

---

## Appeal Decision

Inquiry opened on 20 October 2015

Site visit made on 27 October 2015

**by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

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

**Decision date: 07 December 2015**

---

**Appeal Ref: APP/J0405/W/15/3002218**

**Land off Station Road, Ivinghoe, Buckinghamshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Gladman Developments Ltd against Aylesbury Vale District Council.
  - The application Ref 14/02002/AOP, is dated 4 July 2014.
  - The development proposed **was described on the application form as "outline application for up to 70 residential units, associated infrastructure and defined access with all other matters reserved"**.
  - The inquiry sat for 5 days on 20, 21, 22, 23 & 28 October 2015.
- 

### Decision

1. The appeal is dismissed and planning permission is refused.

### Preliminary matters

2. The Council failed to determine the application within the statutory period, which resulted in the appellant lodging an appeal on 6 January 2015 on the grounds of non-determination. Subsequently, under delegated powers and by means of a decision dated 17 June 2015, Council Officers indicated that if the Council had still had jurisdiction it would have refused planning permission for 4 reasons<sup>1</sup>. But before this putative decision was issued the appellant submitted a similar outline application<sup>2</sup>, this time for up to 60 residential units and associated infrastructure, on the same overall application site. In turn, this second application was refused under delegated powers on 20 August 2015, essentially for the same 4 reasons.
3. The appellant did not appeal the refusal of this second application, but requested that the already lodged appeal be determined on the basis of the lesser number of dwellings proposed in the second application. There was no significant objection to this course of action from the Council or the Rule 6(6) Party, Ivinghoe Together (IT), and as full consultation had taken place on the second application I consider that no-one with an interest in these proposals would be unduly prejudiced by me determining the appeal on the basis of the 60 unit scheme. For the avoidance of doubt I therefore confirm that my decision relates to an outline application, with only access to be determined at this stage, for up to 60 residential units and associated infrastructure as indicated on Framework Plan 5998-L-101\_C.

---

<sup>1</sup> See Document 25, the Statement of Common Ground

<sup>2</sup> Ref 15/01491/AOP

## Main issues

4. A key backdrop to this appeal is the undisputed fact that the Council cannot demonstrate a 5-year supply of deliverable housing sites, in accordance with the National Planning Policy Framework ("the **Framework**"). This has a bearing on the fourth main issue and the planning balance, which I consider later in this decision.
5. Because of the nature of the Ivinghoe Conservation Area, detailed below, there are **clear areas of overlap between the Council's putative reasons** for refusal which deal with heritage matters and landscape matters. This is reflected in my consideration of the main issues.
6. **One of the Council's putative reasons for refusal related to the absence of financial contributions and the provision of necessary affordable housing.** However, during the course of the inquiry the appellant submitted a unilateral undertaking, made under Section 106 of the Town and Country Planning Act 1990, as amended, and the Council is content that this addresses all its concerns in these regards. Accordingly, I do not regard this matter as a main issue in this appeal.
7. Finally, the matter of access arrangements proved to be relatively uncontroversial and is not therefore included as one of the main issues, which I consider to be:
  - i. The effect of the proposed development on the setting of the Ivinghoe Conservation Area;
  - ii. The effect of the proposed development on the character and appearance of the surrounding area and on the setting of the village;
  - iii. Whether the proposal should be considered to be sustainable development, in the terms of the Framework; and
  - iv. In the acknowledged absence of a 5-year supply of deliverable housing sites how the planning balance, involving the benefits and disbenefits of the proposed development, should be assessed.

## Site description, surrounding area and details of the appeal proposal

8. The appeal site comprises some 4.9 hectares (ha) of land, located to the west of Station Road, Ivinghoe. It consists of 2 generally flat, irregularly shaped agricultural fields of unequal size, with the larger field to the east being about 3.8 ha and the smaller, western field extending to about 1.1 ha. The 2 fields are separated by the Whistle Brook, which forms part of the parish boundary between Ivinghoe and Pitstone, a larger village which lies to the west and which abuts Ivinghoe on the B489, known as Marsworth Road within Pitstone and High Street within Ivinghoe. The appeal site lies within walking distance of Ivinghoe village centre, and some services and facilities in Pitstone.
9. The site partly adjoins existing residential development to the north of Ivinghoe and east of Pitstone. Existing vegetation is located along some lengths of the site's boundaries and along the Whistle Brook, with a number of large, mature trees lining the eastern boundary with Station Road. Ford End Farm and Ford End Water Mill (a restored water mill open to the public) lie **adjacent to the site's northern boundary**, within part of the Ivinghoe Conservation Area which was extended in 2015. The western site boundary is defined by existing dense vegetation, beyond which lies a site within Pitstone which has outline planning permission for residential development for 40 dwellings<sup>3</sup>.

---

<sup>3</sup> Ref 13/03491/AOP

10. The grounds of Brookmead Primary School **adjoin part of the site's** south-western boundary, with a row of scattered trees running along this boundary. The appeal site also abuts an area of open, somewhat overgrown land on part of its south-eastern boundary. This land, known as the Bottom Lawn, was added to the **Council's Register of Assets of Community Value** in January 2015<sup>4</sup>. The Bottom Lawn abuts the village recreation ground, known as the Lawn, which lies further to the south, bordered by High Street and Station Road.
11. A public footpath runs from Station Road through the Bottom Lawn, adjacent to the southern portion of the appeal site, and further footpaths cross the Bottom Lawn providing routes to the village centre and the Lawn. Much of the centre of Ivinghoe, including the Bottom Lawn, the Lawn and development along High Street, Church Road and Station Road lie within the southern part of the recently extended Ivinghoe Conservation Area.
12. A network of Public Rights of Way exists within the surrounding area, including the Grand Union Canal Walk long distance footpath which runs along the canal to the north of the site, and numerous footpaths within the Chilterns Area of Outstanding Natural Beauty (AONB) which lies to the east of the village. I visited some of these more distant paths as part of my accompanied and unaccompanied site visits.
13. The appeal proposal seeks to provide up to 60 dwellings, with a mix of housing types, of which 35% would be affordable. Vehicular access would be provided by a new priority junction with Station Road. The Framework Plan indicates that some 2.70 ha would be given over to public open space, green infrastructure, a balancing pond and swales, with this being greater than the area proposed for the residential development, which would amount to about 2.15 ha. This Framework Plan also indicates that all of the housing would be sited within the larger, eastern field with no built development proposed in the smaller field to the west of the brook.

