



Appeal Decision

Site visit made on 9 February 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2021

Appeal Ref: APP/J0405/W/20/3255772

Land at Edgcott Road, Grendon Underwood HP18 0TQ

- 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 Hamlin Estates Limited against the decision of Aylesbury Vale District Council.
 - The application Ref 17/03317/AOP, dated 25 August 2017, was refused by notice dated 27 March 2020.
 - The development proposed is described as "an outline application with access to be considered and all other matters reserved for a residential development for up to 65 dwellings. 100% affordable housing to be provided".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the development would be sustainably located; (ii) the effect of the proposal on the character and appearance of the area; (iii) whether the proposal would deliver necessary infrastructure provision and (iv) whether the proposal would deliver a sustainable form of development.

Procedural Matters

3. The description of development in the banner heading above is taken from the Council's refusal notice. This differs from the description of development on the planning application form which states '*residential development for up to 72 dwellings*'. The main parties have confirmed, for the avoidance of doubt, that the proposal is submitted for up to 65 dwellings and with all of dwellings on the site being affordable. I have determined the appeal on this basis. A layout plan has been submitted as part of the outline application and I have considered this on a purely indicative basis.
4. On 1st April 2020, the 4 District Councils in Buckinghamshire, including Aylesbury Vale District, together with Buckinghamshire County Council, merged to become one unitary authority representing the entire county. The Council is known as Buckinghamshire Council. Consequently, Aylesbury Vale District Council, as referred to in the banner heading above, and which refused planning permission on 27 March 2020, no longer exists.
5. The above administrative change does not, however, change the status of the development plan for the area which in respect of the appeal site includes the adopted Vale of Aylesbury Local Plan 2004 (LP) and Buckinghamshire's Local

Transport Plan 4 2016-2036 (LTP). In addition, I have been referred to the emerging Vale of Aylesbury Local Plan 2013-2033 (VALP). The evidence before me is that this has been submitted and examined and that consultation has been carried out on modifications. However, it has not yet been adopted and so I afford the VALP only limited weight as a material planning consideration.

6. The Council has referred me to the 'Aylesbury Vale Area Five Year Housing Land Supply Position Statement' dated September 2020. This has been shared with the appellant. The evidence indicates that Buckinghamshire Council can demonstrate more than five years' supply (i.e. 5.52 years) of specific deliverable housing sites for the Aylesbury Vale area (from a 31 March 2020 base date). The five year period is 1 April 2020 to 31 March 2025.
7. The appellant has questioned the claimed housing land supply position in so far that it relates to the Aylesbury Vale Area instead of the new and wider Buckinghamshire administrative area. However, the National Planning Practice Guidance (PPG) states that '*where strategic housing requirement policies, covering the predecessor authority area, are older than 5 years and require updating, local housing need should be used, where this is available. Where the data required to calculate local housing need is not available an alternative approach will have to be used*'. There is no evidence before me to lead me to conclude that the Council's approach to calculating housing land supply for the area is incorrect at this moment in time.
8. In considering the above, I note the appellant's copy of an article (dated 13 October 2020) referring to the possibility of withdrawing the Chiltern and South Bucks Local Plan. However, this does not alter the current position above taking into account the guidance in the PPG. In addition, the evidence before me indicates that the Housing Delivery Test has been met for the area: indeed, the appellant does not dispute the Council's comment that '*the latest Housing Delivery Test result for Aylesbury Vale shows that 130% of the housing requirement has been delivered over the past three years*'.
9. My attention has been drawn to a dismissed appeal for up to 72 dwellings on the appeal site as well as a dismissed appeal on an adjacent site for up to 60 dwellings¹. I have been provided with both appeal decisions and associated plans and have taken them into account as material planning considerations.

