



Appeal Decision

Hearing held on 30 June 2026

Site visit made on 01 July 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2026

Appeal Ref: 6007190

Land North of Little Marsh Road, Marsh Gibbon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Catesby Strategic Land Ltd against the decision of Buckinghamshire Council.
 - The application Ref is 25/00671/AOP.
 - The development proposed is residential development of up to 90 dwellings, new community orchard and/or allotments, public open space, sustainable drainage system and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 90 dwellings, new community orchard and/or allotments, public open space, sustainable drainage system and associated infrastructure at Land North of Little Marsh Road, Marsh Gibbon in accordance with the terms of the application, Ref 25/00671/AOP subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline with only details of access to be determined at this stage. Matters of appearance, landscaping, layout and scale are reserved for future consideration (the 'reserved matters').
3. The application included a Framework Plan (Drawing ref: 16G) ('the Framework Plan') which distinguishes between proposed areas of residential development and open space, and it is suggested by the main parties this should form part of a plans condition should permission be granted. In such a scenario, the general location of built development would be bound by this plan, and therefore I have taken it into account in considering the effects of the proposal, although treated any references to reserved matters in documentation as illustrative.
4. I have taken the description of development in the banner heading above from the application form. However as 'Outline planning application (with all matters reserved except for means of access from Station Road and Little Marsh Road) for' is not an act of development, I have removed this element.

Main Issues

5. The Council's third reason for refusal related to the lack of a planning obligation to secure the provision of affordable housing, on-site public open space, and mitigate the impacts of the proposal in relation to sustainable travel, education, off site sport and leisure facilities, and the highway network. During the appeal process a

completed planning obligation was provided which addresses the Council's concern in this respect. I return to this matter later in my decision.

6. Consequently, the main issues are:

- the effect of the proposal on the character and appearance of the area;
- whether the proposal would provide a suitable location for housing, having regard to the local spatial strategy; and
- the effect of the proposal on a designated heritage asset, namely the Marsh Gibbon Conservation Area (CA), and the non-designated Ridge and Furrow earthworks (R&F).

Reasons

Character and appearance

7. The appeal site contains a number of the characteristics of the Marsh Gibbon Vale Local Character Area it falls within. These include being part of a landscape unified by its landform and strong hedgerow pattern with fields which are generally medium sized and regular in shape and predominantly pastoral. Despite the presence of adjacent modern residential built form which forms the existing settlement edge to two of its boundaries, the appeal site retains a pleasant rural character.
8. The appeal site also features gently undulating topography which rises from the edge of the settlement to a ridge formed by the highest point of the appeal site. This topography and associated ridge partially screens Marsh Gibbon from more distant viewpoints from the north, resulting in Marsh Gibbon appearing understated in the surrounding rural landscape. This is appreciated from surrounding public rights of ways and viewpoints such as viewpoints 4 and 6 as outlined within the appellant's Landscape and Visual Impact Assessment (LVIA), as well as from more elevated views from Windmill Hill (viewpoint 7).
9. Consequently, and particularly when approaching Marsh Gibbon from Station Road, the site and its topography provide a positive contribution to the rural setting of Marsh Gibbon. Nevertheless, the presence of existing modern residential development to the north of Little Marsh Road and east of Station Road, intruding into the historic field pattern does temper this contribution to the setting of the village.
10. The proposal, notwithstanding the areas shown to be free of built development on the Framework Plan, would lead to the urbanisation of the site and the loss of the pastoral fields within. Due to the size and scale of the proposed development of up to 90 dwellings, the development would be of a considerably greater scale than the existing development to the appeal site side of Little Marsh Road and Station Road.
11. Moreover, whilst the upper parts of the site would be dedicated to public open space, the character would nevertheless change from that of an agricultural working landscape. As such moderate adverse effects would occur to landscape character within the site and its immediate context, and I note that the LVIA, the methodology of which is not disputed by the Council, comes to a similar finding.