### **Planning policy context**

14. The Aylesbury Vale District Local Plan (AVDLP), which was adopted in 2004, had an end date of March 2011 and has therefore now expired. However, certain policies of this Plan were **"saved" by direction of the Secretary of State** for Communities and Local Government in 2007, and are still operative. The Council's putative reasons for refusal allege conflict with 3 of these saved policies: GP.35 dealing with the Design of Development Proposals; GP.53, dealing with New Development in or adjoining Conservation Areas; and RA.2, dealing with Loss of Open Gaps and Consolidation of Settlements.
15. The Council does not have an up-to-date development plan because the draft Vale of Aylesbury Plan, which was subject to hearing sessions in 2013, was subsequently withdrawn by the Council in 2014 following a recommendation from the Inspector charged with examining the Plan. Although the Council is now preparing the Vale of Aylesbury Local Plan (VALP), this is at an early stage and the main parties agree, through the Statement of Common Ground (SOCG), that no weight can be given to the VALP in the determination of this appeal. I share that view.
16. The SOCG also explains that Ivinghoe Parish Council is in the process of developing a Neighbourhood Plan (NP), but that this is at an early stage of preparation and there are no NP proposals relating to the appeal site. Because of this I share the

---

<sup>4</sup> See Appendix 5 to Andrew Dicker's evidence

main parties' **view** that the Ivinghoe NP cannot be afforded any material weight in the determination of this appeal.

17. A NP is also in preparation for Pitstone, and this is at a more advanced stage, having completed its Regulation 14<sup>5</sup> pre-submission consultation<sup>6</sup>. Indeed I was informed at the inquiry that it had just been submitted to the Council for public consultation, in accordance with Regulation 16. As noted above, land within the appeal site to the west of the Whistle Brook lies within Pitstone Parish, and this land is identified within the pre-submission NP as Local Green Space. As this area is proposed to remain undeveloped under the appeal proposal, the representative of Pitstone Parish Council who spoke at the inquiry did not raise any specific objections on the grounds of conflict with the NP. But as there are a number of objections to this draft NP, including from the appellant, I can only give limited weight to the Pitstone NP at this stage.
18. At the national level the Framework, published in 2012, is a material consideration in the determination of this appeal.

## **Reasons**

### ***Main Issue 1 – The effect on the setting of the Ivinghoe Conservation Area***

19. As already noted, there are clear overlaps between the Council's putative reasons for refusal 1 and 3. In summary, the first of these alleges that the proposed development would give rise to significant detriment to the landscape setting of Ivinghoe, whilst the second alleges that there would be a significant harmful change to the setting of the Ivinghoe Conservation Area, thereby harming the significance of this heritage asset. This overlap arises largely as a result of the form and character of the village, and the importance of landscape in defining its setting, as detailed in the recent Ivinghoe Conservation Area Review 2015 which resulted in an updated Conservation Area Appraisal<sup>7</sup> (CAA).
20. The appellant made representations to some aspects of this Conservation Area Review, primarily concerning Ford End and the proposed western extension to incorporate the Bottom Lawn. The appellant was also critical of the process by which the Council reviewed and extended the conservation area, pointing out that as **such matters are solely within the Council's jurisdiction**, there are no opportunities for **anyone dissatisfied with the Council's decision to seek an independent review**, apart from a judicial review on a point of law. That said, there is no firm evidence before me to suggest that the Council has acted in any untoward manner in extending the Ivinghoe Conservation Area and, accordingly, I give weight to the content of the CAA.
21. **The CAA states that Ivinghoe's connection to the surrounding landscape is still** evident in the vernacular style of its surviving historic buildings, and in this regard it provides an assessment of the significance of the listed buildings and other heritage assets within the village. It also comments that **Ivinghoe's** significance as a centre for local trade, at the junction of 2 locally important roads, is still reflected in the layout of the village which has remained relatively unchanged since the medieval period. This is said to create a strong and tangible connection with the past and be **fundamental to the village's historic character**.

---

<sup>5</sup> Of The Neighbourhood Planning (General) Regulations 2012

<sup>6</sup> See Appendix 6 to Andrew Dicker's evidence

<sup>7</sup> Core Document 8.4 - the version of this document submitted to the inquiry suggests that it is still in draft form, but the Council's heritage witness confirmed that it was formally approved by the Council in June 2015.