Reasons

Policy context

10. There is no dispute between the parties that policies RA13 and RA14 of the LP are out of date. These policies relate to the location and distribution of housing in and on the edge of rural settlements. Policy RA14 of the LP restricts the number of residential units and the site area for proposals in edge of settlement locations. The proposal would not accord with policy RA14 of the LP, in so far that the development would be on a site which exceeds 0.2 of a hectare and would be for more than 5 dwellings. I have also found below, that up to 65 dwellings on the site would lead to an intrusion into the countryside.
11. The Council's 'Overview Report' dated November 2019 states that Policies RA13 and RA14 relating to the supply of housing district wide form part of that

¹ Appeal Ref APP/J0405/W/17/3176173 dated 25 September 2017 and Appeal Ref APP/J0405/W/16/3185166 dated 30 November 2018

overall housing strategy, and BU1 in respect of Buckingham, are now out of date, given that these identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since these policies were adopted. These policies are not consistent with the National Planning Policy Framework (the Framework) to significantly boost the supply of housing based on up to date evidence. RA13 and RA14 seek to take a protective approach to development and can only be given very limited weight when considering proposals within or at the edge of settlements identified in Appendix 4 of LP.

12. Policy RA14 is of relevance to the appeal site. It is a 'most important policy' when determining this appeal. However, the policy is more restrictive than the Framework in terms of residential development in rural areas. Given the proximity of existing built form adjacent to the site, I am satisfied that the proposal would not lead to the erection of 'isolated' homes with reference to paragraph 79 of the Framework. In terms of the delivery of residential development in rural areas there is inconsistency between the LP and the Framework.
13. There is no dispute between the main parties that Policy RA14 of the LP is not consistent with the Framework and given this, coupled with the other reason outlined above, it is out of date. Whilst there are a number of important LP policies which are consistent with the Framework, as outlined in the Council's officer report at paragraph 8.3, I consider that when the basket of most important policies is considered as whole, they are out of date. In this regard, paragraph 11d of the Framework is engaged.

Locational sustainability

14. The appeal site does not fall within the main built up settlement of Grendon Underwood. It is, by some considerable distance, detached from the more built up part of this settlement although it does adjoin the Springhill housing estate and is separated from it by a belt of protected trees.
15. There is a footpath leading from the site to Grendon Underwood, immediately alongside Edgcott Road and reaching Main Street. There is no dispute between the main parties that much of this route is between 1.0 and 1.2 metres in width and that it is unlit. Grendon Underwood has a very limited range of local amenities and services and includes a school, public house and shop which are between about 1130 and 1600 metres from the appeal site.
16. Owing to the narrow width, unlit nature and relatively isolated nature (i.e. limited surveillance from occupiers of buildings) of the footpath to Grendon Underwood, I do not consider that it would be used regularly by occupiers of the proposed dwellings who wished to use the limited amenities and services in the settlement.
17. Even if it were possible to provide lighting along this footpath, without causing any undue harm to the character and appearance of this rural location, this would not overcome the conflict with Manual for Streets 2007 which generally recommends a minimum unobstructed width for pedestrians of 2.0 metres. Given the narrow width of the footpath, oncoming pedestrians (including those with pushchairs and wheelchairs) would, for large parts of the route, be forced into the highway or onto grass verges. This would either lead to inconvenient movements or lead to unacceptable highway safety conflicts. To this extent,

the proposal would not accord with paragraph 108 of the Framework which states that applications should ensure that *'safe and suitable access to the site can be achieved for all users'*.

18. Given the above, and acknowledging that it would be possible for some residents to cycle to Grendon Underwood when good weather permits, I find that it is likely that a very high proportion of residents would travel to this settlement by private motor vehicle.
19. Whilst there is a bus stop close to the site (i.e. adjacent to HM Prisons Grendon and Springhill), the evidence is such that bus services to further afield settlements (e.g. Aylesbury, Steeple Claydon, Waddesdon and Bicester), and where there would be a greater range employment opportunities, services and facilities to meet day to day requirements, are not good. Indeed, there are no services on a Sunday and on a Saturday the services are not frequent to/from Steeple Claydon and Aylesbury (no late evening or early morning services) and with only one inbound and outbound service to Waddesdon and Bicester on this day. For the rest of the week, the evidence indicates that services are hourly and start at 08.55 when it is likely that most would have already needed to have travelled to work.
20. Given the above, I consider that it is very likely that most of the day to day trips to further afield settlements by the occupiers of up to 65 dwellings would be undertaken by private motor vehicle. The frequency of bus services is such that it would be more convenient for the occupiers of up to 65 dwellings to travel by private motor vehicle.
21. I acknowledge that paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Indeed, the appeal site is in a rural location. However, the proposal relates to a major residential proposal and hence the amount of movement to and from the site would be significant. Paragraph 103 of the Framework states that *'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport'*.
22. I accept that the appellant would look to offer £60,000, as part of the completed planning obligation (see Infrastructure part of the decision below), towards improving local community transport provision. It is not entirely clear what the £60,000 would be spent on with the submitted planning obligation saying only that it is for the *'improvement of transport within the vicinity of the development'*. I have not been persuaded that either the £60,000, or the £10,450 bus shelter contribution, would have the effect of encouraging the vast majority of residents to travel to settlements by more sustainable transport modes other than the private motor vehicle, or that any improvement in local community transport provision would be sustained, or indeed lead to significant improvements in public transport provision in the longer term.
23. The completed planning obligation refers to the submission of a Travel Plan and indicates that its intention would be to achieve the target of a 10% point reduction in cars use to and from the development. In the absence of a very detailed Travel Plan submitted at this stage, I cannot be certain what measures would be introduced to reduce reliance on the private motor vehicle. Furthermore, and, in any event, a 10% reduction would not in my view be significant given that the evidence before me is such that I consider that many

