
Appeal Decision

Site visit made on 17 August 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 25th August 2016

Appeal Ref: APP/J0405/W/16/3151750

Land adj Windmill Hill Barns, Moat Lane, Aston Abbots, Buckinghamshire HP22 4NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Towle against the decision of Aylesbury Vale District Council.
 - The application Ref 16/00086/APP, dated 11 January 2016, was refused by notice dated 5 April 2016.
 - The development proposed is erection of one dwelling house, change of use of existing storage to garage, utilising existing access and track.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of one dwelling house, change of use of existing storage to garage, utilising existing access and track at Land adj Windmill Hill Barns, Moat Lane, Aston Abbots, Buckinghamshire HP22 4NF in accordance with the terms of the application, Ref 16/00086/APP, dated 11 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Red Edge Plan scale 1:1250; Appeal Identification Plan scale 1:2500; Appeal Identification Site Plan scale 1:500; MLAA.SP.500; MLAA.LP 2500; MLAA.Plan 1; MLAA.Plan 2.
 - 3) No development shall take place above damp proof course level until samples/details of the bricks and tiles proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.
 - 4) No other part of the development shall be occupied until the existing means of access has been upgraded in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.
-

- 5) No other part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided on both sides of the access 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.
- 6) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Main Issues

2. The main issues are:

- whether the location of the development is sustainable in the context of relevant national and local planning policies; and,
- the character and appearance of the area.

Location

3. The appeal site lies within a cluster of dwellings some 200 metres to the west of the small village of Aston Abbots. The village is a few miles from larger settlements and the surrounding area is predominantly agricultural. In the immediate vicinity of the appeal site, there is a loose building pattern of detached and semi-detached dwellings, some of which have been extended in the fairly recent past. The site lies within the Quainton-Wing Hills Area of Attractive Landscape (AAL), characterised by low, generally open limestone hills with hilltop settlements, and described as a coherent landscape in the Landscape Character Assessment (LCA) ¹. Although I note the site has agricultural land classification, its current appearance is amenity grassland. I also noted on my visit that boundary vegetation screens views into the site and to the countryside beyond.
4. The development would comprise a detached dwelling adjacent to an existing storage building which would become a garage. It would be located between Norduck Cottages to the west, Orchard Cottage to the east, and opposite Abbey Cottages. The Council has not raised a concern in relation to the design or style of the dwelling; the reasons for refusal relate primarily to its position, which the Council considers to be open countryside and outside the settlement boundary.
5. A previous appeal for development on this site ² concluded that the site is outwith the settlement of Aston Abbots, and I concur that it is not within the main built up area. However, the appeal site has dwellings on three sides, albeit with a fairly open development pattern, and lies within a distinct cluster of 11 other dwellings. Whilst I agree with the Council that Aston Abbots is located within a rural area and accessed by country lanes, it is a mile or so from the main A road linking Leighton Buzzard and Aylesbury, which are themselves a few miles away. Given the proximity to the village and neighbouring dwellings, I disagree with the Council that the development would be an isolated or remote dwelling in the countryside in the usual everyday definitions of those words.