12. However, whilst the LVIA also considers that 'slight adverse effects' would occur in the surrounding landscape, its projection up the slope away from the village would inevitably result in intrusion into the countryside landscape.
13. Notwithstanding the areas retained for public open space, or indeed opportunities for landscaping, including open setback areas around the accesses, and retention of hedgerows and an orchard, development would be clearly seen from elevated viewpoints previously discussed. Although single storey development near the ridge line could reduce its visual effects, the proposal would result in Marsh Gibbon becoming more prominent in the landscape. Whilst, given the proposal's scale in relation to that of Marsh Gibbon, it would not significantly erode the identity of the village, it would reduce the understated and nucleated character the settlement currently has within the landscape.
14. Consequently, although the village would still clearly retain a rural setting by virtue of the considerable remaining agricultural land around it, its adverse effects on the surrounding landscape character would be notably greater. This would result in moderate adverse effects to the surrounding landscape, particularly from viewpoints from the north.
15. The settlement pattern of Marsh Gibbon appears to have grown around three historic clusters as is reflected by the CA, with infill development occurring between these clusters. Nevertheless, the resulting settlement retains a nucleated character although the settlement grain is mixed and encompasses areas of cul-de-sacs as well as a close-knit form of a meandering street pattern as recognised within the Marsh Gibbon Neighbourhood Plan 2014 (NP).
16. However, given the linear form of the surrounding highways, the layout, subject to reserved matters, is likely to differ from the directly adjacent settlement form. Given the wider pattern of the village, such deviation would not be wholly incongruous within the wider settlement pattern. Furthermore, I see no reason why, subject to reserved matters, that a scheme cannot come forward which delivers a clear structure of streets and spaces that is easy to understand and move through as is advocated within the Vale of Aylesbury Local Plan Design Supplementary Planning Document 2023.
17. To conclude, although the extent of built development shown on the Framework Plan would provide for a landscaped setting and limit built form in the most sensitive part of the site, the proposal would result in moderate harm to the character and appearance of the area. The proposal would therefore conflict with policies BE2, NE4, S3 and D3 of the Vale of Aylesbury Local Plan (2021) (LP), and NP Policy MG2. These policies seek, amongst other things, to ensure development respects and does not adversely affect the character and appearance of the area.

Location

18. LP Policy S1 seeks to ensure development complies with the principles of sustainable development, contribute positively to meeting the vision and strategic objectives for Aylesbury Vale, and fit with the intentions and policies of the development plan. LP Policies S2 and S3 set out the Council's spatial strategy and in terms of housing, takes a hierarchical approach and identifies the strategic settlements as being the main focus for development, with proportionately lower requirements for larger, medium and smaller villages.

19. Marsh Gibbon is identified as a medium village, where the required housing development was identified as 62 new homes which was committed/completed before adoption of the LP. As such, no new allocations were made in the LP for Marsh Gibbon. LP Policy S3 confirms that development should be avoided on sites beyond allocations which are in the countryside, especially where it would amongst other things compromise the character of the countryside between settlements.
20. The proposal does not involve an allocated site and would not avoid development in the countryside and therefore, as the main parties also agree, falls contrary to LP Policies S2 and S3. Nevertheless, LP Policy D3 refers to non-allocated sites at medium villages and is permissive of larger scale development in circumstances where the allocated sites are not being delivered at the anticipated rates as is the case within the district. This is however subject to certain criterion set out in LP Policy D3.
21. It is not disputed that the proposal would accord with the requirements of LP Policy D3 2(c, d, f, g or h). However, the Policy at 2(e) requires that the proposal must be of a scale and in a location that is in keeping with the existing form of the settlement, and not adversely affect its character and appearance.
22. At the hearing, the Council agreed that the proposal would be of a scale and in a location that is in keeping with the existing form of the settlement, and given the spatial relationship of the appeal site to the built form of Marsh Gibbon, size of the settlement and available services and facilities, I see no reason to disagree. However, for the reasons provided in the previous main issue, the proposal would result in harm to the character and appearance of the area contrary to the requirements of LP Policy D3.
23. Consequently, I conclude that the proposal would not provide a suitable location for housing, having regard to the local spatial strategy. The proposal would conflict with LP Policies S1, S2, S3 and D3, the aims of which are outlined above.

Heritage assets

24. Whilst the Council's decision notice does not cite any harm to heritage assets, or indeed corresponding conflict with development plan policies, the Council have, within their Officer Report and expanded on during the appeal process, identified harm in relation to the CA and R&F.
25. The CA is formed by three separate areas, with the appeal site being located outside of, but adjacent the eastern most area of the CA, which extends to the southern side of Little Marsh Road.
26. The Council's 'Marsh Gibbon Conservation Area' (December 2008) Statement (MGCAS) outlines that the village originally consisted of a string of fairly loose knit farm holdings, with *'the attraction of the village being in its meandering street pattern, the rubble limestone, clay tile and thatched buildings, the long sweeps of linking stone boundary walls and wide grass verges. Of particular interest are the farm buildings which form an integral part of the street scene'*.
27. The MGCAS also outlines that the character of the village changes substantially along its length, and in respect of the eastern area of the CA, that this is

characterised by widely dispersed Ewelme Trust cottages and groups of farm buildings.