would look to travel to and from the site by private motor vehicle. Even it was possible to force a step change in terms of a reduction in the number of private motor vehicle journeys to and from the site, or that public transport provision was radically improved in the future, this would not overcome my safety concerns relating to use of the public footpath to and from Grendon Underwood.

24. In this case, the evidence is such that I do not consider that the need to travel would be limited or that there would be a genuine choice of transport modes for residents. I find that the occupiers of the dwellings would be heavily reliant of the private motor vehicle for a significant proportion of trips.
25. For the above reasons, I therefore conclude that the appeal site would not be sustainably located. The proposal would not therefore accord with the sustainable transport and highway safety requirements of policies S1 and S2 of the LP; paragraphs 103, 108 and 109 the Framework; the LTP and Manual for Streets 2007. This is an adverse matter to which I afford very significant weight in the overall planning balance.

Character and appearance

26. The appellant has submitted a Landscape and Visual Appraisal as part of the planning application which I have considered as part of the determination of this appeal. In addition, I have also taken into account the appellant's reports called '*Further Landscape Statement*' and '*Response to comments of AVDC 18 January 2018*'.
27. The site is located within the '*Poundon – Charndon Settled Hills*' Landscape Character Area and the '*Woodland Rolling Lowlands*' Landscape Character Type as defined by the Aylesbury Vale Landscape Character Assessment 2008. It is a predominantly pastoral area with limited woodland, although there are trees on top of the small rounded hills which are a feature. The appeal site is to the west of the existing Springhill housing estate. It is essentially flat and consists of a former playing field and a car park. There is a belt of trees (poplars and Scots pine) to the east of the site which are the subject of a Tree Preservation Order and there is a hedgerow to the Grendon Road / Edgcott Road frontages.
28. The indicative layout plan shows that the aforementioned protected trees could be retained as part of the 65 dwelling proposal. This forms a green edge to the Springhill housing estate and the impression one gets when driving along the main road and past the appeal site is an area which is more rural and open in character and where any limited built form is sporadically located and more rural in appearance. Given the open and green nature of the appeal site, I consider that it contributes positively to the prevailing character and appearance of the immediate area. In this regard, I do not agree with the appellant who comments that '*the assessment site is an unexceptional area of settlement fringe land*'.
29. Whilst it would be possible to opt for significant belts of additional boundary planting, as shown on the indicative plan, this would take many years to reach maturity (the appellant has referred to 15 years). In any event, one of the positive and defining characteristics of the immediate area is one where, in the main, the land is devoid of trees/vegetation and where the essentially open and rural landscape adds positively and distinctively to the character and appearance of the area.