¹ Land Use Consultants, March 2016

² APP/J0405/A/11/2151473

6. Furthermore, the policies for housing supply referred to in the previous appeal quoted by the Council are now out of date as the Council does not have a five year housing supply. Consequently, the policy tests of the previous appeal for whether proposed housing development would be within the settlement or not, are no longer valid. In addition, the previous appeal predates the National Planning Policy Framework (the Framework) and Paragraph 55 of the Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst I acknowledge that Paragraph 55 of the Framework states that isolated homes in the countryside should be avoided unless there are special circumstances, as reasoned above, I do not consider this site to be isolated.
7. In the last appeal the Inspector concluded that the site failed to meet Criteria B of Policy RA14 of the Local Plan³ (LP), which states that development sites should satisfactorily complete the settlement pattern without intruding into the open countryside. She concluded that the appeal site was sufficiently distant from the bulk of the settlement to fail to comply with this requirement. However, as noted above, Policy RA14 can no longer be used as a policy for housing supply. In addition, since that appeal a further storage building has been built on the appeal site. Whilst I note that the Inspector for the previous appeal concluded that that development should be assessed on the basis of new residential development in the countryside, the evidence before me does not indicate that she stated the site lies within open countryside. Furthermore, as noted above, the policy tests for the appeal before me are primarily those within the Framework and given in the reasons for refusal, Policies GP35 and RA8 (LP). With regard to the road signage and its relationship to a perceived edge to the settlement, I do not consider this to be a determinative factor in my reasoning.
8. Although I recognise that future occupiers of the development would be largely reliant on private transport to access amenities, I also note that the Council's Settlement Hierarchy Assessment⁴ states that small scale development could be accommodated within Aston Abbots without causing any environmental harm and that small scale growth is likely to help maintain existing communities. As such, as this is a small scale development, close to the bulk of the settlement and within an established development pattern, I am not persuaded that there would be significant harm associated with the development in respect of location. Consequently the development would not be contrary to the core planning principles of Paragraph 17 of the Framework, which require development to recognise the intrinsic character and beauty of the countryside, support thriving local communities and to encourage the effective use of land.

Character and appearance

9. The LCA notes the special qualities of the AAL, and those listed include a lack of intrusion from developments that are out of character, openness and a coherent landscape character. Guidelines for future management include maintaining the sparsely settled remote character of the landscape and retaining and enhancing views from publicly accessible land. Policy RA8 (LP) states that development proposals in AALs should respect their landscape

³ Aylesbury Vale District Local Plan, 2004

⁴ Settlement Hierarchy Assessment 2012

character and that development that adversely affects this character will not be permitted.

10. Given the established building pattern around the appeal site, and the screening afforded by nearby hedgerows, I do not consider that the development would cause harm to the character and appearance of the AAL, or conflict with the management guidelines of the LCA. Moreover, although not raised as a concern in the Council's reasons for refusal, I consider the design and scale of the proposed dwelling would be sympathetic to this rural landscape. Its two-storey form with pitched roof would not be out of character with the other two-storey and chalet style dwellings within the development pattern, and nor would it significantly harm the sparsely settled remote character of the landscape, as it would lie within an established cluster of dwellings. I note it would not be aligned with the building line of Norduck Cottages but nor is Orchard Cottage, and the development would be sufficiently separated from the dwellings on either side for this to be of minor concern to me.
11. Consequently, I do not find the development contrary to Policy RA8 (LP) as outlined above, and there would be no conflict with Policy 35 (LP) which states the design of new development should respect and complement the physical characteristics of the site and surroundings, the context of the setting and the effect on public views.

Housing supply

12. Where the relevant policies affecting housing supply are absent, silent or out-of-date, Paragraph 14 of the Framework states that permission for development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, unless material considerations indicate otherwise. The planning balance in this instance is concerned with the harm arising from one additional dwelling in a rural location with an associated reliance on the private car to access amenities, and the effect of the development on the AAL. As reasoned above, I consider there would be no adverse effect on the character and appearance of the AAL, and the limited harm from increased traffic would be outweighed by the benefit of one additional dwelling within an established building pattern. Consequently, the adverse effects of the development do not significantly and demonstrably outweigh the benefits and I find no material considerations to indicate that the appeal should not be allowed.

Other matters

13. Interested parties have raised additional concerns in respect of their right to peaceful enjoyment of a home and other land. However, the Council has not raised any concerns in respect of the living conditions of occupiers of neighbouring dwellings and I see no reason to disagree with their findings. I appreciate that the development would intrude into the view opposite Abbey Cottages, but the dwelling would be at a distance of some 35 metres. In any case, tree and hedge planting already partially screens the site from views from the north.

Conditions

14. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty. I have imposed a condition to ensure materials to be used for external facing materials are approved by the local planning authority to ensure a satisfactory appearance to the completed development, and a condition requiring the existing access to be upgraded before occupation of the development to ensure highway safety. I have also imposed conditions requiring the provision of visibility splays, and requiring the scheme for parking, garaging and manoeuvring to be laid out prior to occupation, both to ensure highway safety. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

15. For reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR