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Ms Anne James,
Planning Officer
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Bucks HP19 8FF

Your ref: 16/02752/AOP
Our ref: sa/pks/4604

8 May 2017

Dear Ms James

LAND OFF COLLEGE ROAD SOUTH, ASTON CLINTON: REVISED PROPOSALS

As you know, the Inspector dismissed the planning appeal for development on this site, and for convenience I attach the decision letter. The resubmitted application is still on the table awaiting a decision and the applicants consider that revised proposals will overcome what are the very limited concerns that led the Inspector to dismiss the appeal.

I have submitted revised indicative proposals and a revised DAS that show a development which does not extend the developed area further to the north or west than the existing extent of the village. This avoids eroding the gap between the village and Aylesbury which led to the Inspector's decision to dismiss the appeal.

The changed proposals also mean that a significant area of the site to the north and west will be retained as open land which is intended to be set out and managed for recreational and biodiversity purposes as well as providing sustainable drainage facilities. Much was made at the PI of the short circular walk on local footpaths and the proposals now allow for that to be routed through the site so that walkers do not need to use the developed parts of College Road South.

The Inspector referred to highways issues in her reasoned argument, but did not refer to them as severe and therefore they are not a reason for refusing the development. In any event, the reduction of housing development on the application site by 35% to no more than 55 dwellings fully mitigates any highways concerns.

The Inspector also noted at §43 that the Council's position, as set out in the interim statement, is that it will look to approve proposals wherever possible, unless material considerations indicate otherwise.

As the revised proposals deal with the material considerations identified by the Inspector, it would be logical for the council to approve the application as now revised, and this is requested.

The period for determining the application has passed, but between its submission and the appeal hearing there were significant discussions that resolved all except one of the previous reasons for refusal, and in particular all of the highways concerns. I can confirm that in the light of these changes, the period for determining this application is extended until 25th July 2017, which will allow time for it to be considered at the July committee.

On an administrative matter, can you please note that my contact details have changed since the application was first submitted and perhaps you can update your records in this regard.

Please do contact me if you have any concerns with regard to this application.

Yours sincerely,

Paul Sedgwick
Dip TP MRTPI



Appeal Decision

Inquiry opened on 14 March 2017

Accompanied site visit carried out on 16 March 2017

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 18 April 2017

Appeal Ref: APP/J0405/W/16/3147513

Land west of College Road South, Aston Clinton

- 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 Hollins Strategic Land LLP against the decision of Aylesbury Vale District Council.
 - The application No 15/02134/AOP, dated 19 June 2015, was refused by a notice dated 12 February 2016.
 - The development proposed comprises the erection of up to 85 dwellings.
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Decision

1. For the reasons that follow the appeal is dismissed.

Procedural Matters

2. The Inquiry opened on 14 March and sat for three days, closing on 16 March 2017.
3. The appeal relates to an outline application with all matters other than access reserved for future consideration. An indicative layout and some indicative street elevations were submitted with the application. However, the layout was amended slightly during the appeal process, in particular in relation to the overall provision of open space, the location of the SuDs and associated swales and the location of some of the dwellings adjacent to the northern site boundary. The revised layout was consulted upon.¹ At the Inquiry, neither the Council nor any other party took issue with the appeal being determined on the basis of the amended layout, which is indicative in any event. I shall proceed on that basis.
4. Reasons for refusal 2-5 as set out on the Council's decision notice, relate to varying aspects of highway safety. Subsequent to the Council's determination of the planning application, the appellant had further meetings and discussions with the highway authority. As a consequence, neither the highway authority nor the local planning authority pursued any objection on highways grounds, subject to appropriate conditions and off-site works. However, local residents continued to have significant concerns in this regard. I therefore confirmed on opening, that I would need to hear from the appellant on this matter. The appellant fielded an expert witness in this regard (Mr Huggett) to answer questions from interested parties and myself on highways matters. Although Mr Huggett did not produce a proof as such, he had produced a Technical Note

¹ Inquiry Document 6

for the Inquiry as a formal response to third party comments and the highways reasons for refusal, which provided further clarification on the proposed scheme with regard to highway impact and the accessibility of the site.