30. The construction of up to 65 dwellings, coupled with associated infrastructure, parked cars and other urban features on the site, would have the effect of eroding the otherwise more open and rural landscape between the Springhill housing estate and the main settlement of Grendon Underwood. The development as a whole would appear particularly intrusive and out of place in the landscape setting when viewed from parts of Edgcott/Grendon Roads and from parts of public right of way GUN/16/1, even accounting for the part screening effect of the existing boundary hedgerows/vegetation which in parts are quite low.
31. It is of note that the Landscape and Visual Assessment states that *'it has been assumed that the residential development would not exceed two storeys, with a ridge height of a maximum of 8.5 metres above ground level'*. At this height, the dwellings would be higher than the existing hedgerow/vegetation and, furthermore, the provision of a new five metre wide new access close to Willow Lodge would provide open views into the site to the passer-by. The development would also be very visible when viewed from the footpath and main road at the site entrance to the south of the appeal site. At this point, there is much less boundary vegetation.
32. I acknowledge that the harm caused to the character and appearance of the area would essentially be localised in extent, particularly as the surrounding landscape gently undulates, meaning that the appeal site is not very conspicuous from longer distance views. Nevertheless, and acknowledging that the submitted layout plan is purely indicative, the evidence before me is such that I find that up to 65 dwellings on the site would be harmful when seen from more localised viewpoints.
33. Accepting that this proposal is not identical, it is nevertheless of note that the Inspector who considered a proposal for up to 72 dwellings on the appeal site also found that *'some harm'* would be caused to character and appearance of the area and that it *'would have an undesirable urbanising effect on the local landscape and would result in the permanent loss of the countryside'*. The appellant has referred to a comment made by the previous Inspector where he said, *'the development of this site for residential purposes would not be significantly worse than other greenfield site'*. I am not certain what the Inspector meant by this comment as each application should be considered on its individual planning merits. However, what is clear to me is that the Inspector was not indicating that this equated to no harm being caused to the character and appearance of the area.
34. For the reasons outlined above, I find that the proposal would cause moderate harm to the character and appearance of the area. In reaching this conclusion, I fully accept that apart from access all other submitted details are illustrative. However, I am not satisfied that in principle the site could be sensitively developed to accommodate up to 65 dwellings without harming the character and appearance of the area.
35. I therefore conclude that the proposal would not accord with the design, character and appearance requirements of policy GP35 of the LP and paragraphs 170b and Chapter 12 of the Framework. Furthermore, there would be similar conflict with the design, character and appearance requirements of policies BE2, S1, S2 and NE4 of the VALP, given the consistency of these policies with the Framework, although I afford the conflict with these emerging

policies only limited weight in the overall planning balance as such a development plan has not been adopted. Given the harmful intrusion into the countryside, there would be conflict with Policy RA14 of the LP, although as this is an out of date policy, I afford such conflict limited weight in the overall planning balance.

Infrastructure

36. As part of the appeal, the appellant has submitted a completed planning obligation (Unilateral Undertaking), dated 25 February 2021, which includes a financial contribution towards open space and recreation on the site (formula based on the eventual mix); the provision of on-site play facilities (Local Equipped Area for Play); a sports and leisure project contribution (i.e. provision of a MUGA at the Recreation Ground, Main Street or at the Springhill Estate or to refurbish facilities at Grendon Underwood Playing Fields or the Springhill Estate or improvements to the Village Hall); a financial contribution towards education facilities (formula based on eventual mix); the provision of a Travel Plan and its monitoring; the provision of 100% on-site affordable housing; a financial contribution (£60,000) towards improving local community transport provision; a financial contribution (£10,450) towards a new bus shelter plus information provision on Main Street, Grendon Underwood; and the provision and maintenance of a sustainable urban drainage system.
37. In this case, I am satisfied that the vast majority of the planning obligation measures do meet the tests as outlined in paragraph 56 of the Framework. The 100% affordable housing provision goes beyond the amount required by policy. Nonetheless, this level of provision reflects the planning application submission and I have considered the additional benefit over and above the affordable housing policy requirement in the overall planning balance.
38. I have already found that the evidence before me is that a financial contribution of £60,000 towards improving local community transport provision and the provision of a travel plan (including monitoring), while making the development more acceptable than without such measures, would not be sufficient to overcome or alter my overall conclusion in respect of the locational accessibility main issue. In this sense, this part of the planning obligation would not in itself *'make the development acceptable in planning terms'* and so I find that it would not fully accord with all three tests in paragraph 56 of the Framework.
39. On 23 February 2021, the Council provided some comments in respect of the wording of the UU. Had the proposal been acceptable in all planning respects, it is possible that I would have continued pursue these matters in detail with the main parties. However, it has not been necessary for me to do that as an acceptably completed UU would not overcome my conclusions on the first two main issues.
40. Putting aside any possible further discussions about the detailed wording of the UU, I am nonetheless satisfied that in broad terms the infrastructure payments and provision within the completed UU are acceptable and to that extent the proposal would accord with the specified infrastructure requirements of policies GP2, GP86-88 and GP94 of the LP and emerging policies S5 and H1 of the VALP. However, the UU would not as a whole be sufficient to make unacceptable development acceptable. In other words, the package of

measures contained within the UU would not overcome or alter my conclusions on the other main issues.

