

## Appeal Decision

Site visit made on 7 March 2014

**by H Butcher BSc (Hons) MSc MRTPI**

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

**Decision date: 28 May 2014**

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**Appeal Ref: APP/J0405/A/13/2208542**

**Land adjacent to Edgcott Village Hall, Buckingham Road, Edgcott, Aylesbury HP18 OTR**

- 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 the Vale of Aylesbury Housing Trust against the decision of Aylesbury Vale District Council.
  - The application Ref 13/01030/APP, dated 17 April 2013, was refused by notice dated 25 July 2013.
  - The development proposed is demolition of garages, erection of a 3 bed dwelling, creation of a car park for village hall, change of use of hard surfacing to amenity area for village hall.
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**This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 8 April 2014.**

### Decision

1. The appeal is allowed and planning permission is granted for demolition of garages, erection of a 3 bed dwelling, creation of a car park for village hall, change of use of hard surfacing to amenity area for village hall, at Land adjacent to Edgcott Village Hall, Buckingham Road, Edgcott, Aylesbury in accordance with the terms of the application, Ref 13/01030/APP, dated 17 April 2013, subject to the following conditions:
    - 1) The dwelling hereby permitted shall begin not later than three years from the date of this decision.
    - 2) The dwelling hereby permitted shall be carried out in accordance with the following approved plans: 13 VAV CE01, 13 VAV CSP01, 13 VAV CSP02, 13 VAV SL01, EDGE1301, 13 VAV PE01 Rev A, 13 VAV PE01 Rev B, 13 VAV SP01 Rev A.
    - 3) No development shall take place until samples/details of the materials to be used on the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
    - 4) The landscaping scheme as shown on approved plan: 13 VAV SP01 Rev A shall be carried out not later than the first planting season following the first occupation of the dwelling. Any tree or shrub which forms part of the
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approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

- 5) The dwelling hereby permitted shall be implemented in accordance with the Arboricultural and Planning Integration Report reference: GHA/DS/17660:13 prepared by GHA Trees Arboricultural Consultancy dated 12 April 2013.
- 6) The dwelling hereby permitted shall be implemented in accordance with the RPS report reference: 8080-01 DPA 20130530L dated 30 May 2013.
- 7) The scheme for parking and manoeuvring as shown on approved plan: 13 VAV SP01 Rev A shall be laid out prior to the initial occupation of the dwelling hereby permitted and that area shall thereafter not be used for any other purpose.

### **Procedural matters**

2. The application form refers to the appeal site address simply as "Buckingham Road". The appeal form refers to the site as "Garages Land adjacent to Edgcott Village Hall, Buckingham Road" and the Council have used "Land at Buckingham Road". I consider "Land adjacent to Edgcott Village Hall" to be the most accurate site address and as such I have used this in my decision.
3. Drawing number 13 VAV SP01 Rev B was submitted during the course of the application. It shows changes to the proposal including the removal of parking spaces to the front of the village hall, and land to the rear being offered as amenity land. Given these marked changes, and that this plan was not taken into account by the planning officer in determining the application I cannot be certain that third parties would not be prejudiced by my determining the appeal on this basis. I have therefore determined the appeal on the basis of the original proposal.

### **Main Issue**

4. The main issue is the effect of the proposal on the form and character of the settlement of Edgcott and the surrounding countryside having regard to policy RA14 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework (the Framework).

### **Reasons**

5. Edgcott is a village formed of two parts which are linked by a ribbon of development along Buckingham Road which stretches from north-east to south-west. The appeal site is located on the edge of the settlement of Edgcott. It comprises land containing eight garages. It is served by an existing access off of Buckingham Road.
6. In such locations policy RA14 of the Aylesbury Vale District Local Plan states that small housing developments may be granted permission subject to a number of requirements which include the site being substantially enclosed by existing development, and that the development would satisfactorily complete the settlement pattern without intruding into the countryside. The village hall adjoins the appeal site and is located to the north-east. Beyond this are two

detached residential properties. Opposite is residential development which stretches north-east and south-west along Buckingham Road. I therefore do not accept that the appeal site is enclosed only on one side. Nevertheless it cannot be described as being substantially enclosed. The proposal therefore fails to meet the requirement in policy RA14 for the site to be substantially enclosed in order for permission for housing to be granted.