22. The CAA further explains that whilst there are many aspects to Ivinghoe that make it distinctive, its setting is perhaps the most fundamental. The village is described as being picturesquely located against the backdrop of the Chiltern Hills and on the edge of the AONB, with its elevated position meaning that a number of spectacular panoramic views can be gained from various vantage points throughout the village. The CAA goes on to indicate that it is the contrast between the expansiveness of these views and the intimate and enclosed parts of the historic core of Ivinghoe which marks a distinctive characteristic of the village and one which it is stated to be important to maintain.
23. Trees, vegetation and open space are noted in the CAA as playing a fundamental role in establishing the character of the village and reinforcing its visual connection to the surrounding rural landscape. Moreover, Ivinghoe is stated to be unusual, as the openness of the Lawn area allows the landscape to the north and north-west to extend right into the heart of the village, with this lack of clear definition between **rural and built space being a key element of the village's character.**
24. The principal additions to the conservation area, arising from the recent review, and which have a bearing on the appeal proposal, comprise a new, northern area of land associated with a group of 3 buildings at Ford End, together with a western extension of the main, southern part of the conservation area to incorporate the Bottom Lawn. In the new, northern part, Ford End Farm abuts the appeal site at its northern boundary whilst a farmyard complex of former outbuildings, now converted to domestic residences, lies adjacent to the main farmhouse.
25. The CAA states that despite its dislocation from Ivinghoe, this attractive agricultural complex is significant because it is visually prominent in middle distance views from the Lawn and from points along Station Road. It is also stated to reflect the former importance of agriculture as the mainstay of the local economy, and reflect the rural character of the village and its surrounding area. This northern area also includes Ford End Water Mill, and the former farmhouse at Whistle Brook Farm, both of which are grade II listed. But as the former lies to the north of Ford End Farmhouse and the latter lies on the north-eastern side of Station Road, neither is particularly visible from the appeal site or from the southern part of the conservation area.
26. The inclusion of the Bottom Lawn means that the conservation area now lies immediately adjacent to part **of the appeal site's southern boundary.** The CAA explains that based on historic maps of the village, the Bottom Lawn has been largely undeveloped, apart from a building complex close to the Station Road frontage which was demolished during the 19<sup>th</sup> century, and that footpaths have historically crossed this area.
27. There is general agreement between the main parties that the proposed development would not result in harm to the setting of any listed buildings and that, accordingly, there would be no conflict with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA Act). I share that view. Section 72 of the PLBCA Act does not effect any statutory protection for the setting of conservation areas, but the main parties consider it appropriate to have regard to the statutory duty imposed by Section 72 in circumstances, as here, where an impact on the setting of a conservation area is capable of causing harm to the character or appearance of the conservation area itself. I have noted this view, and in assessing this proposal I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

28. However, I have primarily had regard to paragraph 132 of the Framework which makes it plain that great weight should be given to the conservation of a designated heritage asset and have been mindful of its comment that a **conservation area's** significance<sup>8</sup> could be harmed by development within its setting. In this case, having regard to viewpoints contained in the Landscape and Visual Impact Assessment<sup>9</sup> (LVIA) which accompanied the planning application, and my own observations at the accompanied site visit, it is clear that the appeal site forms part of the setting of the conservation area.
29. This is apparent from a number of locations, including Station Road, from where the buildings at Ford End Farm are seen across the north-eastern part of the appeal site; the public footpath which skirts **part of the appeal site's** southern boundary, from where the appeal site forms the foreground to views of Ford End Farm; and the Lawn and Bottom Lawn, from where some of the panoramic views referred to in the CAA can be obtained. The CAA explains that significant features within these views include the grade 1 listed Mentmore Towers, natural features such as Cheddington Hill, and heritage assets such as the farmhouse and farmyard complex at Ford End.
30. **I share the appellant's** view that insofar as the northern part of the conservation area is concerned, the appeal site provides an immediate rural setting to Ford End Farm but makes no significant contribution to the setting of the remainder of this part of the heritage asset. However, I do not agree **with the appellant's assessment** that the appeal site makes only a very limited contribution to the significance of the southern part of the conservation area.
31. In taking this position the appellant argues that there is intervening tree cover and that only a small part of the appeal site can be seen from this area, notably from the Lawn, such that it is the surrounding vegetation rather than the openness of the entire site which makes any material contribution to these views. In this regard I accept that **the appellant's** LVIA Viewpoint 11 is intended to be representative of the types of view possible from the Lawn, and that trees and other vegetation are key features in this view, especially when in leaf as in the Viewpoint 11 photograph.
32. However, at my accompanied site visit I found that the open nature of the appeal site, with trees around its boundaries and not within the body of the site, could be seen quite clearly from many locations within the Lawn and the Bottom Lawn. I could also appreciate how this open nature and appearance could well be heightened **during the winter months, when many of the trees' leaves will have fallen.** In **addition, I was also able to experience the rather unique way in which a "tongue" of undeveloped land, including the appeal site, leads up from Ford End and the north-west and extends into the heart of the village, as described within the CAA.**
33. I do acknowledge that the contrast between these wider views and the more intimate and enclosed nature of the historic core of the village is more readily experienced from the southern parts of the Lawn, closer to the historic, built-up area of the High Street. But there is nothing in the CAA to suggest that these views are more important than any of the other views and vistas identified, and as these wider views are ever-present from much of the Lawn and Bottom Lawn, they serve to emphasise the rural setting of the village.

---

<sup>8</sup> For the purposes of heritage policy, the Framework defines "significance" as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting

<sup>9</sup> Core Document 1.5R

34. If the appeal proposal was to proceed, the intention would be to leave an undeveloped strip of land some 20m wide adjacent to Station Road, and a much wider undeveloped strip, varying between about 40m and 90m at the northern extent of the site, adjacent to Ford End Farm. Also, as noted previously, there would be no built development in the western field. The submitted Framework Plan shows that there would be new tree and shrub planting within these undeveloped areas, as well as along the southern site boundary, and the appellant has indicated that there would be a landscaping scheme for the development area itself.
35. I acknowledge that new planting could assist in shielding and softening views of some of the proposed houses, but landscaping for this purpose would be an unusual and atypical feature in this otherwise undeveloped area. Indeed the appeal proposal would result in a clear change to the currently open nature of the appeal site, and in my assessment this would be particularly apparent in views from Station Road and from the Lawn and Bottom Lawn. From these latter locations I acknowledge that longer distance views of Mentmore Towers and Cheddington Hill would not be directly affected, although the new development area would now be seen as occupying the middle distance in these wider views, on land lower than the Lawn.
36. More importantly the proposed development would block views of the Ford End Farm complex, thereby breaking the visual connection between the northern and southern parts of the conservation area. It would also interrupt and impede the impression of open and undeveloped land sweeping into the heart of the village and providing the setting for the conservation area, as is currently the case. In addition, the proposed housing and its associated landscaping would block or, at the very least, impede views of the agricultural complex from the public **footpath along the site's southern boundary**<sup>10</sup>; and be seen in the same views as the agricultural complex from between the mature trees on Station Road<sup>11</sup>, thereby impinging on the otherwise rural appearance of the area.
37. Both the appellant and the Council consider the degree of harm to the heritage asset would be less than substantial, in the terms set out in the Framework, and I share that view. But there is a clear difference of opinion between these parties as to how the extent of this harm should actually be categorised. The appellant argues that the appeal proposal would only have a very minor harmful impact on the setting of the main, southern part of the conservation area, resulting in a very minor degree of harm to the setting and significance of the conservation area overall. Because of **this the appellant's position is that on a notional "staircase of harm to significance"**, the extent of harm should be seen as somewhere at the bottom of the staircase, with the boundary of "less than substantial harm" being half-way to the top.
38. However, having regard to my observations and findings detailed above, and using **the "staircase" analogy** just referred to, I consider that the level of harm to the setting and significance of the conservation area would sit materially higher than suggested by the appellant. Indeed, on this first issue I conclude that the proposed development would have a significant adverse impact on the setting of the Ivinghoe Conservation Area, thereby having an appreciable, harmful effect on the significance of the conservation area itself. In accordance with guidance in the Framework, this harm needs to be weighed against the public benefits of the proposal.
39. The proposal would also fail to either preserve or enhance the character or appearance of the conservation area and, as such, it would be at odds with saved