Other Considerations

41. The proposal would provide 100% affordable housing provision, well in excess of the local policy requirement. I acknowledge the Council's comment that it can only require a policy compliant level of affordable housing which would be less than 100%. Nonetheless, the planning application is submitted on the basis of 100% of the homes being affordable. I have determined the appeal on such a basis and consider that the provision of additional affordable homes over and above the level required by policy is an additional very positive matter. The proposed level of affordable housing is a matter to which I afford very positive weight in the planning balance. The evidence before me indicates that there is a shortage of affordable homes in the area.
42. In addition, the provision of up to 65 dwellings in the area would have a positive effect in terms of boosting the supply of dwellings in the area. However, this positive effect is tempered somewhat by the fact that the evidence before me indicates that the local planning authority can demonstrate a deliverable five year supply of housing sites (and the Housing Delivery Test has been met) and as I have found that the site would not be sustainably located. In other words, there does not appear to be an urgent need to release this greenfield and unsustainably located site for residential development in housing land supply terms.
43. The proposal would provide some construction employment, although this would be a relatively short lived benefit. The occupiers of up to 65 residential units would undoubtedly provide some economic support to existing local facilities and services in nearby settlements, including those in Grendon Underwood, which is a matter to which I afford some positive weight as part of the determination of this appeal.
44. I have no reason to doubt the appellant's claim that there are some recreational deficiencies in the local area. In this context, it is of note that it is proposed to provide a multi-use games area (MUGA) on the site or in the immediate area and that some initial discussion about this matter has already taken place with the Parish Council. However, this benefit has to be weighed against the harm caused in respect of my conclusions on the main issues and, furthermore, I cannot be certain that the provision of a MUGA in the local area would only ever be achieved as a result of residential development on the appeal site.
45. The amended illustrative plan (HAM 2855 PA 001 Rev I) includes provision for a 'community resource' close to the site access. This is not specifically included in the description of development. I am not certain what this community resource might entail or indeed whether there is a specific need for any such facility. Nevertheless, some sort of community resource has the potential to be of benefit in social and economic terms, although in the absence of more detail about this matter I am not able to afford this matter very significant weight.
46. Whilst the evidence before me is that the proposed access would be safe in terms of sightlines into and out of the site, and that the number of vehicular movements to and from the site could be acceptably accommodated in terms

of the surrounding highway network, these are matters of neutral consequence in the overall planning balance.

47. I do not disagree with the views of the previous Inspector who considered the principle of a greater quantum of residential development on the appeal site and its effect on the nearby listed building and gate piers. Given the distance of the site from Grendon Hall, a Grade II listed house, I am satisfied that the proposal would not harm its setting.
48. However, given the location up to 65 dwellings on the appeal site, in close proximity to the II Grade II listed gate piers which offers an aesthetically grand entrance to Grendon Hall when seen within the street-scene and in conjunction with the gate house, the development would have the effect of visually competing with the otherwise more open, green and undeveloped setting that surrounds such gate piers. However, such harm to the setting would be less than substantial in the context of paragraph 196 of the Framework and, in this case, the less than substantial harm would be outweighed by the public benefits of the proposal as outlined above.

Planning Balance and Conclusion

49. I have found that that the proposal would not be sustainably located and that there would be great reliance placed on the private motor vehicle for a high proportion of journeys. This is a matter to which I afford very significant weight in the planning balance, particularly as it is proposed to erect up to 65 dwellings on the site. In addition, moderate harm would be caused to the character and appearance of the area and this also weighs against allowing the appeal.
50. On balance, the aforementioned adverse impacts of the development would significantly and demonstrably outweigh the identified benefits of the proposal when assessed against the policies in the Framework taken as a whole. In addition, I have found some conflict with an inconsistent and most important development plan policy, although this is a matter to which I have afforded only limited adverse weight in the planning balance. Taken as whole, I find that the proposal would not therefore deliver a sustainable form of development. I therefore conclude that the appeal should be dismissed.

D Hartley

INSPECTOR