5. Reasons for refusal 6 and 7 relate, respectively, to on-site play provision and potential impact on archaeological heritage assets. Again, pursuant to the revised layout plan and the submission of further information, the authority did not pursue any objections in these regards subject to conditions.
6. A planning obligation in the form of a unilateral undertaking was submitted to the Inquiry. It secures the provision of open space and a LEAP within the site, together with a bond to act as surety against a failure to make that provision; 30% affordable housing provision; contributions towards sport and leisure, education, public transport and traffic calming; and the submission of a travel plan and monitoring fee.

Main Issues

7. These relate to the effect of the development proposed on the character and appearance of the surrounding area, including the setting of Aston Clinton, and the effect on highway safety.

Reasons for the Decision

8. It was common ground for the purposes of this Inquiry that the Council can demonstrate a 5.8 year housing land supply. However, the figure does not include any provision for accommodating acknowledged unmet need from other authorities within the housing market area and thus is not based on a tested full objectively assessed need.
9. As noted by an Inspector colleague,² the housing requirement in the District is currently in a state of flux and discussions are still evolving through the duty to cooperate. Although the current version of the emerging Local Plan is intended to accommodate housing needs that cannot be met within other Districts, the scale of the eventual commitment is neither clear nor complete at this stage and is certainly not agreed. In recognition of the current uncertainties, the Council's *Five year housing land supply interim position statement* (October 2016) sets out that, in considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework and will work proactively to approve proposals wherever possible, unless material considerations indicate otherwise. I have dealt with this appeal in this context.

Character and Appearance

10. The appeal site, which lies on the western side of College Road South, a 'dead end' country road, extends to some 3.4 hectares and comprises a grassed field that is currently used for horse grazing. The site is largely flat, although levels drop away along the rear boundary towards a small watercourse, Bear Brook. It contains no significant topographical or other features, with mature native hedgerows and hedgerow trees predominating along the boundaries. Whilst my attention was drawn to black poplars along the Bear Brook boundary, they comprise three stems forming a single canopy outwith the appeal site.

² APP/J0405/W/16/3146817 Land at Valley Farm, Soulbury, Leighton Linlade, Buckinghamshire. Appeal dismissed January 2017

11. Until recently, the southern edge of the appeal site was separated from the built-up edge of Aston Clinton by an open field. However, outline planning permission for up to 91 dwellings has been granted on that land (Brook Farm).³ To the southwest of that site, permissions have also been granted for 50 dwellings (on land rear of Aylesbury Road) and for up to 29 dwellings (on land off Brook Street and Aylesbury Road).⁴ These permitted housing schemes have notionally 'rounded off' the northern edge of the settlement here.
12. A terrace of existing residential properties on the eastern side of College Road South (marking the current, northernmost extremity of Aston Clinton) faces the southern end of the appeal site frontage. Other than that, beyond the appeal site to the west, north and east, the local landscape comprises parcels of grazing and arable land which, together with the appeal site, separate the northern built-up edge of the settlement from the A41 Aston Clinton bypass just to the north, providing a pastoral setting to the village.
13. Whilst the Council accepted that the landscape here is of medium sensitivity, it nevertheless sought to argue that the appeal site forms part of a 'valued' landscape, which landscapes paragraph 109 of the National Planning Policy Framework (the Framework) seeks to protect and enhance. The Council's case was promoted on the grounds that the narrow gap within which the appeal site lies, between Aston Clinton and Aylesbury, prevents coalescence and is important to the setting and identity of the village. Attention was drawn, in this regard, to policy RA.2 of the Aylesbury Vale District Local Plan, which seeks to ensure that new development in the countryside avoids reducing open land that contributes to the form and character of rural settlements, with regard to be had to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements.
14. Policy RA.2 is relevant to the supply of housing. However, given the agreed position in relation to the housing land supply as set out above, it was accepted for the appellant that the policy can be considered as up to date with reference to paragraph 49 of the Framework. It was also accepted that the policy is not out of date by reason of any inconsistency with the Framework, since it resonates with the fifth of the twelve core principles, which states that planning should take account of the different roles and character of different areas and should recognise the intrinsic character and beauty of the countryside.
15. There is no definition in the Framework as to what comprises a 'valued' landscape. The site is not the subject of any formal national or local landscape designation. Whilst there are views across the site (from a raised slip road junction on the A41 just to the north) towards the Chilterns Area of Outstanding Natural Beauty which lies to the south of the settlement, such views are not the subject of any special designation and they do not elevate the importance of the appeal site in landscape terms. Neither was there any obvious correlation with the range of factors that can help in the identification of valued landscapes as set out in Box 5.1 of the third edition of the GLVIA. Moreover, the site itself has no demonstrable physical attributes,⁵ with the parties being in agreement that the site and the surrounding landscape is of medium sensitivity. I also note that the Inspector who determined an appeal

