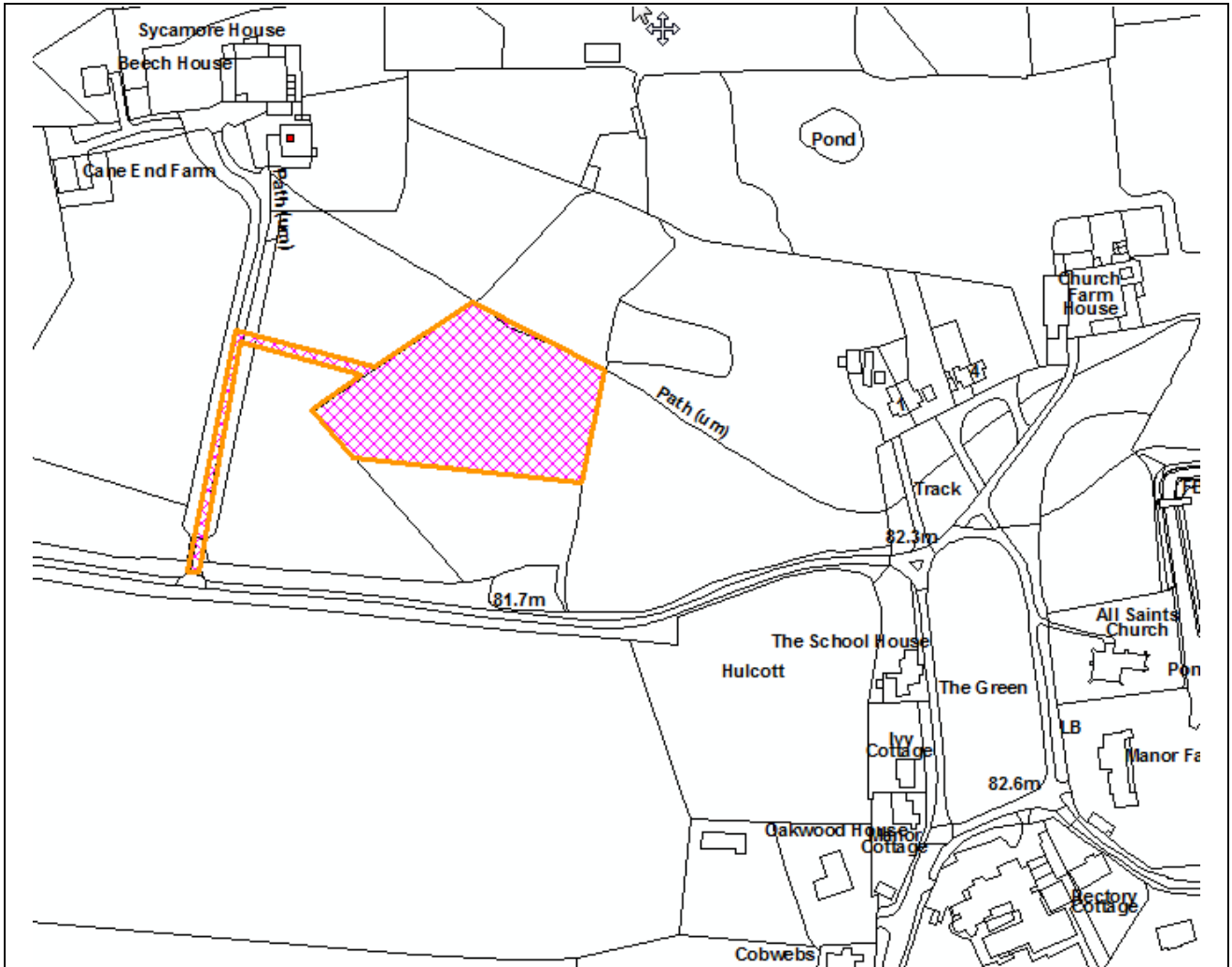


18/02026/APP



© Crown Copyright and database right 2017. Ordnance Survey 100019797

REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/02026/APP	HULCOTT The Local Member(s) for this area is: -	08/06/2018
ERECTION OF DWELLING AND ASSOCIATED GARAGE/STORE OUTBUILDING; WITH CHANGE OF USE OF LAND TO RESIDENTIAL AMENITY AT CANE END FARM, HP22 5AX	Alison Harrison Mary Stamp Julie Ward	
HHJ & MRS F SHERIDAN		

1.0 The Key Issues in determining this application are:-

- a) The planning policy position and the approach to be taken in the determination of the application.
- b) Whether the proposal would constitute a sustainable form of development having regard to:
- Building a strong competitive economy
 - Promoting sustainable transport
 - Delivering a sufficient supply of homes
 - Making effective use of land
 - Achieving well designed places
 - Promoting healthy and safe communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Meeting the challenge of climate change and flooding
 - Supporting high quality communications
- c) Impact on the amenities of neighbouring occupiers
- d) Developer Contributions

The recommendation is that permission is **REFUSED**

CONCLUSION AND RECOMMENDATION

1.1 The proposal has been evaluated against the Development Plan and the NPPF so the report has assessed the application against the objectives of the NPPF and whether the proposals

deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

1.2 It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed limited weight in the planning balance, as it is tempered due to the scale of development that is proposed. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached. These benefits however need to be weighed against any harmful aspects in the planning balance.