28. With this in mind, I find that the significance of the CA as a whole, is partly drawn from its historic buildings, development of the settlement layout and the role agriculture has in defining the settlements history. In this respect, modern residential development has resulted in urbanisation of areas adjacent the CA. Nevertheless, remaining surrounding agricultural land, including the appeal site, still provides a verdant and tranquil agricultural setting to the CA when approaching the village. This contributes to the understanding of the development of the village and CA and the CA's significance.
29. Even with regard to the Framework Plan, and to any layout, landscaping and appearance that may come forward at reserved matters, the replacement of historic agricultural land, of which R&F is still visually evident, with residential built form and a suburban layout would inevitably diminish and harm the significance of the CA given its proximity. This would be the case, even allowing for a setback of built form from the proposed access onto Little Marsh Road, as urbanisation would still be evident, including the differing character of residential use of the appeal site.
30. Given the spatial relationship of the CA to the appeal site, and the existing adjacent modern residential development which has eroded the relationship of the CA to the appeal site, the harm would be at the lower end of less than substantial. Nevertheless, this harm attracts great weight under the terms of the National Planning Policy Framework (Framework) and fall to be weighed in the balance with the public benefits.
31. The proposal would deliver an increase of up to 90 dwellings, with a minimum 35% as affordable housing, close to a range of services and facilities, in an area where the Council cannot demonstrate a five-year housing land supply and have stated there is a shortage in affordable housing.
32. The Framework outlines the Government's objective of significantly boosting the supply of homes; that small and medium sized sites can make an important contribution to meeting the housing requirement of an area; and are often built out relatively quickly. The provision of the proposed dwellings is a substantial public benefit, with the proposed affordable housing being a further substantial public benefit of the housing delivery.
33. Further moderate public benefits include economic and social benefits to the local area, both short term during the construction period, and longer term through future occupant's use of nearby services and facilities, the provision of public opens space, a biodiversity net gain and highway related improvements including connectivity of Public Rights of Ways. A further minor benefit would flow from improvements to site drainage. In these circumstances, I consider the public benefits would outweigh the identified harm to the CA.
34. The R&F is a non-designated heritage asset (NDHA) of archaeological interest. The main parties agree that it is not of equivalent significance of a scheduled monument such that footnote 75 of the Framework applies but is of local and regional significance. On the evidence before me I see no reason to disagree with this assessment.

35. The significance of the R&F lies in part, with its association with historic agricultural practices, land management and the open field system. The appellant's Ridge and Furrow Assessment Report (August 2025) (RFAR) states that there is approximately a 58% survival of the earthworks around Marsh Gibbon, which covers 405 hectares. The ridge and furrow within the western field of the site indicates the presence of four strip fields. However, the existing earthworks only represent two fully surviving strips, with the remaining two having been partially destroyed by the construction of existing residential development.
36. Nevertheless, the evidence before me indicates that the surviving earthworks within the site represent some of the best surviving evidence of R&F on the medieval open field system to the northern edge of Marsh Gibbon. As such I find that the earthworks within the appeal site positively contribute to the significance of the R&F as a whole.
37. The RFAR continues that the proposal would lead to the destruction of approximately two thirds of the existing earthworks within the western field. However, it was argued at the Hearing that the loss of R&F would only represent a very small percentage of the total R&F in the area. Even if I were to accept the appellant's assertion the loss amounts to a 0.88% loss of R&F from the surviving open field system, given it would encompass loss of some of the best surviving evidence of R&F to the north of Marsh Gibbon it would inevitably have a harmful impact on its significance as a NDHA.
38. Potential mitigation measures were explored at the Hearing, with the appellant referring to interpretation boards. However, and even given the documented evidence of the earthworks at the site, due to levels of loss within areas of development, I afford such mitigation only minimal weight.
39. The Framework requires that a balanced judgement is made in relation to NDHA, having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst the proposal would result in the loss of some of the best surviving R&F along the northern edge of the settlement which are visually prominent, the scale of this amounts to a relatively small amount of the whole. As such, and whilst taking into account its good preservation, I find that the proposal would result in a lower level of moderate harm to the R&F. Even so, taking a balanced judgement and taking the previously described public benefits together as a whole I conclude that they would be of sufficient weight to outweigh the harm to the NDHA.
40. Bringing the above together, I conclude that the proposal would result in lower levels of less than substantial harm to the CA, and lower levels of moderate harm to the R&F, although in both cases, the benefits of the proposal outweigh the identified harms.

Other Matters

41. The Grade II listed Little Marsh Cottage / Rectory Cottage and The Homestead are located near the appeal site. The significance of these heritage assets derives in part from their historic and architectural values as examples of, in the case of The Homestead a period farmhouse, and in the case of Little Marsh Cottage / Rectory Cottage, a purpose-built pair of farm cottages. The settings comprise the immediate domestic and historic curtilages, and associated land which is generally enclosed by a verdant boundary. Given the limited intervisibility, any appreciation of the heritage assets values from the appeal site is limited. Moreover, intervening

and adjacent existing modern residential built form has eroded the relationship of the heritage assets with the surrounding agricultural landscape. The proposal would therefore have a neutral effect on the significance of these heritage assets.

42. During the appeal process, a planning obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) dated the 7th July 2026 (S106) was submitted. The S106 seeks to secure onsite open space and play space provision, a minimum 35% affordable housing, and financial contributions towards a sports and leisure project, education, health care, highway, public transport and travel plan monitoring.
43. From the evidence before me, including the Council's CIL Reg. 122 Compliance Schedule, I am satisfied that the obligations in the S106 agreement are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Therefore, they would accord with the three tests set out in the Framework and Regulation 122 of the Community Infrastructure Regulations 2010 and would provide a mechanism to ensure appropriate infrastructure is in place to support the increase in occupants attributed to the proposal.
44. There were a substantial number of written objections from local residents raising a number of concerns, as well as interested party contributions at the Hearing whom also raised concerns in relation to the proposal. As well as those covered in the main issues above, these matters included surface and foul drainage and potable water supply, highways, ecology, disruption during construction and effect on living conditions, and property values.
45. The proposal would include a sustainable drainage system (SuDS) and an indicative drainage layout has been provided which indicates proposed locations and dimensions of SuDS components. In terms of surface water drainage, the Lead local Flood Authority had previously raised concerns regarding the capacity of the Highways network in response to previous flood reports in Swan Lane. However, the evidence indicates that the appeal site is already partially draining into the highway network, and a detailed drainage system which can be secured by planning condition could result in a betterment over the existing situation.
46. In terms of foul drainage, Thames Water have stated that the scale of the proposal doesn't materially affect the sewer network and have no objection, subject to suitable planning conditions. On the substantive evidence before me, I see no reason to disagree.
47. At the Hearing, interested parties stated that the water network could only accommodate 20 new dwellings in terms of water supply. Thames Water have also advised that the existing water network is unable to accommodate the needs of the development proposed. However, in conjunction with Thames Water a planning condition has been suggested by the Council to ensure that sufficient water supply infrastructure is delivered prior to a phased occupation of dwellings. It is for Thames Water to oversee the provision of new water infrastructure to serve new development, and such a condition would ensure suitable infrastructure is in place which would also ensure water pressure is not affected for existing and future residents.
48. The proposed accesses would provide suitable visibility as well as being wide enough to accommodate two-way vehicular traffic. Although concerns were raised

again at the Hearing by interested parties in relation to safety of all highway users including pedestrians, runners and horse riders, I observed the surrounding highway network to be relatively lightly used, and the Highway Authority have raised no objections with the width or condition of either Station Road or Little Marsh Road insofar as the ability of these highways to absorb the proposed development. From my observations I see no reason to disagree.

49. I also at the request of local residents, visited the site during school drop off time. The proposal is in short and easy walking distance of the school, and even if future occupiers were to drive to the school, I observed that whilst the car park opposite the school was rather busy, there was ample on-street parking available in close proximity to the school.
50. Furthermore, the proposal would provide for a number of improvements to the footway and public right of way network in and around Marsh Gibbon, which would be a moderate benefit to existing occupants of the village. Adequate parking provision for future occupants of the proposal can be secured at reserved matters stage. As such, I find that there would be no unacceptable impacts on highway/pedestrian safety and no severe traffic impacts on the road network.
51. In terms of biodiversity, the appeal site is not located within or adjacent to any statutory or non-statutory nature conservation designations. Following the submission of additional ecological assessments (including breeding bird habitats and Noble Chafer Beetle) the substantive evidence indicates that the proposal will not have harmful impacts on protected species, to which the Council also agree.
52. The large majority of hedgerows within the site would be able to be retained and parts of the site offers good opportunity to contribute to the overall provision of green infrastructure. In terms of Biodiversity Net Gain, it has been demonstrated that the proposal can achieve 16% gain in habitat units and 19% gain in hedgerow units which result in a moderate benefit of the scheme, which can be secured through conditions.
53. Whilst there may be some disturbance during the construction period of the proposal, this would be relatively short-term and could be mitigated by careful construction management. This is capable of being controlled by condition.
54. It is asserted that the development would result in the loss of views across the site from adjacent properties. However, a change of view from a private window is not in itself a planning consideration, and given the relationship of the appeal site and adjacent dwelling, as well as quantum of proposed development, I see no reason why a scheme cannot come forward at reserved matters which would ensure occupiers living conditions are not harmed from such matters as overlooking.
55. An appeal decision¹ was provided to me at the Hearing. Whilst there are some similarities with the issues being considered as part of this appeal it differs from the current proposal in several ways. It concerns a differing site within a differing Landscape Character Area and differing site characteristics and context. Moreover, the other appeal decision is from March 2025, since which the evidence before me indicates that the Council's Housing supply position and need for affordable housing has not improved. I also do not have full details of the evidence considered by the Inspector in the other appeal decision and I have come to the

¹ APP/J0405/W/24/3351388

conclusions in this case based on the particular circumstance and the evidence before me.