---

<sup>10</sup> LVIA Viewpoints 4 and 5

<sup>11</sup> LVIA Viewpoint 2

AVDLP Policy GP.53. This policy does not fully accord with Framework guidance, as it goes on to indicate that development proposals will not be permitted if they cause harm to the character or appearance of conservation areas or their settings, and this conflict means that the policy cannot carry full weight. But it is not reasonable to totally disregard its aims and objectives which, in addition to the matters set out above, require development proposals to respect the features in a conservation area which contribute to its character and appearance.

40. These are sound and reasonable planning objectives which echo the Section 72 statutory duty outlined earlier. I shall therefore have regard to these matters when carrying out the necessary balancing exercise, required to accord with Framework guidance, which I do later in this decision.

**Main Issue 2 – The effect on the character and appearance of the surrounding area, and on the setting of the village**

41. There are essentially 2 matters to consider under this second main issue, namely **landscape impact and potential coalescence, corresponding to the Council's putative** reasons for refusal 1 and 2. As noted earlier, the first reason for refusal alleges that the proposed development would give rise to significant detriment to the landscape setting of Ivinghoe, whilst the second maintains that the proposed development would result in the erosion of the visually significant gap which separates Ivinghoe, Pitstone and Ford End, thereby resulting in increased coalescence between the built-up areas of the 2 villages and the historically separate hamlet.
42. **In contrast the appellant's position, set out in the LVIA and reinforced by the appellant's** landscape witness at the inquiry, is that the proposed development could take place without giving rise to any significant landscape or visual effects, and without leading to coalescence of Ivinghoe, Pitstone or Ford End. I explore these conflicting views below.
43. Dealing first with landscape and visual impact, the LVIA confirms that the appeal site does not lie within the Chiltern Hills AONB, which lies generally to the east of the village, nor within **an "Area of Attractive Landscape" or a "Local Landscape Area"**, as designated within the AVDLP. As a result the site does not benefit from any specific protection arising from national or local landscape designation, and acceptability of development upon it needs to be assessed in the context of the relevant saved AVDLP policies and other material considerations, including the Framework.
44. Saved AVDLP Policy GP.35 sets out a number of matters which the design of new development should respect and complement, namely the physical characteristics of the site and 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.
45. The Framework's core planning principles include the requirement that planning should contribute to conserving and enhancing the natural environment and reducing pollution; and that it should encourage the effective use of land by reusing land that has been previously developed. Amongst other matters, paragraph 109 indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
46. Through the LVIA the appellant has assessed the appeal site and the likely impact of the proposed development from 18 viewpoints, and by means of landscape and visual effects tables. The Council did not provide its own, detailed evidence on these matters, but further detailed information was provided by the landscape witness who



appeared at the inquiry for IT, and who submitted additional photo viewpoints and **undertook a critique of the appellant's landscape and** visual effects evidence. I visited the vast majority of the photo viewpoints as part of my accompanied site visit, and separately visited the 3 viewpoints along the Grand Union Canal towpath on an unaccompanied basis.

47. From these towpath viewpoints I found that the appeal site is not visible to any meaningful extent, and consider that the proposed development would therefore have no material impact on views from these locations. Moreover, from the more distant, elevated locations within the AONB the over-riding impression of Ivinghoe is one of trees being a dominant feature of the village, with a variety of buildings' **roofs** visible amongst these trees. Whilst the general location of the appeal site can be determined in these long-distance views, I consider that the proposed development would blend into the existing form of the village and would not be unduly noticeable or prominent. As a result I am not persuaded that the proposal would result in any materially adverse visual impact from these more distant viewpoints.
48. With regard to the impacts from viewpoints within Ivinghoe, **the appellant's Visual Effects Table** makes it plain that any visual change would be experienced by a range **of different types of "receptor"**. These include vehicular and pedestrian users of Station Road; occupiers of houses along Station Road; users of the various footpaths bordering and close to the site; and users of the recreation ground. As well as visiting these viewpoints as part of my accompanied site visit, I was also invited to enter a number of the residential properties on Station Road to view the appeal site.
49. I note that whilst the landscape witnesses for the appellant and for IT generally agree regarding the descriptions given for each viewpoint, both as currently exist and with the proposed development, there are clear differences of opinion regarding the overall significance of the effects of the proposed development.
50. Put simply, whilst rating the susceptibility to change of some of these receptors as **"high"**, the appellant considers the overall significance of the effect at construction phase to be **no higher than "moderate adverse" for any of the 13 viewpoints** close to the site<sup>12</sup>. This is considered to reduce **to no higher than "minor adverse" 15 years** after construction for all but 2 of the viewpoints<sup>13</sup>, where the overall significance is **rated "moderate/minor adverse"**. IT has not undertaken its own fully detailed assessment, nor provided suggested ratings of overall significance at construction phase or at Year 15. However, it does maintain that the effect at Year 0 should be **rated as "high" for several of the viewpoints**, such as from Station Road, footpaths to the south of the site and from the Lawn.
51. In considering these different interpretations, I have also noted the **Council's** concerns regarding the use of the word **"transient" in the LVIA's Visual Effects Table**, to describe views of the proposed housing. This seems to be at odds with the text of the LVIA, which uses **"transient"** to describe the type of receptor, rather than the **nature of the view, which in turn can be recorded as "full", "partial", "glimpse" or "none"**. **To my mind** this has introduced an area of uncertainty into the reliability of the appellant's judgements set out in the LVIA, and in evidence to the inquiry.
52. Whilst bearing in mind the differing views expressed by the 2 landscape witnesses, it is my assessment that regardless of any landscaping which could accompany the proposals, the development would have a very noticeable visual impact from a