1.3 The development proposals are considered to constitute an isolated dwelling in the countryside and the proposals do not fall within any of the limited exceptions set out in the NPPF whereby development of this kind may be acceptable. The proposals are unacceptable in principle and this is held in significant negative weight. Significant negative weight is also apportioned to the development's impact on the landscape and rural character of the area. The proposals are subsequently considered to conflict with the NPPF's objective to protect and enhance the natural environment. The development is also located in an unsustainable location where future occupants would be reliant on the use of a private vehicle for most of their day to day business and this is held in significant negative weight. The proposals therefore also conflict with the NPPF's objective of promoting sustainable transport.

1.4 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of impacts on residential amenity, trees, ecology, managing the risks of climate change and the ability of the scheme to have no impact upon the nearby conservation area. However, these matters do not represent benefits to the wider area, but demonstrate an absence of harm to which weight should be attributed neutrally. Planning permission should be refused as the limited benefits associated with the development are outweighed by the significant harm identified. The proposals are not considered to constitute sustainable development.

1.5 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be **REFUSED** for the following reason:

1. The development proposals are considered to constitute an isolated dwelling in the countryside and the proposals do not fall within any of the limited exceptions, set out in the NPPF, whereby development of this kind may be acceptable. The proposals are subsequently unacceptable in principle. The proposed isolated dwelling in the countryside would cause significant harm to the rural character of the area and conflicts with the NPPF's objective to promote sustainable transport. The harm identified is not outweighed by any of the limited benefits associated with the development and planning permission should be refused on this basis. The proposals are contrary to the requirements of policies GP35 of the AVDLP and the objectives of the NPPF to achieve sustainable development.

WORKING WITH THE APPLICANT/AGENT

1.6 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework,

Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case detailed discussions have taken place with the applicant in order to respond to the issues raised during the planning application process. In this instance issues have not been resolved and outstanding objections remain and so the refusal of this planning application is recommended.

2.0 INTRODUCTION

2.1 The application needs to be determined by committee because the application has been called in by Councillor Julie Ward because she believes that planning permission should be granted for the following reasons as summarised:

- Protected species is not an insurmountable condition and can be dealt with by condition
- Tree survey submitted is BS 587:2012 compliant and trees have been considered in the site layout
- Believes design is outstanding (eg Para 79 compliant) – aesthetics are subjective

3.0 SITE LOCATION AND DESCRIPTION

3.1 The application site comprises 0.405 hectares of land at Cane End Farm that has historically been used for paddocks. The land takes the form of an unmanaged copse that is overgrown with brambles and nettles. The site is located approximately 100 metres to the south east of the farmhouse.

3.2 The limited built development that forms the Hulcott, and is centred around The Green, is located approximately 240 metres to the south-east of the farm buildings. Cane End Farm is separated from the main collection of houses that comprises Hulcott by open fields and woodland. Instant Landscapes, which is a forestry business, is located to the west of Cane End Farm.

3.3 Cane Farm is located in the countryside and now, as well as paddocks, comprises a cluster of houses that have arisen as a result of barn conversions or agricultural prior notifications. Cane End farm is accessed by a shared private driveway off Hulcott Lane. Hulcott Lane is a narrow country lane which connects the village of Hulcott with the A418. The A418 is located some 350 metres to the west of Cane End Farm.

4.0 PROPOSAL

4.1 The planning application proposes the erection of one dwelling with a garage/outbuilding located in the copse to the south-east of the existing buildings at Cane End farm. The dwelling would be accessed by a driveway taken off the existing private driveway which would cut across the existing paddocks. The new dwelling would be single storey and contain three bedrooms. The house would be located in the centre of the application site and would be surrounded by trees.

4.2 The dwelling is proposed to be reflective of a horseshoe shape barn conversion. A patio courtyard area would be formed in between the projections of the building. The roof form would comprise third hipped tiled roofs and the projections of the building would have gable ends. The elevations would be treated with a horizontal boarded finish set above a brick plinth wall. The fenestration details to all elevations are proposed to be simple in form. The

double garage with storage and plant would be a single storey structure located to the west of the proposed dwelling. It is intended that the existing copse will be retained and will screen the proposed dwelling.