Planning Balance

56. Despite interested parties stating that sufficient dwellings have been supplied at Marsh Gibbon and there are a number of dwellings for sale in the local area, the Council are unable to demonstrate a five-year housing land supply of deliverable housing sites. Whilst there is disagreement between the main parties as to the shortfall, even if I were to take the Council's position of 3.73 years supply, such a shortfall is substantial.
57. The proposal would conflict with policies of the development plan as outlined in the main issues above, and the development plan as a whole. Taking account of the heritage balance in the above main issue, the application of policies in the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed. As such, and given the housing supply shortfall, the proposal needs to be considered against Paragraph 11 d)ii of the Framework.
58. Being contrary to the local spatial strategy means that the proposal would be contrary to the Framework where it states the planning system should be genuinely plan-led. This attracts modest weight as the current strategy is not providing sufficient housing.
59. The Framework is clear that development should be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside. The development plan policies in relation to these matters that the scheme conflicts with are broadly consistent with the Framework and I have identified a moderate level of harm to the character and appearance of the area.
60. The Framework also requires that great weight should be given to designated heritage assets conservation. Nevertheless, and in giving great weight to the conservation of heritage assets, I found earlier in my decision that public benefits would outweigh the lower end of less than substantial harm to the CA. I have also found that, in taking a balance judgement, the benefits would also outweigh the lower level of moderate harm to the non-designated R&F. As such the proposal does not result in conflict of policies within the Framework relating to heritage matters.
61. Benefits of the proposal include achieving an increase in housing supply close to some services and facilities and in an area with an acknowledged lack of housing provision. As such the proposal would align with the Framework where it seeks to significantly boost the supply of housing; outlines that small and medium sized sites can make an important contribution to meeting the housing requirement of an area; and are often built out relatively quickly. Due to the scope and scale of the proposal for up to 90 dwellings and the extent of shortfall and uncertainty of how and when this would be addressed, even taking the Council's position, I find this benefit to attract substantial weight. This is broadly consistent with Inspectors findings in other appeal decisions² put before me.

² APP/J0405/W/25/3370338; APP/J0405/W/25/3372565

62. Moreover, the proposal would provide a minimum of 35% affordable housing and aligns with the Framework's aims to supply housing types and tenures for different groups in the community. Given the Council have stated that there is a shortage of affordable homes in the area, this provision of affordable homes is a further substantial benefit.
63. Additionally, given the quantum of housing proposed, the proposal would provide moderate short term economic benefits from the construction of the proposal and further moderate economic and social benefits from the future occupation of the dwellings and associated support of local services and facilities. Further moderate benefits will flow from demonstrable biodiversity enhancements, as well as highway related improvements, including those to the footpath and Public Right of Way network. Whilst there will also be improvements to on-site drainage, and resultant flows off site, this would be a modest benefit of the proposal.
64. Overall, the adverse impacts of granting permission would not significantly and demonstrably outweigh the range of benefits, when assessed against the policies in the Framework taken as a whole. As a result, the application of Paragraph 11d) of the Framework indicates that permission should be granted.

Conditions

65. The main parties provided a list of suggested conditions in the event of the appeal being allowed. Further to discussion at the Hearing, a revised list of suggested conditions was then provided. I have assessed these and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. In addition to a condition in relation to reserved matters and the conditions that provides the timescales for their submission for approval and for the commencement of development, it is necessary for a condition to confirm the approved plans, including the Framework Plan in the interests of certainty.
66. A number of conditions have been suggested which seek detailed information requirements to be included within any future Reserved Matters applications. However some of these details relate to access, which is determined at this stage. Sufficient plans and details have been provided of accesses and therefore a requirement to provide further details is not necessary or reasonable. Whilst it is necessary to clarify details to be submitted at reserved matters relating to appearance, landscaping and layout in the interests of character and appearance, highway safety, biodiversity and sustainable travel, I have condensed the necessary elements into a single condition. Moreover, details of the implementation and any required phasing of such details can be secured within the relevant Reserved Matter approval.
67. Conditions requiring information prior to works taking place are required. An Arboricultural Method Statement with Tree Protection Plan and Arboricultural Impact Assessment is necessary in the interests of the character and appearance of the area and biodiversity and is required pre-commencement to ensure appropriate protective measures are implemented prior to development starting. A condition requiring a Construction Environment (Noise) and Traffic Management Plan is necessary prior to the commencement of development in the interest of protecting the living conditions of nearby residents and the safety of highway users.

68. Conditions requiring a Habitat Management and Monitoring Plan (HMMP) and a Construction Environmental Management Plan are necessary to ensure appropriate protection and enhancement of biodiversity and natural habitat. These are required pre-commencement as preliminary construction-related work could disrupt the habitats of protected species. Whilst the suggested condition in relation to the HMMP makes reference to the requirement of a 'non-technical summary', I have removed this element as it is not necessary.
69. A condition is necessary to ensure a programme of archaeological investigation is submitted and carried out in order to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance prior to any development taking place. A further pre-commencement condition is necessary to ensure a ground investigation in relation to ground contamination has been carried out in the interests of public safety and protection of the environment.
70. A detailed surface water drainage scheme is necessary to prevent an increased risk of flooding and is required pre-commencement to ensure a drainage strategy is in place prior to development taking place. Moreover, a detailed acoustic assessment is necessary to safeguard future occupants living conditions and is required pre-commencement to ensure the design of the proposal reflects the recommendations of the assessment.
71. Conditions are necessary to ensure that any adverse impacts on Great Crested Newts from development are adequately mitigated prior to development. In order to maximise energy efficiency and use of natural resources / renewable energy, a condition is necessary to ensure measures are used in the development to reduce energy use and carbon emissions.
72. A further condition is necessary to ensure an appropriate lighting strategy is implemented in the interests of nearby residents living conditions and to prevent disturbance to protected species. Conditions are also necessary to ensure vehicular access and off-site highway works are completed at the appropriate time in the interests of safety of all highway users and that a travel plan is implemented in the interests of promoting sustainable modes of transport.
73. It is for Thames Water to oversee the provision of new water infrastructure to serve new development in the area. However, to ensure that adequate potable water infrastructure is available and that the development does not detrimentally effect water pressure in the surrounding area, protect water quality, and prevent pollution, a Grampian style condition is reasonable and necessary to ensure there is sufficient capacity to accommodate the additional demand resulting from the development. A condition is also necessary to ensure that the drainage system is adequately maintained for the life of the development in the interests of preventing flooding and pollution.
74. A condition is also necessary to ensure the proposal provides an accessible and inclusive development. Finally, the Council have suggested a condition in relation to the timing of, and replacement of planting as well as further specific landscaping details. As landscaping is a reserved matter, any such condition could reasonably fall within the scope of the Councils consideration of that reserved matter and is therefore unnecessary.