---

<sup>12</sup> LVIA Viewpoints 1-12 and 16

<sup>13</sup> LVIA Viewpoints 4 and 5, on public footpaths to the south of the appeal site

number of locations within the village, notably the highways and footpaths which skirt the appeal site and from the Lawn and the Bottom Lawn. In coming to this view I acknowledge that the Landscape Guidelines for the Pitstone-Eldesborough Slopes<sup>14</sup>, within which the appeal site lies, include the replanting of hedgerows and the infilling of gaps, as pointed out by the appellant. **But I share the Council's view** that these guidelines relate to measures aimed at mitigating existing intrusive elements in the landscape, and do not amount to a justification to attempt to shield new development with landscaping and trees.

53. The fact is, the appeal site is an open, agricultural field at present and its nature would change to a developed, residential area with vehicle parking, domestic paraphernalia and the usual comings and goings associated with such areas, albeit set within an as yet undefined landscaping scheme. This is not to say, of course, that new development is necessarily unacceptable in such locations. Despite the Framework's **encouragement of new development on previously developed land**, it seems clear that its imperative for local planning authorities to boost significantly the supply of housing is very unlikely to be achieved without some of this new housing being constructed on greenfield sites.
54. The acceptability of this, however, has to be assessed on a case by case basis, having regard to relevant planning policies and material considerations, and this is what I do later in this decision, when I undertake the necessary planning balance. But in this case I consider that the significant changes to the character and appearance of the appeal site which would result from the proposed development would have a harmful visual effect on land which plays an important role in defining the setting of the village, as evidenced by the references made to it in the CAA referred to under the first main issue.
55. **Turning to the Council's concerns regarding coalescence**, saved AVDLP Policy RA.2 states that new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements. It goes on to explain that in considering applications for building in rural areas, regard will be had to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements.
56. In light of the fact that the submitted Framework Plan shows that extensive green and undeveloped areas are proposed for the eastern, northern and western sides of the site, the appellant argues that the proposed development would comply with this policy for 2 reasons. Firstly it points out that there would be no physical coalescence between Ivinghoe and Pitstone, and secondly it maintains that the new development **would "read" as part of Ivinghoe**.
57. The Council agrees with these points, and insofar as the second matter is concerned I acknowledge that as the development would take its access from Station Road, it would function as part of Ivinghoe. I also consider that as the large, green area to the north would maintain a gap between Ivinghoe and Ford End of a similar size to that which currently exists on the eastern side of Station Road, an acceptable separation would remain between these 2 communities.
58. However, it seems to me that the proposed green areas surrounding the development on 3 sides would, when coupled with the further open areas provided by the school field and the Bottom Lawn, give the new housing a somewhat isolated and detached feel. As such I am not persuaded that it would sit particularly well

---

<sup>14</sup> See paragraph 4.15 to Michael Holliday's evidence

with the historic pattern of development within the village, or the development along Station Road, which is essentially linear, frontage development.

59. Moreover, this area of new housing would go a long way towards bridging the gap between Ivinghoe and Pitstone at this point, such that despite the intention to leave the western field undeveloped, and the appreciable amount of vegetation along the Whistle Brook, the appeal proposal would result in a clear sense of increased coalescence between the 2 villages. This could well be particularly noticeable at night, when the built-up areas would likely be defined by street lighting and lighting within the houses, as highlighted by an interested person who spoke at the inquiry.
60. Furthermore, although I have already noted that this western field is identified within the pre-submission Pitstone NP as Local Green Space, this status has not been confirmed at the present time. In any case it would amount to only a relatively narrow separation between the built-up areas of Ivinghoe and Pitstone.
61. Drawing all the above points together, I conclude that the proposed development would have an adverse effect on the character and appearance of an area of land which is valued locally, as it forms a fundamentally important part of the setting of the village. I further conclude that the proposal would unacceptably reduce the separation between Ivinghoe and Pitstone by developing on open land that contributes to the form and character of Ivinghoe. Accordingly I find the proposal to be in conflict with saved AVDLP Policies GP.35 and RA.2, and at odds with paragraph 109 of the Framework, all of which have been referred to earlier.

### ***Main Issue 3 – Whether the appeal proposal would be sustainable development in the terms of the Framework***

62. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development, with the policies within the Framework **as a whole constituting the Government's view of what sustainable development means in practice**. Paragraph 7 explains that there are 3 dimensions to sustainable development - economic, social and environmental – and that these give rise to the need for the planning system to perform a number of mutually dependent roles.

#### The economic role

63. The Council does not dispute the appellant's **claim that** a number of economic benefits would flow from this development, if permitted. As summarised by the **appellant's** planning witness<sup>15</sup>, the proposed development would result in a construction spend of about £6.5 million, supporting some 61 construction jobs over a 2 year build period, together with an additional £2.5 million of direct gross added value over this build period.
64. In addition, the 60 new dwellings are estimated to accommodate about 77 economically active residents which would result in a total annual household expenditure of about £1.64 million, providing support for existing shops and services across Aylesbury Vale, through increased retail and general household expenditure. Furthermore, the Council would receive an additional contribution of £0.72 million in Council Tax payments over a 10 year period, and over the shorter term would receive some £0.57 million in New Homes Bonus.