³ Planning Application No 14/02463/AOP (Land north of Brook Farm, Brook Street)

⁴ Application Nos 16/00780/AOP and 14/00426/AOP respectively

⁵ The judgement in *Stroud District Council v Gladman Developments Limited* [2015] EWHC 488 indicates that a valued landscape needs to possess some physical attribute which takes it above mere countryside.

on another site in Aston Clinton⁶ found the landscape on this side of the village to be of no more than average quality.

16. All in all, I am of the view that the appeal site does not form part of a 'valued' landscape in the terms of the Framework. That said, whilst noting that the gap is not specifically identified in the current development plan or the emerging Local Plan, that does not mean the role it plays in helping prevent coalescence, and its contribution to the form and character of this rural settlement, should be underrated. I am mindful in this regard that, among other things, paragraph 58 of the Framework requires that decisions should aim to ensure that developments respond to local character and history, reflecting the identity of local surroundings.
17. Aylesbury and Aston Clinton each have a very different form and character. Aylesbury is a large and growing town. As graphically demonstrated by the evidence of the Council,⁷ the built up edge of the eastern side of Aylesbury is planned to extend out along the northern side of the bypass, including the Woodlands Enterprise Zone, to link in with the Arla super dairy, which lies to the north-east of the appeal site on the far side of the bypass. In essence, the bypass here contains and defines the edge of this part of Aylesbury. Although Aston Clinton has expanded over the years, initially as ribbon development but more recently with infill development both implemented and planned, it remains as a modestly sized village that is clearly distinct from the town. It is separated from the edge of Aylesbury (as defined here by the bypass and its associated bunding and elevated slip road junction) by open fields, including the appeal site. To my mind, that 'gap' has a very important role in preserving the separate and very different function, character and identity of each settlement.
18. The appeal site lies within a larger site (AST024) in the Council's Housing and Economic Land Availability Assessment (January 2017) (HELAA). The HELAA identifies AST024 as part suitable for development. Whilst it identifies the approvals at Brook Farm and on land rear of Aylesbury Road, and suggests the frontage along Aylesbury Road as being potentially suitable for residential development, it sets out that developing the rest of the site (which includes the appeal site) would not relate to the character and form of the village. Whilst not determinative as to whether a site should be developed, it forms part of the evidence base for the emerging Local Plan and presents a strategic picture.
19. The appeal site lies within what is already the narrowest part of the gap between the settlements, making it particularly vulnerable to development. The development proposed would project out into the open countryside and would significantly reduce what remains of the gap here: the northern edge of the site lies within approximately 300 metres of the bypass,⁸ with just some 120 metres between the appeal site and the slip road junction that projects out from the southern side of the bypass on an elevated embankment.⁹
20. When heading north along College Road South, the 'gap' is clearly perceived. There is a clear sense of leaving Aston Clinton, which will become more pronounced when the Brook Farm scheme is built out, with fields spreading out

⁶ Chapel Drive APP/J0405/A/13/2210864

⁷ Proof of Ms James Appendix 3

⁸ Proof of Ms Howe paragraph 4.25

⁹ Proof of Mr Bellars paragraph 96

on both sides of the road and with the bypass bunding and embanked slip road junction just ahead.