7. The broad thrust of policy RA14 as outlined in the supporting text is the efficient use of land within settlements whilst protecting the countryside and this is consistent with the aims of the Framework. The appeal site forms a brownfield site on the edge of settlement and the Council acknowledge that it would form effective reuse of such land. The development would not intrude into the open countryside, following a similar pattern to that of surrounding residential development, and the boundary between the settlement and countryside would remain clearly defined. Therefore, whilst the site would not be substantially bound by existing development, it would nevertheless be in line with the overall objectives of policy RA14 and the Framework.
8. Advice in paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. In relation to housing the Framework states that applications should be considered in the context of the presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with the development plan without delay and where the development plan is absent, silent or out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits.
9. In seeking to bring forward housing development in a sustainable location policy RA14 is consistent with the Framework. However, given the particular circumstances of the appeal site and its location within Edgcott, the requirement of this policy for the site to be substantially enclosed by existing development is not consistent with the Framework and its presumption in favour of sustainable development. I therefore find the provisions of the Framework outweigh policy RA14 in this case.
10. Taking the above points together the proposal would constitute sustainable development and would respect the form and character of the settlement of Edgcott and the surrounding countryside. There are no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal and there are no specific policies in the Framework that indicate the development should be restricted. The development would be in conflict with policy RA14 of the Aylesbury Vale District Local Plan in that the site is not substantially enclosed by existing development but that would be outweighed with the conformity of the proposal with the Framework which seeks the efficient use of land whilst protecting the natural environment.

*Other matters*

11. The development would make a small contribution towards addressing the Council's shortfall in a five year supply of deliverable housing land and this further supports my findings outlined above. However as I am allowing for other reasons this matter is not decisive.

12. Three parking spaces are proposed to the front of the dwelling and this would be adequate given its size. Whilst tight, there is also space to turn a vehicle. The village hall has no formal car parking provision. However I understand the appeal site has historically been used for informal parking. The proposal also includes provision of four parking spaces to serve the hall. The ownership of this land is not a matter for my deliberations which are focussed upon the planning merits of the case. Therefore, taking the above points together the proposal is unlikely to cause significant highway safety problems or inconvenience local residents.
13. I have considered the proximity of the proposed development to the village hall and its effect on a side window in terms of potential loss of light. I have found no reason to go against the Council's findings on this matter. Noting the existing residential uses that surround the village hall I am not convinced that noise associated with the normal use of this building would have a significant harmful impact on the living conditions of future occupiers of the proposed dwelling.
14. The proposed parking across the frontage of the site would result in some loss of the open space to the front of the village hall. However space would be retained to the front and there is also land to the rear. These areas could be used in conjunction with activities at the village hall as well as for the general maintenance of the building. Whilst the existing garage provision would be lost, five of the existing eight garages are currently vacant and of the remaining three, only one is let to an Edgcott resident. For these reasons I afford these matters limited weight.
15. Whether the proposal would compromise the expansion and improvement of the village hall facilities is not a matter for my deliberations. I have determined the appeal before me on its own planning merits.
16. Finally, I am satisfied that the proposal would respect the general form and layout of surrounding development and would not cause harm to the street scene.

*Conditions and conclusion*

17. I have considered the conditions put forward by the Council. I have attached conditions limiting the life of the planning permission. I have also specified the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions concerning the materials to be used are necessary to ensure that the appearance of the development is satisfactory.
18. It is necessary to condition the timing of the landscaping scheme to ensure proper implementation of these works in the interest of the visual amenity of the proposed development. I have specified the Arboricultural and Planning Integration Report to ensure retention of existing trees. I have also specified a submitted method statement in relation to the protection of Great Crested Newts during the construction of the development. Finally it is necessary to impose a condition ensuring parking is provided to ensure highway safety.
19. Given the public use of the adjoining village hall it is not necessary to removed permitted development rights with respect to additional windows. It is also

not necessary to condition boundary treatments as this is covered by the approved landscaping scheme.

20. For the reasons given, and having regard to all matters raised, I conclude that the appeal should be allowed.

*Hayley Butcher*

INSPECTOR