---

<sup>15</sup> See paragraph 13.2.17 in John Mackenzie's evidence

65. These would be real, tangible benefits to the local and District-wide economy, and carry significant **weight in the proposal's favour**. However, these benefits would not be unique to this development, but would flow from any new housing development within the District, with the actual monetary benefit depending on the number of dwellings provided. Moreover, in Framework terms, this economic role of sustainable development is also concerned with ensuring that the development land in question should be of the right type, and be available in the right place and at the right time to support growth and innovation.
66. On the question of whether or not the appeal site fulfils these criteria, I have had regard to the **Council's Housing and Economic Land Availability Assessment**<sup>16</sup> (HELAA), which is stated to be a key component of the evidence base to inform the preparation of the VALP. I acknowledge that this HELAA is still only in draft form, and therefore can only be given very limited weight. However, whilst reinforcing the Council's opposition to development on the appeal site, it does show that the Council considers there to be suitable land capable of delivering some 183 houses over the next 5 years within this locality, albeit within Pitstone and not within Ivinghoe. **This indicates that, at least in the Council's view, there are better located plots of land for housing within the local area, than the appeal site.**
67. Notwithstanding these latter points, as the appeal proposal would give rise to real economic benefits I consider, on balance, that it should be regarded as satisfying the economic role of sustainable development.

#### The social role

68. A key argument put forward by the appellant to address this social role is that the development would result in much needed market and affordable housing, with up to 21 affordable units being provided at a rate of 35%. The Council agrees that the provision of market and affordable housing would constitute significant benefits in **the proposal's favour, but maintains that no additional benefit should be attributed to the fact that at 35%, the amount of affordable housing offered would exceed the 20%-30% requirement set out in saved AVDLP Policy GP.2.** The Council takes this view as it argues that the 35% offered reflects the current evidence on need and is a figure which will be reflected in emerging policy.
69. However, whilst I understand the Council's position on this point, there is no current policy requirement for the appellant to offer this amount of affordable housing, and in these circumstances I do consider that this increased quantum should be seen as attracting a modest, additional benefit. Again, these would be undeniable benefits of the scheme, but as with the economic benefits outlined above, these social benefits would not be unique to this scheme, as similar benefits would be likely to flow from any new housing development within the District.
70. The Framework does, however, make it clear that the social role of sustainable development embraces more than simply housing numbers – whether market or affordable homes. It requires the supply of housing to reflect the community's needs, and support its health, social and cultural well-being, and on this topic there was a significant difference of opinion between the appellant and IT.
71. In support of its proposal, the appellant **submitted an "Assessment of Current and Future Sustainability" for Ivinghoe**, prepared by Rural Solutions<sup>17</sup> (RS). This

---

<sup>16</sup> Relevant extracts in Document 18

<sup>17</sup> Initial report dated 28 January 2014 to accompany the 70 dwelling proposal, and an updated report of April 2015 to accompany the current, 60 dwelling proposal

concludes that Ivinghoe is a successful and sustainable rural settlement, but argues that it faces some challenges and threats to its future sustainability. These are seen to arise from such matters as the ageing of the resident population; the loss of children; a decline in social rented housing and a narrow demographic mix; a shortage of affordable housing, in terms of both quantum and type; and a shortage of larger detached housing, limiting the choice in housing stock.

72. The report maintains that these threats are likely to materially prejudice the **settlement's vitality unless they** are addressed, as it is considered that they would reduce the diversity of the community; reduce the connectivity between the community and the first school; and further exacerbate housing affordability issues within the district. They are also considered likely to undermine the viability of current sustainability by failing to provide for a younger demographic with higher household expenditure and purchasing policy; and undermine future economic contributions by failing to attract new entrepreneurs and businesses to the village.
73. However, many of these findings and conclusions are strongly disputed by IT whose case, in summary, is that Ivinghoe (with the benefit of mutual support from Pitstone), is a thriving and sustainable village with more facilities than have been noted in the RS report; and which has no need of the proposed development to either make it sustainable, or to ensure that it remains so.
74. Much time was spent at the inquiry discussing figures in the RS report, together with additional figures and information provided by IT<sup>18</sup>, and it is quite clear to me that some of the figures in the RS report had not been updated when the April 2015 version of the report was issued. It is also clear to me that although IT was able to provide updated information regarding the household composition of the 44 or so houses which have changed hands since the end of 2010, there was no reliable information available to indicate how the composition had altered in the larger number of houses which have not changed hands.
75. But regardless of any inaccuracies, uncertainties and unknowns, it does not seem to me that these matters go to the heart of this issue. There is no dispute between the parties that Ivinghoe, either on its own or in conjunction with Pitstone, is a sustainable settlement. Nor has any firm evidence been submitted to suggest that Ivinghoe and Pitstone could not cope with the additional population which would arise from the proposed development, especially when the provisions of the submitted Section 106 unilateral undertaking are taken into account.
76. Moreover, there is nothing within the saved policies of the AVDLP to which I have been referred, nor within the Framework, which suggests that additional housing should not be permitted at sustainable locations. Indeed the reverse is true, with paragraph 55 of the Framework making it quite clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
77. Taking all the above points into account, my assessment is that the appeal proposal would satisfy the social role of sustainable development.

#### The environmental role

78. Paragraph 7 of the Framework indicates that as part of the environmental role of sustainable development, the planning system needs to contribute to protecting and enhancing the natural, built and historic environment. Section 11 of the

---

<sup>18</sup> Documents 13 and 14

Framework provides more information on this, and earlier in this decision I have referred to the fact that paragraph 109 indicates that valued landscapes should be protected and enhanced by the planning system.

79. I have already discussed this matter in detail under the first and second main issues, and have concluded that the appeal site does, indeed, form part of an area of landscape which is valued locally, not least by being part of the setting of the Ivinghoe Conservation Area, which is stated in the CAA to be perhaps its most fundamental aspect. I have also concluded, under these earlier main issues, that the proposed development would have an adverse impact on the setting of this conservation area, and on the setting of the village, and would unacceptably introduce development onto open land that contributes to the form and character of Ivinghoe. As such I have to conclude that the appeal proposal would not satisfy the environmental role of sustainable development.