21. Public footpath ACL/1/4, which heads north from London Road through fields towards the bypass (linking to the elevated slip road junction) crosses a wider part of the gap to the west of the appeal site. During the accompanied site visit, I saw that there are views along its length towards the east in which the limited width of the gap adjacent to the appeal site is seen, and will become more apparent once the approved developments at Brook Farm, on land rear of Aylesbury Road and on land off Brook Street and Aylesbury Road are built out. I am also mindful that this is one of the few views that encompasses the appeal site and the built development on the far side of the bypass, with the tall silos at the Arla dairy seen above the bypass embankments. To my mind, that serves to increase the visual importance and fragility of the gap in these views.
22. The gap is also readily apparent in views south towards the village from the elevated slip road junction. The northernmost houses on College Road South are glimpsed from that vantage point, as is housing further away on Brook Street. The approved developments referred to will, notwithstanding proposed landscaping and planting, bring a more obvious built-up edge to the settlement closer to the bypass, bringing the importance of the gap as a buffer between the two settlements into sharper focus.
23. The appeal scheme would lie within some 140-300 metres of the bypass that contains the nearest edge of Aylesbury. I am in no doubt, in this regard, that whilst not resulting in coalescence *per se*, if the scheme were to proceed the sense of separation between the two settlements would be all but lost, with consequent harm to the form and identity of the village of Aston Clinton.
24. Moving on to a consideration more generally of character and appearance, the appeal site lies within the Southern Vale Landscape Character Area as defined by the Aylesbury Vale Landscape Character Assessment (2008 updated 2013). The Assessment suggests that, other than localised pockets of higher quality landscape management (the appeal site is not within such a pocket) the landscape is in a generally poor condition, concluding that the character of the area should be restored and enhanced. Although not a policy document, the Guideline recommendations for the area include the need for conservation of the distinctive historic character and form of villages and their settings. That Guideline chimes not only with policy RA.2, but also with Local Plan policy GP.35 which, among other things, requires that new development should respect and complement the historic scale and context of its setting.
25. Historically, the built form of the village was predominantly linear. However, development along interlinking roads and infilling over the years led to an increase in built form, the village linking ultimately with Buckland to the east. Nevertheless, the landscape associated with the former Aston Clinton House remains largely intact and is perceptible as parkland to the south of Aylesbury Road, whilst the construction of the bypass in 2003 separated the settlement from the wider landscape to the north. In this regard, I consider the remaining pastoral landscape between the northern edge of the village and the bypass to be an integral part of its setting and identity.
26. Looking first at landscape impact. Although the proposal would retain and strengthen some of the features of landscape, such as the hedgerows and hedgerow trees and the stream, the erection of up to 85 dwellings on this

currently open greenfield site would result in a transformational change, which would result in a major significance of effect on the appeal site.¹⁰ I fully accept that this will often be the case with development of sites such as this. That does not mean, however, that such impact should be discounted from the planning balance.

27. In terms of the surrounding area, the development would project into the countryside, with open fields on three sides. As such, and contrary to the view of the appellant, it would not relate well to the existing settlement pattern. It does not, for example comprise an infill or 'rounding off' development, a common characteristic of previously permitted schemes in the area. Rather, it would obtrude into the open countryside. I agree, in this regard, with the comments in the appellant's revised LVA¹¹ that, in comparison to the Brook Farm development immediately to the south, the appeal site is associated more with the open countryside.¹²
28. The indicative layout shows housing set back from the western boundary with Bear Brook, behind an area of open play space, including a LEAP, and an area of swales related to the SuDS. The housing would also be set off the northern boundary behind a proposed footpath link that would run parallel to the boundary through what is annotated as public open space of varying width. However, whilst the housing along the road frontage would be set behind the existing hedgerow boundary, and notwithstanding that the evidence of the appellant's landscape witness refers to the hedgerow boundaries remaining intact, it was confirmed at the Inquiry that some 15 metres of hedgerow would need to be removed to facilitate the proposed vehicular access, and also that sections of the hedge at the northern and southern ends of the College Road South frontage would need to be removed to allow for pedestrian access onto the road. In addition, the proposed parking layby alongside the highway to the south of the proposed site access would, in all likelihood, also necessitate the removal of further hedgerow. The combination of the above would, to my mind, have a suburbanising impact on what is, in effect, a rural road.
29. I recognise that the site is not prominent in the wider landscape, due mainly to the generally flat topography and vegetated boundaries. As a consequence, the effects of the development proposed are likely to be relatively local in their extent. Nevertheless, there will be a landscape impact. All in all, I consider that the significance of effect would be moderate adverse.
30. As to visual impact, the difference in the conclusions of the respective landscape witnesses is due in no small part to the sensitivity ascribed to receptors using local footpaths. The third edition of Guidelines for Landscape and Visual Impact Assessment suggests that those visual receptors most susceptible to change are likely to include those using public rights of way whose interest is likely to be focussed on the landscapes or on particular views. Whether or not a complete circuit of the walking route referred by the Council is travelled by many, I saw that the component footpaths are well used. The accompanied site visit also took in footpath No ACL/3/2 which passes diagonally across the fields a short distance to the east of the appeal site, which was also well used. These are countryside footpaths, with users out to enjoy the countryside, whether just walking the dog, for exercise, or as part of

¹⁰ Proof of Ms Howe paragraph 4.18

¹¹ Landscape and Visual Appraisal 20 July 2016

¹² Paragraph 2.24

a longer recreational walk. On that basis, I consider that those using the local footpaths would have a high sensitivity to the development proposed.