- 4.3 The applicant indicates that a number of technologies will be used to make the building energy and water efficient. It is intended that the new building will achieve : BREAM Eco Homes Standard level "Excellent", Energy performance Certificate (EPC) Rating A and air tightness of less than 5m³/m²hr (air movement) at 50 Pa as a maximum. 3.3.12. The new building has been designed to have almost a zero carbon footprint and to have limited reliance on external energy resources.

5.0 RELEVANT PLANNING HISTORY

None

6.0 PARISH/TOWN COUNCIL COMMENTS

6.1 Hulcott Parish Council – Objects –

1. Damage to the local ecology and biodiversity.

The planning application response from Paul Holton, AVDC Ecologist states: "These proposals involve the development of a greenfield site and are therefore likely to have a negative impact upon biodiversity if unmitigated. The applicant has provided a biodiversity statement from their Architect which I consider to be insufficient to fully assess the impact the proposed development has on this site. The architect is wholly unqualified to carry out this assessment so the applicant is requested to engage a competent ecologist to determine the actual impact of the proposals." Paragraph 109 of the NPPF states that: "*The planning system should contribute to and enhance the natural and local environment by: recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*"

Section 99 of ODPM Circular 06/2005 which accompanies the NPPF states: '*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.*'

Hulcott Parish Council's position is that AVDC should refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2012), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2010.

2. Building in open countryside

It is clear that his proposal does not contribute to and enhance the natural and local environment beyond the ecology and biodiversity issues. It represents an intrusion into rural agricultural land.

The application suggests this is a continuation of the existing collection of houses. The Design and Access Statement at point 4.1.3. claims: The site itself cannot be considered as isolated, but is an extension to the enclave of development and homes forming Cane

End Farm and is neither in a conservation area, or affecting the setting of any listed building. Coupled with the intense development already within the immediate area and the urban expansion of Aylesbury, this is an insignificant proposal. This is a misrepresentation of the facts. The new building lies some considerable distance from the current dwellings at Cane End. The Site Plan shows that it is in fact pretty much equidistant between Cane End development and the nearest houses in the Hulcott Conservation Area.

The Heritage Comments supplied by Laura Levitt, Principal Heritage Officer note: *“Ideally the dwelling would be located closer to the existing buildings of Cane End Farm, in order to avoid the spread of built form, which could undermine the open and verdant quality referred to above.”* Central government planning policy states *“Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide the special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and sensitivity to the defining characteristics of the local area.”* The proposed construction cannot be considered “truly outstanding and ground breaking”.

3. Precedence

The Design and Access statement also makes a number of claims about recent development in the area , in an attempt to downplay the significance of this application and establish precedence. In particular, the following:

1.3. Within the immediate area of Hulcott, there has in recent years been considerable development... 1.4. Adjacent to Cane End Farm, is the nursery/horticulture business, which over the past number of years, has intensified in use and now benefits from a range of new buildings.... 1.5. There are also a number of outbuildings and barns located around the wider settlement in fields, as are also in the wider area of the district. Within Hulcott, there are homes also with many outbuildings and in one instance, a tennis court and tennis court, giving a very domesticated feel to development of the village, sprawling out into the open countryside and visible. 4.1.3.... Coupled with the intense development already within the immediate area and the urban expansion of Aylesbury, this is an insignificant proposal.

We take issue with all these and other similar claims in the same document. There has not been what would be considered considerable or intense development within Hulcott. The new buildings alluded to in 1.4 are replacements for, or built on the footprint of, previous buildings, and the suggestion that the village gives the impression of ‘sprawling out into the open countryside’ is wholly misleading, as any visitor to Hulcott would be able to attest. Indeed AVDC’s Hulcott Conservation Area Document states: “ Small in scale, the village has a contained feel and consists of a handful of buildings located around a central village green. The overall character is one of a picturesque rural idyll. This is in fact, a deliberately engineered appearance resulting from the alterations to existing buildings and the construction of new buildings in the Picturesque manner during the latter half of the 19th century by Baron Lionel and Sir Anthony de Rothschild. The 19th century character or applied character of most of the buildings within the village gives it a very homogeneous appearance which, combined with its small size and contained morphology results in a very cohesive environment. Yet the impact of the more distant past is also evident in the form of the 14th century All Saints Church and the remnants of a medieval manor complex located at the north-eastern corner of the village. Modern development has had very little impact upon the village, and the lack of kerbs, pavements and street lighting enhance its rural and unspoilt character. (Our emphases) The salient point within all this is that there have been no other new dwellings built on previously unbuilt-on land in Hulcott for several decades.

Moreover, the great majority of buildings in Hulcott are pre-20th Century, ranging from the 15th Century onwards. In common with all other areas, there have of course been extensions and improvements to existing dwellings as well as some conversions of existing agricultural buildings and new buildings on the footprint of previous buildings, but this application is unlike all the others in that it creates a substantial new building - not just in a rural environment but on a greenfield site - where previously there was none.