### Summary

80. Paragraph 8 of the Framework makes it plain that these 3 roles should not be undertaken in isolation, but that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. The failure of the proposed development to satisfy the environmental role means that this cannot be achieved in this case, and I therefore do not consider the proposal to be sustainable development. Accordingly, it does not benefit from the presumption in favour of such development, described in paragraph 14 of the Framework as the golden thread running through both plan-making and decision-taking.

### ***Main Issue 4 – How the planning balance should be assessed***

81. As has been noted earlier, a key matter in the consideration of this appeal is the fact that the Council is unable to demonstrate a 5-year supply of deliverable housing land. The Council has set out its current, interim approach to meeting **the District's** housing requirements, in a manner consistent with Framework guidance, in a July 2015 Position Statement<sup>19</sup>. The approach is based on the proposed full objectively assessed need identified in the Aylesbury Vale Housing and Economic Development Needs Assessment<sup>20</sup> (June 2015). It therefore represents an up to date position, and whilst not adopted policy it is noted as providing supporting evidence which will be a material consideration in determining planning applications.
82. Using this approach, the Position Statement indicates that there is a requirement to provide some 1,376 dwellings per annum, amounting to a basic 5-year requirement of about 6,880 dwellings, which increases to 8,670 when previous undersupply and a 20% buffer are taken into account. However, the calculated 5-year housing supply for the period 2015-2020 is just 5,391 dwellings, amounting 3.1 years, and representing a shortfall of some 3,280 dwellings. Based on the current trajectory the supply figure would fall to 2.7 years for the period 2016-2021, representing an increased shortfall of about 3,960 dwellings.
83. The Framework goes on to explain, in paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. I have, however, already concluded that this

---

<sup>19</sup> Core Document 8.7

<sup>20</sup> Core Document 8.6

proposal cannot be considered to constitute sustainable development and that the presumption in favour of such development does not apply here.

84. Moreover, it is my view that none of the saved AVDLP policies with which I have found the proposal to be in conflict, relate to the supply of housing. Policies GP.35 and RA.2 are consistent with the Framework, and should therefore carry full weight, but Policy GP.53 has to carry lesser weight as it is not fully consistent with the Framework. Rather, as the proposed development would result in less than substantial harm to the significance of the Ivinghoe Conservation Area, this harm needs to be weighed against the public benefits of the proposal, as explained in Framework paragraph 134.
85. In conclusion on this fourth main issue, my finding that the proposed development cannot be considered to be sustainable development means that the decision in this case has to be taken in accordance with the development plan, unless material considerations indicate otherwise, as explained in section 38(6) of the Planning and Compulsory Purchase Act 2004.

### **Other matters**

86. On other matters raised, my attention has been drawn to a separate application from JFC Developments, for a development of 36 houses (reduced from 40) on the Bottom Lawn. This was refused planning permission by the Council in August 2015, for reasons broadly similar to those cited in the current case. IT has expressed concern that this potential development had not taken into account in **the appellant's visual analysis of the appeal proposal, arguing that an assessment** of any cumulative impact should have been made.
87. However, as no planning permission has been granted for development on the Bottom Lawn it is entirely understandable that the appellant did not attempt to include this scheme in its assessments. For the same reason I, too, cannot take any account of this refused scheme, and it therefore carries no weight in my consideration of the appeal proposal.
88. The appellant has submitted evidence to show that several major proposals involving significant levels of housing development around Aylesbury have been dismissed at appeal within the last year<sup>21</sup>, and that other housing proposals in the District have also been refused planning permission during the same period, notably around Winslow<sup>22</sup>. Because of this the appellant comments that landscape objections seem to be something of an inevitable hazard in Aylesbury Vale, and argues that unless such barriers to development can be overcome, and a positive approach taken towards proposals for housing, there will be no prospect of reducing the acute housing land shortfall that the Council currently faces.
89. There is clearly some force in these arguments, but in my opinion they are not sufficient to justify approving proposals which would have a harmful impact and would conflict with the development plan, as here. I cannot comment in detail on these other appeal decisions, as the full facts of these cases are not before me. However, what does seem to be apparent is that none of these other proposals involved land which was so intimately associated with the setting of a conservation area as in the current case. In view of these points I am not persuaded that these other appeal decisions support the case for allowing the current proposal.

---

<sup>21</sup> Core Document 8.15

<sup>22</sup> Core Documents 8.12 and 8.13

90. I have also had regard to a number of other matters raised at the inquiry, such as whether or not Ivinghoe should be upgraded from its current status of a small **village, to a large village, as is proposed in the Council's** Draft Settlement Hierarchy Assessment<sup>23</sup>. However, neither this matter, nor any of the others raised, go to the heart of the main issues in this case, and therefore do not carry any meaningful weight either for or against the proposed development.