31. To my mind, the most relevant viewpoints identified by the parties are viewpoints 1, 3, 4 and 7 identified in the evidence, plus views from future dwellings on the adjacent Brook Farm site.¹³ Taking on board the evidence of the respective landscape witnesses in the light of what I heard from local residents and what I saw during my site visits, I consider, on balance, that the significance of effect would be high adverse in terms of visual impact, given the sensitivity of receptors and having regard to the current clear physical and visual separation between Aylesbury and the rural settlement of Aston Clinton, and the contribution of that separation to the form and character particularly of the village.
32. To conclude, I can appreciate that views of the development proposed would be restricted in the wider landscape, due largely to the generally flat topography and intervening vegetation. However, it would markedly change the character and appearance of the area in shorter distance views and would cause substantial harm to the character and appearance of the area, including the setting and individual identity of Aston Clinton. That impact would not be mitigated by the planting and green infrastructure proposed. There would be conflict, in this regard, with Local Plan policies RA.2 and GP.35 and with paragraphs 17 and 58 of the Framework.

Highway Safety

33. Much of the concern in relation to highway safety raised by local residents related to existing problems associated with lawful on-street parking on College Road South and Brook Street which, I was advised, causes congestion at times at various junctions close to the appeal site and along Brook Street. It was strongly felt that those existing problems would be exacerbated to an unacceptable degree by the development proposed, particularly in combination with the numerous other residential developments that have recently been approved in the village, with a consequent adverse impact on highway safety.
34. The original Transport Assessment (dated May 2015) together with an addendum Statement in December 2016, assessed traffic count data gathered in 2014 in association with three other development schemes in Aston Clinton.¹⁴ The data was then 'growthed' to establish a 2020 traffic baseline. Trips from a total of seven committed development schemes in Aston Clinton¹⁵ were then added to the baseline, as well as the agreed trips expected to be generated by the development the subject of this appeal. The performance of a number of key junctions in the vicinity of the appeal site was then modelled, based on junction geometries, trip distribution data gathered from the 2011 Census and turning count surveys from 2014.

¹³ Viewpoint 2 would be blocked by the Brook Farm Development. It was agreed between the parties that viewpoint 6 lies beyond the zone of visual influence and should be scoped out. Viewpoint 5 is some considerable distance away to the south of the settlement on rising land in the AONB. I visited this viewpoint on an unaccompanied basis after the main site visit, with the agreement of the parties. Having viewed it from there, I am satisfied that the development proposed would be barely perceptible, even after dark when lights would be on.

¹⁴ Up to 48 dwellings Stablebridge Road (No 12/01490/AOP) and the 29 and 91 unit schemes referred to earlier

¹⁵ The three schemes referred to previously plus, as set out at paragraph 2.3 of the Addendum - 75 dwellings on Weston Road (15/02569/AOP) 50 dwellings rear of 93 Aylesbury Road (15/01395/AOP) 95 dwellings off Chapel Drive (15/00300/AOP) and 47 dwellings off Chapel Drive (13/02508/AOP)

35. As summarised in the Technical Note produced for the Inquiry, it is suggested that the data shows a maximum queue in either network peak¹⁶ at the junction of College Road South with Brook Street of less than one vehicle; a maximum queue at peak times at the Brook Street/London Road priority junction of approximately two vehicles; and a maximum queue at peak times of around one vehicle at the junction of Green End Street with London Road. On that basis, the Note concludes that the local road network would operate effectively with the predicted traffic volumes.
36. I recognise that the output from the modelling was accepted by the Highway Authority. However, the concerns expressed by local residents cast some doubt on the outputs. Although their evidence was anecdotal, I saw for myself problems associated with congestion during a number of visits I made to the appeal site on an unaccompanied basis before and during the Inquiry. There is a tension, it seems to me, in that the existing road conditions apparently already cause queuing at times, yet the data suggests that the introduction of the traffic associated with all the developments referred to, plus the appeal scheme, with no alterations to the key junctions modelled, would result in hardly any queueing at all at peak times.
37. It was also confirmed for the appellant, that the anticipated proportions of left and right turning traffic exiting College Road South onto Brook Street were predicated on 2011 Census data. However, local residents explained, among other things, that at the start and end of the school day, Green End Street (the route that would be followed by drivers turning left out of College Road South) is regularly blocked with school related traffic. As a consequence, locals wanting to head east out of Aston Clinton seek to avoid that route onto the London Road. I was advised that instead, they would seek to exit onto the London Road at the Brook Street end. During the morning peak, therefore, which would overlap with the school run, traffic movements might thus be greater than anticipated in the modelling at the Brook Street/London Road junction (used by traffic turning right out of College Road South).
38. In answer to my questions, Mr Huggett confirmed that the capacity modelling was based on the geometric width of the highway and that on-street parking had not been taken into account. However, it is apparent that, at times, on-street parking along Brook Street (hardly any of the properties there having private parking) effectively reduces the carriageway to a single lane for much of the time, with traffic seeking to exit onto London Road backing up at the junction resulting in congestion. I was also advised that the queuing traffic and parking has a knock-on effect on occasion, in blocking traffic trying to turn off London Road into Brook Street. I understand that provision of a parking layby on the north side of Brook Street is secured in connection with the Brook Farm consent. However, absent the introduction of any commensurate on-street parking restrictions (and no mention was made of any such proposal at the Inquiry but which measure would, in any event, require a Traffic Regulation Order) that is unlikely to address the problem, particularly given human nature and the propensity to want to park as close to home as possible.
39. It also transpired that the modelling did not take account of three additional sites that have since been the subject of approval or a resolution to approve,

¹⁶ 08.00-09.00 hours and 17.00-18.00 hours Monday - Friday

which would add the traffic associated with a further 136 dwellings¹⁷ to the local highway network over and above that already accounted for.

40. The combination of issues raised above leaves me with significant concerns as to whether the full impact of the development proposed, in combination with all the other schemes either approved or with a resolution to approve, and having regard to the actuality of conditions at peak times given local conditions, as opposed to theoretical modelling, has been fully assessed. To conclude therefore, given the stress that this part of the local highway network appears to be under, and with the precautionary principle in mind, I cannot conclude with any degree of certainty that there would be no material harm to highway safety as a consequence of the development proposed.

Overall Planning Balance and Conclusion

41. I return here to the Council's housing land supply position. As set out at the start, whilst it was agreed that the Council can demonstrate a five year supply of housing land, that excludes any consideration of the amount of housing land that will need to be found to accommodate the housing needs of other authorities in the Housing Market Area, which includes Wycombe, South Bucks and Chiltern.
42. Whilst the Council is of the view that there is sufficient capacity identified in the HELAA to accommodate the currently anticipated need from other authorities, without reliance on a possible new settlement or Green Belt releases, the appellant had significant doubts, particularly in relation to delivery of some of the larger sites relied on.
43. Whether or not the supply is challenged by the unmet need is a matter that the Local Plan Inspector will have to grapple with in due course. It might be that some of the unmet need will, ultimately, have to be accommodated in Aston Clinton. I was advised, in this regard, that whilst the significant housing commitments in the village exceed the now redundant housing requirement in the emerging Local Plan, the Council is moving from a percentage based approach to allocating a level of development in villages, to an approach based on the capacity of settlements to accommodate new development. Aston Clinton is identified as a 'larger village' within the Council's Settlement Hierarchy Assessment. Such villages have a range of services, facilities and access to public transport and, in principle, are considered as a sustainable location for new development. That is not a carte blanche, however, for all new development. Indeed, the Council's position, as set out in the interim statement, is that it will look to approve proposals wherever possible, *unless material considerations indicate otherwise*.
44. In light of the agreed position in relation to the housing land supply, relevant policies for the supply of housing, such as RA.2 are not out of date having regard to paragraph 49 of the Framework. Moreover, policies RA.2 and GP.35 are consistent with the need, as set out at paragraph 17 of the Framework, for planning to take account of the different roles and character of different areas and thus are not out of date in this regard either. On that basis, the appeal falls to be determined in accordance with the development plan, unless material considerations indicate otherwise.