It is the Parish Council's position that this is an unwarranted and inappropriate excursion into open countryside which would impact on the rural nature of the landscape, creating 'sprawl' where there are currently contained collections of houses.

4. Impact on the Hulcott Conservation Area

The Heritage Comments supplied by Laura Levitt, Principal Heritage Officer note: *"Part of the character of the conservation area as a whole is its countryside setting. the verdant quality of the surrounding land and the openness of the adjacent paddock contributes positively to the setting of the conservation area."* The Design and Access Statement claims at point 4.1.4.: The site is hidden from view on all sides, with substantial semi mature trees providing very effective screening and privacy, to which will be added further landscaping and planting to add to Biodiversity and enhance the area.. The site is not hidden from view on all sides and in fact is visible from a number of points within the Conservation Area. Trees may provide partial screening but at ground level the screening is only provided by scattered tree trunks and not canopy, and is thus wholly ineffective. Additional planting to provide further screening will not be effective year round. It will also impact on the nature of the paddock directly between the main part of Hulcott Village and the area of intended development. This in itself will affect the views from the Conservation Area and the nature of the surrounding countryside which has otherwise been unchanged during living memory. It is the Parish Council's position that this new build in open countryside and in view of the Conservation Area will impact negatively on what the Conservation Area is intended to protect.

In sum, in light of each of the above points individually and collectively, Hulcott Parish Council opposes this application and urges that it should be rejected.

7.0 CONSULTATION RESPONSES

7.1 Heritage Officer – No objection subject to conditions - The assessment is the impact on the setting of the conservation area.

Part of the character of the conservation area as a whole is its countryside setting. This part of the conservation area is comparatively inward looking, being centred around the green. However, the verdant quality of the surrounding land and the openness of the adjacent paddock contributes positively to the setting of the conservation area.

Ideally the dwelling would be located closer to the existing buildings of Cane End Farm, in order to avoid the spread of built form, which could undermine the open and verdant quality referred to above.

However, the proposed development site is positioned some distance away from the conservation area boundary. Furthermore, there is also an intervening paddock (referred to above) which would provide a buffer between the conservation area and the application site, especially as the boundary of this paddock is heavily treed.

In order for this paddock to retain its character and thus for the proposals to preserve the setting of the conservation area, it would be important that the boundary planting (referred

to above) is maintained and ideally enhanced, to ensure that this screening remains all year round; which is something which could be conditioned. Similarly, it is also important that no formal boundary treatment, such as fencing, railings etc, is placed along this line. For the same reasons any outbuildings, or other residential additions should be avoided, perhaps with the remove of PD rights/a suitable condition.

The design of the dwelling given the distance of the application site from the conservation area is not a heritage concern in this instance. However it is suggested that in order to ensure good design (and therefore comply with section 7 of the NPPF) that the planning officer ensures that the design, scale and materials of the proposed dwelling and associated works (such as garage, solar panels, access etc) adequately reflects the site context, especially its countryside quality.

Subject to the comments made above:

Heritage Policy Assessment:

The Planning (Listed Building and Conservation Areas) Act 1990

The proposals preserve the character and appearance of the conservation area and therefore complies with section 72 of the Act.

NPPF

The proposal cause no harm to the significance of the heritage asset.

7.2 Ecology – Requests additional information

The Council's Ecologist is generally satisfied with the survey and mitigation measures contained in the Preliminary Ecological Appraisal submitted in support of this application (Ecology by Design, 8th August 2018) but raises the following comments which need addressing prior to approval:

- The executive summary refers to the habitat being of 'low suitability' for great crested newt, whereas throughout the rest of the document the habitats are referred to as being 'suitable'. This inconsistency should be addressed and amended with full justification.
- There are records of great crested newt within 250 m of the site (Pond 1 is 110 m from the site) and the habitats present are deemed 'suitable terrestrial habitat for this species. The report makes use of the Natural England Rapid Risk Assessment calculator and presents the results as 'offence unlikely' on the basis that less than 0.5 ha of habitat will be affected between 100 and 250 m away from the nearest GCN pond. However, the risk assessment does not include any assessment of impacts on individual GCN. Even 'minor disturbance of individual GCN increases the risk to 'likely'. Insufficient measures to minimise the chances of killing, injuring or disturbing GCN are provided within the proposed mitigation which needs to be amended to include as a minimum hand search by an ecologist of any suitable habitat prior to clearance and a statement that should any GCN be found works will cease and Natural England consulted for advice.
- The site is assessed as being 'suitable' for reptiles, but no reptile surveys have been carried out with recommendations for precautionary working measures during site clearance. This approach must be justified in the absence of reptile survey data.
- Enhancement for bats is requested given the suitable nature of the surrounding habitats. This could be included behind the timber cladding on the proposed new dwelling.

