me to consider that such concerns are justified, despite the location of the site within Flood Zone 1.
15. The Framework states that a site specific Flood Risk Assessment (FRA) is required for proposals of 1 hectare or greater in such areas. The application form states that the site measures some 1.37 hectares and no FRA has been provided, as the appellant considers that any issues could be dealt with via an appropriately worded condition, and that the Council have shown that they agree by the inclusion of conditions in their appeal statement. However, such conditions are provided without prejudice to the result of the appeal. Given the specific complexity of the site, the topography and the presence of the streams and proximity of existing dwellings I consider that drainage should form a fundamental part of the design of the site and that it is not possible to conclude, in the absence of an FRA, that the proposal would not have an adverse effect on flood risk.
16. It is apparent that a five year supply of deliverable housing land cannot be identified in the area and the proposal would contribute towards this

undersupply of housing. Further economic and social benefits would be provided through the construction of 15 houses and the positive impacts of the new residents of the proposed houses who would contribute to the services in the village. I also note that 5 of the proposed houses are stated to be affordable dwellings. I place weight on these positive aspects of the proposal.

17. However, I consider that these economic and social benefits would not outweigh the harm that the scheme would cause to the character and appearance of the area, the setting of the PCA and of Rose & Ivy Cottages, and to flood risk, and it is thus not the sustainable development for which there is a presumption in favour. In reaching this conclusion I have borne in mind paragraphs 47-49 of the Framework and its guidance in paragraph 17 that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside, and conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
18. I therefore conclude that the site would not constitute a suitable site for housing, having regard to the principles of sustainable development, including the character and appearance of the surrounding area, Padbury Conservation Area, and nearby non-designated heritage assets, as well as flood risk. Whilst in part detailed design policies, the proposal would still be contrary to the aims of Policies GP35 and GP53 of the Aylesbury Vale District Local Plan 2004 which together state that the design of new development should respect and complement the physical characteristics of the site and its surroundings, the historic scale and context of its setting, and that development will not be permitted which would cause harm to the setting of Conservation Areas or any associated views from such Areas.

Other Matters

19. The Council note that the site lies within 250m of a scheduled hillfort to the west of the village and it is adjacent to the medieval to post medieval village, and that consequently the site has the potential to include heritage assets of archaeological interests. However, on the evidence that has been made available to me and based on all that I have seen I consider that such matters could be dealt with via an appropriate condition if necessary.
20. The Council are of the view that a Section 106 agreement would have been required for financial contributions towards off site sports and leisure facilities, education and public open space, as well as affordable housing as previously mentioned. The appellant has indicated their willingness to enter into such an agreement if necessary. However, given that I am dismissing the appeal, I have not considered this matter further.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR