

AYLESBURY VALE DISTRICT COUNCIL

Town and Country Planning Act 1990**The Town and Country Planning (General Development Orders)****17/01225/AOP**

Mr Paul Hill
5 Ridgeway
Quinton
BIRMINGHAM
B32 1AF

Richborough Estates Ltd
C/O Agent

Subsequent to your application that was valid on the **31st March 2017** and in pursuance of their powers under the above mentioned Act and Orders, the Aylesbury Vale District Council as Local Planning Authority **HEREBY REFUSE PERMISSION FOR:-**

Outline planning application with access to be considered and all other matters reserved for a residential development of up to 72 dwellings, open space, landscaping, drainage features and associated infrastructure.

AT:-

Land At Churchway Haddenham Buckinghamshire

The reasons for refusing your application are:-

- 1 The proposed development is unacceptable, being on a greenfield site within open countryside, which fails to demonstrate a relationship to the existing settlement pattern. The layout of the buildings do not reflect those surrounding it to the west, nor to the ribbon of houses directly south, as demonstrated in the submitted DAS. The site also feels detached from the settlement of Haddenham, located in an open landscape with views of the countryside to the north and west and east. This site feels part of a wider network of fields and aids in contributing to the rural quality of Haddenham and the open countryside. The LCA assessment points to unwelcome visual intrusions on the landscape as being suburban fringe developments on the edge of settlements, and this proposal is considered to be contributing to this visual intrusion. Churchway creates a distinct boundary between the residential settlement to the west and the open countryside to the east. Despite this landscape not being designated on a national or local level, the landscape within the application site is of value. The proposal is not considered to complement the physical characteristics of the site and the surroundings, nor does it feel part of the historic scale and context of the village setting. In addition the scheme results in some loss of the best and most versatile agricultural land. The proposal is therefore contrary policy GP.35 of the Aylesbury Vale District Local Plan (AVDLP) and NPPF.
- 2 Insufficient information has been submitted by the applicant to enable the highways, traffic and transportation implications of the proposed development to be fully assessed. From the information submitted, it is considered that the additional traffic likely to be generated by the proposal would adversely affect the safety and flow of users of the existing distributor road network, contrary to the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 3.
- 3 Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a Section 106 Agreement to secure financial contributions towards off-site education contributions, off-site transport

contributions, off-site sport and leisure facilities, and securing the on-site provision of open space, playspace and SUDs and their maintenance. In the absence of such provisions, the proposal is contrary to the requirements of policies AVDLP policies GP86, 87, 88, policy TGA3 of the Haddenham Neighbourhood Plan and NPPF.

INFORMATIVE(S)

1 Vehicular access drawing should be confirmed as a drawing for consideration given 'access' is for consideration. Similarly, the consideration of means of access should include the provision of the 3 no. pedestrian access points into the scheme however, the lack detailed design information necessitate their consideration being reserved.

2 The illustrative drg Appraisal Layout ref. P16-0007-05-2B shows a single cluster of 22 affordable dwellings through the middle of the site which would not be supported if the proposals was to come forward in such a form at reserved matters. Roads and garden boundaries do not separate clusters in the opinion of the Council and the concentration of the affordable housing should be broken up and the dwellings dispersed.

3 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, there are fundamental conflicts with development plan policies and advice in the National Planning Policy Framework and no material considerations are apparent to outweigh the matters described above. The Council has therefore considered the application as submitted and the application has been refused.

Your attention is drawn to the attached notes.

Mrs Claire Bayley

For and on behalf of the District Council
31st July 2017

NOTES FOR RPP1, AOP2 & ATNR

1. APPEALS

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, you must do so within 6 months of the date of this Notice, using a form which you can get from the Planning Inspectorate, 3/15a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You can also lodge an appeal via the internet at www.planningportal.gov.uk/pcs

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If either the local planning authority or the Secretary of State for Communities and Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

2. BUILDING REGULATIONS

This Refusal under the Town and Country Planning Act **DOES NOT** operate as a Refusal under the provisions of the Building regulations. If you have any questions please speak with the Council's Building Control section on 01296 585460.