If the above issues can be resolved, then a suitable condition could be applied to any planning permission.

7.3 Tree Officer – Objects The submitted tree report is not compliant with BS 5837:2012, and

is not sufficient to show the application is acceptable in arboricultural terms. There is no survey of the trees, and while Root Protection Areas are mentioned, they are not shown on any drawings.

The report states that no trees will be impacted and no removals are required to implement the development, this is encouraging, but there is no evidence to support these statements. Certainly the development is in close proximity to trees, and should they not be directly affected by construction, there is potential for post development pressure to prune or remove the trees.

An Arboricultural Impact Assessment, in accordance with BS 5837:2012 is required to substantiate the statement that trees will be unaffected by the proposal.

7.4 AVDC Highways – No comments - the proposed dwelling is to be taken from the existing private driveway and therefore the Highways Officer has no comments to make in this instance.

8.0 REPRESENTATIONS

8.1 16 objections and 4 letters of support were received from interested parties as a result of the notification surrounding the planning application. This included the display of a site notice, which was posted on 12th July 2018, and an advert was placed in the Bucks Herald published on 20th June 2018. The following provides a summary of the comments received:

Objections

- Building would be visible in winter when the trees loose their leaves – house would not be screened
- Proposed building not truly outstanding or ground breaking – not exceptional
- Design unacceptable
- Objects to new dwelling in open countryside – farm is isolated
- Nearby conservation area would be compromised
- No economic or social benefits
- Will detract from the environment
- Site not in village
- Overdevelopment
- Cane End Farm has spread
- Other applications aside from rural businesses or conversions have been refused
- No housing need with SOA Bierton – Many new homes will be located in Aylesbury and Bierton
- Development in Hulcott has not been “considerable” as applicant suggests
- All new homes have been conversions or on footprint of existing buildings
- Is a wasted design opportunity if traditional barn style is followed
- Latin derivative of Hulcott (conceal/hide) does not justify the erection of a residence
- Changing nature of surrounding area is precisely why Hulcott and small hamlets should be protected
- House wouldn't be modest
- Proposals are contrary to policy
- Roof form is out of keeping
- Cane End Farm is now a village in a village
- Proposed development would detract from countryside
- Scheme would give rise to sprawl that will alter the current pattern and density of development

- Site and surroundings have been grazed for hundreds of years
- Will not enhance natural environment
- Modern development is restricted to village – never greenfield
- Does not complement the majority of buildings
- Concern regarding precedent

Support

- Field not used/suitable for grazing
- Field overgrown with brambles
- House would be out of sight/limited visibility
- Support for eco credentials
- Local employment during building
- Would enable working age men to live in the area – in an ageing population
- Would not impede rural views
- Would protect fields from purchase by a developer
- Area is short of housing
- Impact on wildlife minimal

9.0 EVALUATION

9.1 The main issues for consideration by the Committee in determining this application are:

a) The planning policy position and the approach to be taken in the determination of the application.

b) Whether the proposal would constitute a sustainable form of development having regard to:

- ***Building a strong competitive economy***
- ***Promoting sustainable transport***
- ***Delivering a sufficient supply of homes***
- ***Making effective use of land***
- ***Achieving well designed places***
- ***Promoting healthy and safe communities***
- ***Conserving and enhancing the natural environment***
- ***Conserving and enhancing the historic environment***
- ***Meeting the challenge of climate change and flooding***
- ***Supporting high quality communications***

c) Impact on the amenities of neighbouring occupiers

d) Developer Contributions

EVALUATION

a) The planning policy position and the approach to be taken in the determination of the application

9.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy Framework when coming to a decision on this application.

9.2 The starting point for decision making is the Development Plan. For the purposes of this report, the Development Plan consists of the adopted Aylesbury Vale District Local Plan.

9.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (July 2018) and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposals constitute sustainable development having regard to Development Plan policy and the NPPF as a whole.

Aylesbury Vale District Local Plan (AVDLP)

9.4 The policy position and current housing land supply figures are addressed with the overview report that is to be read in conjunction with this Committee Report.

9.5 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are Policies GP8, GP24, GP35, GP38 - GP40 and GP45. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.

9.6 Policy GP.53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas. By seeking to ensure that the significance of the heritage asset (the conservation area) is preserved or enhanced, this policy is in that respect consistent with the NPPF. The policy does not however go on to include the balancing elements of NPPF paras. 195 and 196 in circumstances where either substantial or less than substantial harm is found, and in that respect it is inconsistent with the NPPF. Given this, the weight to be applied to this policy must be reduced but limited weight can still be afforded to it.

9.7 It is considered that policy GP35 is consistent with the policies of NPPF, and this approach has been supported at appeal, for example the Secretary of State's recent appeal decision at Glebe Farm, Winslow (ref 13/01672/AOP) and also by the Secretary of State and Inspector in considering the schemes subject to the conjoined Inquiry (Hampden Fields/Fleet Marston and Weedon Hill North).

9.8 Policies RA13 and RA14 relating to the supply of housing district wide form part of that overall housing strategy, are now out of date, given that these identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since these policies were adopted, and are not consistent with the NPPF policies to significantly boost the supply of housing based on up to date evidence. RA 13 and RA14 sought to take a protective approach to development and can only be given very limited weight when considering proposals within or at the edge of settlements identified in Appendix 4. Development proposals on sites are to be considered in the context of policies within the NPPF which sets out the presumption in favour of sustainable development at paragraph 11, unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Neighbourhood Plan

9.9 There is no Neighbourhood Plan either in preparation nor made that is of relevance to this planning application.

Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

9.10 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. . The adoption of the Vale of Aylesbury Local Plan is planned to take place later in 2018.

9.11 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment (September 2017). The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture.

Whether the Proposals would Constitute Sustainable Development

9.12 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole (paragraph 3). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development for both plan-making and decision-making.

9.13 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

9.14 Hulcott is not identified in the Settlement Hierarchy Assessment 2017 as having any settlement status, including that as an 'Other Settlement'. Hulcott consists of a small cluster of built development, spread over a relatively small area and most of which is part of the Hulcott Conservation Area and centred around The Green. Cane End Farm is isolated from what could reasonably be considered to constitute the built extent of the village of Hulcott. This adds to the remote rural character of the locale. As a result, the site is considered to be in an isolated location in the countryside.

9.15 Paragraph 79 of the NPPF sets out a limited range of circumstances whereby isolated new homes in the countryside may be acceptable. These comprise the following:

- a) An essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) The development would represent the optimal viable use of a heritage asset or would be enabling development to secure the future of heritage assets;
- c) The development would re-use redundant or disused buildings and enhance its immediate setting;
- d) The development would involve the subdivision of an existing residential dwelling; or
- e) The design is of exceptional quality, in that it:
 - f) Is truly outstanding or innovative reflecting the highest standards in architecture, and would help raise the standards of design more generally in rural areas; and
 - g) Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

9.16 Neither a-d are applicable to this application and the applicant has not sought to demonstrate that any of these exceptions apply to the proposals. They have however sought to demonstrate e) in that the design is of exceptional quality. Whilst the measures to create an eco-friendly home are admirable there is nothing “truly outstanding or innovative” in this sense as such measures increasingly are becoming common place, particularly in connection with bespoke built homes. In any event eco-friendly measures alone are not listed as something that would constitute design of an exceptional quality. The guidance in the NPPF rather points to “the highest standards in architecture”. In this instance the design of the dwelling as proposed is rather ordinary and could not be said to be truly outstanding or innovative or reflects the highest standards in architecture. Further more the development proposals, for reasons explored elsewhere in this report, are not considered to significantly enhance the either the site or the proposed dwellings immediate surroundings.

9.17 As none of the aforementioned circumstances whereby an isolated dwelling in the countryside might be acceptable apply the development proposals are considered to be unacceptable in principle and this weighs heavily against the proposals when considering the overall planning balance. Nonetheless it remains necessary to consider the application against the sustainability tests of the NPPF as a whole.

Building a Strong Competitive Economy

9.19 The Government is committed to securing and supporting sustainable economic growth and productivity in order to create jobs and prosperity but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

9.20 There would be economic benefits associated with the development arising from the construction phase, albeit time limited. There could also be benefits associated in the increase in population that would follow the development of new homes. This would be held in limited weight due to the scale of the limited increase in population proposed and the time limited nature of the benefit associated with the construction phase of the development.

Promoting Sustainable Transport

9.21 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the guidance in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.22 In respect of transport sustainability, the site is in a rural location within the countryside, albeit within an existing small group of buildings and adjacent cluster of buildings. Hulcott is not identified as a settlement, and as such would not benefit from the provision of any services or facilities. On this basis, it is reasonable to suggest that the site is not well connected and would rely solely on the use of a private vehicle. The lane is unlit and so would not always be safe for walking and in any event there are limited services within walking distance. The use of this lane is also required to reach the bus stops on the A418. The site is not considered to be a sustainable location nor promote the use of sustainable forms of transport, and would therefore not comply with the overall aims of the NPPF. Negative weight should be given to this consideration in terms of the planning balance.

9.23 To assess the other transport considerations, there is no reason to think that the addition of one dwelling would amount to a severe cumulative impact on the highway network. As the access is taken from a private road AVDC Highways Officer has not raised any concerns regarding the proposal.