Conclusion

75. The proposed development would conflict with the development plan, when read as a whole. However, material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal is allowed.

S Harrington

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

Stacey Rawlings	Director, Roebuck Land & Planning
James Findley	Senior Technical Manager, Catesby Strategic Land Ltd
Paul Lishman	Director, LDA Design
Anna Parsons	Design Director, Catesby Strategic Land Ltd
Charlotte Vallance	Archaeological Project Manager, HCUK Group
Christopher Griffiths	Director, HCUK Group
Martin Carter KC	Kings Chambers
Mr Edward Barrett	Planning Director, Catesby Strategic Land Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Tom Ansell	Principal Planning Officer
Stuart Foley	Landscape Architect
Stephanie Parsons	Senior Heritage Officer
Lucy Lawrence	Archaeology Officer

INTERESTED PARTIES:

Mark Benzing	Local Resident
Katie Young	Local Resident
David Hutley	Local Resident
Anthony Ward	Local Resident
Alan Williamson	Local Resident
Michael Beckley	Local Resident
Cllr Frank Mahon	Councillor
Cllr Petrina Needham	Councillor

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

Appeal Decision APP/J0405/W/24/3351388

Revised Suggested Conditions

Signed and dated S106 Agreement

Richborough

Schedule

Conditions

1. Details of access (other than the main vehicular accesses), appearance, landscaping, layout and scale, (herein after 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 of the development shall be made to the local planning authority before the expiration of 2 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 2 (two) years from the date of the approval of the related reserved matters application.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 10A; Application Framework Plan 16G; West Access General Arrangement - drwg no. 07585-CI-A-0100 Rev P04; East Access General Arrangement – drwg no. 07585-CI-A-0110 Rev P03.
5. Any reserved matters application pursuant to Condition 1 of this permission shall include, where relevant to that reserved matter, the following details:
 - a) the layout and specification of
 - i internal roads,
 - ii all cycle and pedestrian paths,
 - iii access facilities for the disabled and
 - iv individual accesses
 - b) the materials to be used on the external faces of all the buildings to which the details relate.
 - c) the positions, design, dimensions, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided, including details on excavations and methodologies required for their implementation.
 - d) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels relative to existing land levels, all surfacing materials, and street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon.
 - e) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation ongoing maintenance and other operations associated with plant and grass establishment, specifications of type, dimension, soil volume and infill components of the proposed planting pits of all new trees).
 - f) a waste strategy including details of bin and recycling storage.

- g) evidence that the natural buffers required between proposed infrastructure and hedgerows, woodland parcels and watercourses have been achieved, or evidence that no harm will arise to protected species and biodiversity as a result of these buffers not being achieved.
 - h) Details on parking and manoeuvring for all necessary vehicle types (including emergency vehicles and refuse collection vehicles).
 - i) Details on cycle parking/storage on site for each dwelling.
 - j) Details on electric vehicle charging infrastructure to be installed at each dwelling.
6. Prior to the commencement of any development works on the site (including demolition), an Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) and Arboricultural Impact Assessment (AIA) shall be submitted to and approved in writing by the local planning authority.

Tree protection measures, including the erection of tree protective fencing and installation of ground protection, shall be in situ prior to the commencement of any works on site (including demolition) and shall conform to current British Standard 5837 guidance. No work shall be carried out, or materials stored within the construction exclusion zone or other protected areas.

The AMS and TPP shall include:

- a) Details of trees to be removed and retained;
- b) Detailed plans for demolition (if applicable) and construction showing location of the tree protective fencing and any additional ground protection whether temporary or permanent;
- c) Details as to the location of proposed and existing services and utilities including sustainable drainage, attenuation basins and swales, where these are close to Root Protection Areas (RPAs);
- d) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees'; demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;
- e) Details of all proposed access facilitation pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998;
- f) All phases and timing of the project, including phasing of demolition and construction operations, in relation to arboricultural matters and details of supervision by a suitably qualified arboriculturist with details of how evidence of this supervision may be made available to the local planning authority and escalation where details are not complied with; and
- g) Siting of work and welfare facilities, contractor parking, areas for the storage of materials and machinery and siting of skips, the erection of scaffolding any required working spaces.