¹⁷ 36 dwellings at Park Farm (15/03527/AOP) 7 units at Tree Tops and 93 units on land south of Aylesbury Road (15/03786/AOP)

45. I have found that there would be substantial harm to the character and appearance of the area, largely as a consequence of the erosion of the narrow gap that remains as a buffer between Aston Clinton and the edge of Aylesbury as defined by the bypass at this point. There is also harm in terms of highway safety. Those harms bring the development proposed into material conflict with the development plan as a whole.
46. I recognise that there would be some benefits generated by the scheme, including economic benefits associated with the construction phase of the development and increased spend in the local area; the provision of a policy compliant amount of affordable housing; a net bio-diversity gain through landscaping and the provision of swales etc and also an increase in public access. In my view, however, the combined benefits of the scheme do not justify making a decision in this instance, that is contrary to requirements of the development plan. In the absence of sufficient material considerations to indicate otherwise I therefore conclude that the appeal should not succeed.
47. Even had I found, in light of the unmet need from adjacent authorities, that policy RA.2 was out of date with regard to paragraph 49 of the Framework, it would still attract significant weight since it is not a policy that seeks to protect all countryside from development. Rather, it seeks to prevent development in specific parts of the countryside, namely those that contribute to the form and character of rural settlements and which prevent coalescence between settlements. On that basis, even had the tilted balance prescribed by paragraph 14 of the Framework applied, the nature of the harm that I have identified would significantly and demonstrably outweigh the combined benefits when assessed against the policies of the Framework taken as a whole. As a consequence, the proposal would not be sustainable development and the presumption in favour of such would not be engaged. The appeal would fail.
48. Whilst a planning obligation was submitted in support of the appeal, given the outcome above there is no need for me to examine the provisions secured, other than to confirm that I have taken the affordable housing provision secured as a benefit of the proposal. The other provisions are to mitigate harm arising from the development scheme itself and are not benefits as such.

Jennifer A Vyse
INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Hugh Flanagan, of Counsel

Instructed by Marisia Beard, Lawyer –
Planning and Regeneration, HB Public Law

He called

Johnathan Bellars
BA, PgDip(Hons), CMLI
Ms Louise Anderson
BSc(Hons), MSc, MRTPI
Ms Anne James
MA, MRTPI

Landscape Architect and Urban Designer,
Aylesbury Vale District Council
Senior Planning Officer, Aylesbury Vale District
Council
Senior Planning Officer, Aylesbury Vale District
Council

FOR THE APPELLANT:

David Manley, of Queen's Counsel

Instructed by Sedgwick Associates

He called

Ms Sara Howe
CMLI
Jon Huggett
MA(TpEng) MCIHT
Paul Sedgwick
DipTP, MRTPI

Director of Influence Environmental Limited

Paul Basham Associates

Principal, Sedgwick Associates

INTERESTED PERSONS:

Councillor Colin Read
Ms Pauline Young
Ms Jeanette Baxter
Ray Sheehan
Ms Evelyn Morris
Ms Angela Sharp
Mrs Samuels
Graham Tiller
Ms Sophy Winfield
Ms Jenny Payne
Ms Elliott

Vice chair Aston Clinton Parish Council
Local resident
Local resident

INQUIRY DOCUMENTS

- 1 Council's team sheet
- 2 Council opening statement
- 3 Extract from GLVIA Third Edition
- 4 Written statement – Ms P Young
- 5 Written statement – Mrs J Baxter
- 6 Consultation on amended scheme by appellant
- 7 Oadby and Wigston Borough Council v SSGLG and Bloor Homes Limited [2016] EWCA Civ 1040
- 8 CIL compliance schedule
- 9 Draft conditions
- 10 Note from Mr Tiller to Mr Bellars
- 11 List of objections from those unable to attend the Inquiry
- 12 Amended S106 pages
- 13 Written copy of the Council's closing submissions
- 14 Written copy of the appellant's closing submissions
- 15 Document setting out the calculation of the figure for the bond contained within the S106
- 16 Email from Bucks CC re sustainable transport contribution and CIL test (16 March 2017)
- 17 Signed S106 (submitted after the Inquiry with my agreement)