9.24 AVDLP policy GP.24 requires that new development accords with published parking guidelines. SPG1 'Parking Guidelines' sets out the appropriate parking requirements for various types of development. A three bedroom house would give rise to a parking requirement of 2 car parking spaces. It is clear that at least 2 car parking spaces could be accommodated on site. Secure cycle storage has also been shown on the application drawings. It is however considered that the proposal has no access to any sustainable transport modes, and would solely rely on the use of the private car in order to commute as there are no local services/facilities available. As such, this matter should be afforded significant negative weight in the planning balance in terms of sustainability of location, having regard to the NPPF and Local Plan policy.

Delivering a sufficient supply of homes

9.25 Local planning authorities are charged with delivering a wide choice of high quality homes and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land.

9.26 Based on the findings of the HEDNA, at this time, the Council is able to demonstrate an 11.7 years housing land supply within its interim approach published in the position statement of

June 2018 (compared) with 9 years previous. Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply. It is acknowledged that this continues to be an interim housing supply position as no element of unmet need that we will be asked to accommodate in Aylesbury in the housing requirement as any potential unmet need figure is not agreed with other HMA authorities as yet. The overview report on the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test to apply in November 2018 and the approach to not include any element of unmet need.

9.27 Whilst there is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply which is a public benefit to which positive weight should be given, owing to the small scale of development proposed such a contribution is limited in the overall planning balance.

Making Effective Use of Land

9.28 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

9.29 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

9.30 The submitted application form indicates a site area of 0.405 hectares and so the development would equate to a density of approximately 2.5 dwellings per hectare. The need to consider the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places is dealt with in the following section(s) of the report.

Achieving well designed places

9.31 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

9.32 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.33 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,

taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

9.34 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.

9.35 As discussed previously, It is noted that in the context of the site, a new dwelling would only be acceptable if the design is of truly exceptional quality in that it is truly outstanding or innovative reflecting the highest standards of architecture, and would help raise the standards of design more generally in rural areas. The development proposals amount to a very ordinary looking building that is neither outstanding nor innovative and it certainly does not reflect the highest standards of architecture. The building as proposed is bulky and the proportions of the building and roof form lack elegance and are neither pleasing to the eye nor well balanced. The design incorporates large expanses of blank elevation that lack any detailing or articulation that would add a level of interest that would represent the highest standards or architecture. Given that the design is neither outstanding nor innovative, there would be no reason for it to raise the standards of design in this rural area. By virtue of the change of use of the land in this rural location, the development proposals could not be said to significantly enhance its setting.

9.36 The impact of the proposed development upon the landscape and natural environment is considered in more detail below. To take the design of the proposed development, the test of appropriateness in this instance is whether it would constitute truly outstanding and innovative design. In this instance there is not considered to be anything outstanding or innovative about the design put forwards and rather it is quite ordinary. The test for the design of a new dwelling in an isolated position in the countryside is much more stringent and whilst in other circumstances the design of the house might be acceptable, in this instance in the isolated rural context it is unacceptable. This is held in significant negative weight when considering the overall planning balance and the scheme is contrary to AVDLP policy GP.35 and paragraph 79 of the NPPF.

Promoting healthy and safe communities

9.37 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.

9.38 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development. The need for financial contributions are considered in section d of this report. There is no reason to believe that the development proposals, which will be expected to comply with the relevant building regulations, would not be capable of providing a safe and accessible environment and this is held in neutral weight in the overall planning balance.

Conserving and Enhancing the Natural Environment

9.39 In terms of consideration of impact on the natural environment regard must be had as to how the development would contribute to the natural environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on the landscape, trees and hedgerows and biodiversity.

9.40 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

9.41 In terms of landscape, the current setting is one of a countryside and rural appearance. The limited built development generally is organised in reasonably compact clusters. The site currently comprises semi-mature trees that are characteristic of views within the locale. As a whole, it is an undeveloped area of land which is rural in character. The introduction of a new house with outbuilding, access road and parking area on an undeveloped site that is separated from the existing built form of the village and Cane End Farm would undermine the open and verdant quality of the location. The proposed development bears no relationship with the existing built form. The spread of built form away from the existing farm is unacceptable and harmful in this instance. Whilst there would be screening, afforded by the hedges on the public highway and the copse on the application site, this would not mean that the dwelling isn't there and it would be very apparent to anybody using the private drive that serves the farm and provides access to a number of dwellings and from the footpath that runs to the north of the site. The proposed development is considered to constitute an isolated dwelling in the countryside and this is a form of development that the NPPF seeks to restrict to limited circumstances. Open paddocks and woodland are important to the rural character of the area and the development proposals would harm this. This should be afforded significant negative weight in the overall planning balance.