The AIA shall include:

- a) details of the retention and removal of all trees within each phase; and
- b) details of any pruning requirements, including root pruning, in accordance with British Standard 3998.

The development thereafter shall be implemented in strict accordance with the approved details and the approved tree protection measures shall be retained and maintained until all building, engineering or other operations have been completed.

7. Prior to the commencement of any development works on the site, including site clearance, tree removal, and demolition of any buildings, related to the development hereby permitted, a Construction Environment (Noise) and Traffic Management Plan (CENTMP) shall be submitted to and approved in writing by the local planning authority. The approved CENTMP shall be adhered to throughout the construction period and shall include the following details:
 - a) Construction access details.
 - b) Construction traffic routing.
 - c) Delivery hours outside of highway network peak periods.
 - d) The parking of vehicles of site personnel, operatives, and visitors off the highway.
 - e) Loading and unloading of plant and materials and storage of plant and materials used in constructing the development off the highway.
 - f) Site specific measures to control and monitor impacts arising in relation to noise, vibration, dust, smoke and fumes.
 - g) The erection and maintenance of security hoarding and gates.
 - h) Wheel-washing facilities.
 - i) Before and after construction condition surveys of the highway and a commitment to rectify and repair any damage caused.
 - j) Site-specific measures to control and monitor impacts arising in relation to noise and vibration (with particular regard to piling and power floating activities), dust and fumes.
 - k) Details of arrangements by which the developer shall maintain communication with local stakeholders in the vicinity of the site.
 - l) Details of monitoring and document compliance with the measures set out in the CENTMP.
8. Prior to the commencement of any development works on the site (including demolition) a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the local planning authority. The content of the HMMP shall include the following:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP.
- b) the planned habitat creation and enhancement work to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
- c) details securing hedgerow natural buffers with no lighting in accordance with the local plan.
- d) details of the location and specifications of appropriate quantity of biodiversity enhancement features (Bat boxes, Hedgehog nest domes, hedgehog holes in boundaries, Bird boxes, Hibernacula and Bee bricks)
- e) appropriate soil sampling to be performed in accordance with Buckinghamshire Council Guidance on soils for grassland enhancement, restoration, and creation as part of biodiversity net gain proposals to inform appropriate proposed habitats and management.
- f) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.

Thereafter, the approved plan will be implemented in accordance with the approved details.

9. Prior to the commencement of any development works on the site (including demolition) a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP:Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones” which includes onsite pond, native hedgerows, and natural buffers. Also, areas of traditional orchard.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. Including precautionary other mammals and reptile method statement. Also details of pre-commencement badger survey checks.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Names and contact details for responsible persons and details of where they sit within lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- h) Use of protective fences, exclusion barriers, escape ramps from trenches/holes and warning signs (including their specification, location and timing for erecting and dismantling).

Thereafter, the development shall be carried out in accordance with the approved details.

- 10. Prior to the commencement of any development works on the site (including demolition), a programme of archaeological work (which may take place over a number of phases) in accordance with a written scheme of investigation including any agreed mitigation measures such as the provision of interpretation boards shall be submitted to and approved in writing by the local planning authority.

Thereafter, the development shall be carried out in accordance with the approved details.

- 11. Prior to the commencement of any development works on the site (including demolition), a Phase II ground investigation in relation to ground contamination shall be carried out in accordance with the recommendations of Section 6 'Further Investigation' of the Phase 1 Geo-environmental Desk Study dated November 2023, prepared by GRM (reference P10435). The following shall be submitted to and approved in writing by the local planning authority:

- a) a comprehensive intrusive investigation which characterises the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals. This should refer to the four bullet points of recommendation in Section 6 of the Phase 1 desk study dated November 2023, prepared by GRM.
- b) a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be submitted to and approved in writing by the local planning authority. The remediation shall be carried out in accordance with the approved scheme, and the applicant shall provide written verification to that effect.

No dwelling shall be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority.

- 12. Prior to the commencement of any development works on the site (including demolition) a surface water drainage scheme for the site, based on Indicative Drainage Strategy- Outfall Option E (Rev 05, 25/07/2025, LDE) shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
 - a) Updated Flood Risk Assessment to investigate flood risk downstream and discuss opportunities for betterment.
 - b) SuDS components agreed in the outline application (basins, swales).
 - c) Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary.