9.42 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. The submitted tree report states that no trees will be impacted and no removals are required to implement the development but there is no evidence to support these statements. Certainly the development is in close proximity to trees, and should they not be directly affected by construction, there is potential for post development pressure to prune or remove the trees. If planning permission were to be granted issues surrounding the retention of the trees could be dealt with by a condition to secure a scheme of landscaping and tree retention. A reason for refusal would not be warranted on this basis.

9.43 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gain in biodiversity where possible. Given the rural setting and countryside location, there is potential for protected species on the site. The Ecologist is concerned that the development's impact on Great Crested Newts and other reptiles has not been properly explored in the submitted Ecological Appraisal. The application submission fails to demonstrate that net ecological gains required under the NPPF can be delivered through the development as proposed. If planning permission were to be granted a pre-commencement condition could be applied to secure the additional survey work required and to secure mitigation for the bat and Great Crested Newt population as appropriate. Further information would need to be provided to demonstrate net gain. On this basis with the use of conditions the development could secure the protection and enhancement required by the NPPF and this factor is afforded neutral weight in the planning balance.

Agricultural land

9.44 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the “best and most versatile” agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

9.45 There is no definition as to what comprises ‘significant development’ in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site (00.32ha) falls well below this threshold.

9.46 The NPPF defines “best and most versatile” agricultural land as Land in grades 1, 2 and 3a of the Agricultural Land Classification.” The application site is not classified as “best and most versatile” agricultural land and this is subsequently held in neutral weight in the planning balance.

9.47 In summary, considering the development’s role in conserving and enhancing the natural environment; from a character, trees and landscape and ecological point of view, the development proposals are considered to be contrary to AVDLP policies GP35, GP38, GP39, GP40, RA3 and paragraph 170 of the NPPF. Significant negative weight is apportioned to this issue when considering the overall planning balance.

Conserving & Enhancing the Historic Environment

9.48 A positive strategy under paragraph 185 of the NPPF is required for the conservation and enjoyment of the historic environment and an assessment will need to be made of how the development proposals sustain and enhance the significance of heritage assets and the positive contribution that conservation of assets can make to sustainable communities as well as the need to make a positive contribution to local character and distinctiveness.

9.49 The Heritage Officer has assessed the development’s potential to impact upon the setting of the Conservation Area the boundary of which extends to within 100 metres of the boundary of the curtilage of Cane End Farmhouse. The design of the dwelling, given the distance of the application site from the conservation area, is not a heritage concern in this instance and the Heritage Officer is thus satisfied that the proposals preserve the character and appearance of the conservation area and therefore complies with section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 and causes no harm to the significance of the heritage asset in accordance with the NPPF.

9.50 Based on the above the ability of the development proposals to conserve and enhance the environment is held in neutral weight when considering the overall planning balance.

Meeting the Challenge of Flood Risk & Climate Change

Flood Risk

9.51 Paragraph 163 of the NPPF requires new development to ensure that flood risk is not increased elsewhere. The site is located in Flood Zone 1 and is not identified to be at risk of surface water flooding. The development site is thus regarded to be at low risk of flooding. It is not considered that the proposed development would materially increase or exacerbate flood risk on the site or in the wider locality. As such, it is considered the proposed development would be resilient to climate change and flooding in accordance with the NPPF and this factor should therefore be afforded neutral weight in the planning balance.

Climate Change

9.52 The proposed dwellings are required to be constructed to modern standards of design and

sustainability to accord with current building regulations. In this instance the building is proposed to include a number of sustainable technologies so as to be low carbon and to have low reliance on non-renewable energy sources. This is held in limited positive weight when considering the overall planning balance. The level of weight is tempered due to the scale of the development proposals, the fact that all new development is expected to incorporate technologies to meet the challenges posed by climate change and the fact the eco-technologies will be mitigating the impact of the development rather than having any further reaching impact.

Supporting high quality communications

9.53 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

9.54 There is no reason to think that the proposed development would interfere with broadcast or electronic communication services. This is held in neutral weight in the overall planning balance.

c) Impact on the Amenities of Neighbouring & Future Occupiers

9.55 AVDLP policy The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP8 explains that planning permission will not be granted where development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.

9.56 Given the isolated nature of the site and the separation distances from the nearest neighbouring property, it is not considered there would be any resultant amenity impact in this instance, and this factor would be afforded neutral weight in the planning balance having regard to the ADVLP policy GP8 and NPPF advice.

d) Developer Contributions

9.57 Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and, where necessary, require financial contributions to meet the needs of the development. In accordance with the NPPG tariff-style s106 contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. In accordance with AVDLP policy GP2 affordable housing will only be sought on developments comprising 24 or more dwellings or the site area amounts to 1 hectare or more. On this basis the development proposals fall below the relevant thresholds at which developer contributions are sought. This is held in neutral weight in the overall planning balance.