- d) Walkover survey of the ordinary watercourse into which catchment 1 will drain. Where the watercourse is found to be unsuitable for receiving runoff, the scheme shall be revised to drain to the Highways sewer at the agreed rate of 4l/s, or at a revised rate agreed by Buckinghamshire Council.
 - e) CCTV survey of existing Highway network to demonstrate completion of any necessary remedial works.
 - f) Existing and proposed discharge rates calculations. Discharge rate to the watercourse (subject to walkover survey) no greater than 2l/s.
 - g) Discharge rate to the Highways networks no greater than 4l/s, unless agreed with Buckinghamshire Council.
 - h) Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
 - i) Detailed drainage layout with pipe numbers, gradients, and pipe sizes complete, together with storage volumes of all SuDS components.
 - j) Full construction details of all SuDS and drainage components.
 - k) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
13. Prior to the commencement of any development works on the site, a detailed Acoustic Assessment showing how all dwellings for the development will meet the indoor ambient noise levels outlined in BS 8233:2014 table 4 and that individual noise events will not normally exceed 45dB L_{AmaxF} more than 10 times at night in bedrooms, shall have been submitted to and approved in writing by the local planning authority. The Assessment will also demonstrate that noise levels in external amenity spaces associated with individual dwellings shall not exceed 55 dBL_{Aeq}16hr. Any mitigation required to achieve these requirements will be included in the detailed design, and the Acoustic Assessment, and shall be provided prior to the occupation of the dwelling to which it relates.
14. Prior to the commencement of any development works on the site, a certificate from the Delivery Partner (as set out in the District Licence WML-OR152, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, shall be submitted to and approved in writing by the local planning authority.
15. The development hereby permitted shall take place strictly in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR152, or a 'Further Licence') and with the proposals detailed on plan "Land off Station Road and Millfield Avenue: Impact plan for great crested newt District Licensing (Version 1)", dated 16th May 2024.

16. The development hereby permitted shall take place strictly in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR152, or a 'Further Licence') and in addition in compliance with the following:
 - a) Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles.
 - b) Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - c) Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - d) Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
17. The development shall be implemented utilising Fabric First principles in accordance with the Sustainability and Energy Statement prepared by Turley, dated February 2026 (SES). Prior to or at the same time as the first reserved matters application, details of the measures to be used in the development to reduce energy use and carbon emissions, in line with those described in Section 3.6.2 of the SES shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with those approved details.
18. Full details of artificial lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. In addition to considering the impact on living conditions for occupants of adjacent neighbouring residential properties, the lighting scheme shall incorporate a 'lighting design strategy for biodiversity' for the entirety of the proposed development. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme, in accordance with the approved details, and these shall be maintained thereafter in accordance with the scheme, for the lifetime of the development.

19. No part of the development hereby permitted to be accessed off Station Road shall be occupied, until the principal means of vehicular access off Station Road has been provided in accordance with the approved planning drawings 'West Access General Arrangement - drwg no. 07585-CI-A-0100 Rev P04', and constructed to Buckinghamshire Council access standards. The visibility splays shown on the approved plans shall be provided on both sides of the accesses and the area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
20. No part of the development hereby permitted to be accessed off Little Marsh Road shall be occupied, until the principal means of vehicular access off Little Marsh Road has been provided in general accordance with the approved planning drawings 'East Access General Arrangement – drwg no. 07585-CI-A-0110 Rev P03' and constructed to Buckinghamshire Council access standards. The visibility splays shown on the approved plans shall be provided on both sides of the accesses and the area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
21. No part of the development hereby permitted shall be occupied, until the off-site highway works listed below have been laid out in accordance with details to be submitted to and approved in writing by the local planning authority:
 - a) Rebuilding the footway along the eastern edge of Station Road between the site and Millfield Avenue;
 - b) A new section of footway on the eastern side of Station Road northwards past the site to connect to the public rights of ways to the north. This would likely be a 1.2 metre wide footway;
 - c) At the Millfield Avenue / Station Road Junction, the footway will be extended across the junction with drop kerbs and tactile paving provided;
 - d) Widening of the footway for approximately 50 metres on the western side of Swan Lane. This would be widened to 1.5 metres to match the section of footway to the south which has also been recently upgraded; and
 - e) Footway improvements and drop kerbs with tactile paving at the Swan Lane / Little Marsh Road Junction.

The off-site highway works approved by this condition shall be constructed in accordance with Buckinghamshire Council highway standards and must be implemented prior to the occupation of any dwelling.

22. No part of the development hereby permitted shall be occupied until a detailed Residential Travel Plan is submitted to and approved in writing by the Local planning authority.

The approved detailed Residential Travel Plan shall thereafter be implemented in accordance with the approved details, including any provision for monitoring.

23. No part of the development hereby permitted shall be occupied until confirmation has been provided to the local planning authority that either:

- a) all potable water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- b) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied, and a copy of such an agreement has been provided to the local planning authority.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

- 24. Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.
- 25. The dwellings hereby permitted shall be designed to provide a level of accessibility and adaptability, compliant with Category 2 (Part M4(2) of the Building Regulations and 15% of the affordable units compliant with Category 3 (Part M4(3) of the Building Regulations) unless demonstrated by an accompanying report that the development would be unviable to do so.

**** End of Conditions ****