### **Planning balance and overall conclusions**

91. In order both to address the conflict with the development plan, and to assess the public benefits of the proposal, it is necessary to consider the strength of the **material considerations which weigh in the appeal proposal's favour**.
92. Of key importance is the fact that Framework paragraph 47 requires local planning authorities to seek to meet their full objectively assessed needs for market and affordable housing, so as to boost significantly the supply of housing. In this case I **share the appellant's view that** a large number of smaller, readily deliverable sites, like the appeal site, are more likely to enable the Council to make meaningful inroads into its housing supply deficit, than larger strategic sites which may take many years to deliver because of possible infrastructure and financial constraints.
93. The appellant argues that very substantial weight should be given to the provision of this additional housing, in light of the Phides Estates judgement<sup>24</sup>. However, whilst this judgement explains that it is right for a decision maker to have regard to how big and how significant any shortfall is, a further factor to have regard to is how much of the shortfall the proposed development would meet.
94. With these points in mind it is my assessment that although the proposed maximum of 60 dwellings would be a very welcome addition to the housing supply, their contribution to redressing the 2015-2020 shortfall of 3,280 dwellings would be modest. In these circumstances I consider that the additional housing should attract substantial, rather than very substantial weight. For similar reasons, having regard to the likely maximum provision of 21 affordable units, and taking account of the fact that this would exceed the policy requirement, I consider that substantial weight should also be given to the provision of affordable housing.
95. However, I am not persuaded that any additional weight should be attributed to the proposed development as a result of it being readily deliverable and able to be brought forward quickly, with no technical or other constraints, as claimed by the appellant. The benefits would arise from the actual construction of market and affordable housing, and it is therefore the provision of the housing rather than any deliverability status to which weight should be attached.
96. I have already discussed the economic benefits which would arise from the proposed development in paragraphs 63 to 64 above. Overall I have concluded that these benefits should **carry significant weight in the proposal's favour**, although this has to be tempered somewhat by the fact that such benefits would not be unique to this proposal, with broadly similar economic benefits being likely to flow from any similarly sized development in the District.
97. Some transport and highway benefits would arise if the proposed development was to proceed, such as contributions towards improving the frequency of the local bus service and linking the existing route to either Cheddington or Tring railway stations

---

<sup>23</sup> Document 6

<sup>24</sup> Phides Estates (Overseas) Limited v SSCLG [2015] EWHC 827 (Admin) [CD8.11]



during peak times; and towards improving 2 bus stops on **Ivinghoe's** High Street. These measures would be secured by means of the **appellant's** Section 106 unilateral undertaking. In addition, a controlled crossing and traffic calming measures in the vicinity of the site, together with a kerb build-out at the junction of Station Road and High Street, could all be secured by planning conditions.

98. These measures are all agreed to be necessary to make the proposed development acceptable in planning terms, but I consider that they would also offer some benefits to the existing population of Ivinghoe as well. As such they would carry modest weight **in the proposal's favour**.
99. The appellant also claims that the proposed development would assist in enhancing the biodiversity of the appeal site by improving and enhancing the areas of open space around the site, and by introducing a wider range of plant species which would provide different habitats and encourage wildlife. **However, I share the Council's** view that it is very difficult to say whether or not there would be any meaningful improvements to biodiversity in the absence of any detailed proposals. Any such benefits can therefore only carry minimal weight at this stage.
100. The appellant also points out that the proposed development would provide an area of public open space, new footpaths and an equipped area of play, and maintains that these would be assets to the whole community, not just to the residents of the proposed development. In addition, the appellant states that footpaths in the vicinity of the site would be upgraded, providing improved linkages between the site and the existing urban area. These would, indeed, be benefits of the scheme, **but I share the Council's view that these matters need to be seen in context**.
101. There is already a significant amount of both formal and informal public open space available in close proximity to the appeal site, at the Lawn and the Bottom Lawn, with the Lawn being well provided with play equipment. This lessens the value of any such facilities which would be provided by the appeal proposal. I acknowledge that improvements to the local footpaths and the provision of a footbridge over the Whistle Brook capable of accommodating pushchairs and mobility scooters would also be available to the wider community. But as the number of people likely to benefit from these latter facilities would be limited, I consider that only a modest amount of weight can be given to these aspects of the proposal.

### Summary

102. Drawing all the above points together, I have found that the proposed development would be in conflict with the development plan in the form of saved AVDLP Policies GP.35 and RA.2. I have also concluded that it would have an appreciable, harmful effect on the significance of the Ivinghoe Conservation Area as a result of its significant adverse impact on the **conservation area's** setting. As such it would fail to conserve this designated heritage asset, a matter to which paragraph 132 of the Framework indicates great weight should be given. It follows that the proposed development would fail to preserve or enhance the character or appearance of the conservation area. It would also have an adverse effect on the character and appearance of an area of land which is valued locally, and would thereby harm the setting of this historic village and fail to preserve its separate identity.
103. In my assessment, these factors outweigh the substantial public benefits which would arise from the provision of both market and affordable housing, and the other lesser benefits arising in economic, transport and highways, and leisure and

recreation terms, as set out above. My overall conclusion, therefore, is that this proposal is not acceptable and that planning permission should be refused.

104. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion that the appeal should be dismissed.

*David Wildsmith*

**INSPECTOR**

## **APPEARANCES**

### **FOR THE COUNCIL:**

Mark Westmoreland Smith of  
Counsel

instructed by Katherine Hamilton, Senior Lawyer,  
Planning & Regeneration, HB Public Law, Acting  
on Behalf of Aylesbury Vale District Council  
(AVDC)

**He called**

Anne Davies

BA(Hons) MSc DipTP

MSc(HistCons) MRTPI

IHBC

Michael John Denman

BA BTP

Acting Heritage Team Leader, AVDC

Senior Planning Officer, AVDC

### **FOR THE APPELLANT:**

Richard Kimblin of Counsel

instructed by John Mackenzie, Gladman  
Developments Ltd

**He called**

Michael Gary Holliday

BA(Hons) MPhil, CMLI

Jason Clemons

BA(Hons) MA MSc

MRTPI IHBC

Rob Hindle

BSc MRICS

John Mackenzie

BSc DipTP MRTPI

Director, FPCR Environment and Design Ltd

Director and Head of Historic Buildings, CgMs

Director, Rural Solutions Ltd

Planning and Development Manager, Gladman  
Developments Ltd

### **FOR IVINGHOE TOGETHER (IT) (RULE 6(6) PARTY):**

John S Brearley  
LLB MA Environmental Law  
Legal Associate RTPI

**He called:**

John W Platts

BA DipLA CMLI

Andrew Dicker

Director, John W Platts Chartered Landscape  
Architects Limited

Chairman of IT and local resident

### **INTERESTED PERSONS OPPOSING THE PROPOSAL:**

Kris Weber

Member of Pitstone Parish Council and Local  
resident

Robert Corn

Local resident

Karen Groom

Chair of Ivinghoe Parish Council and local  
resident

Louisa Stobbs

Local resident

## **CORE DOCUMENTS**

### **Number Document**

#### **Submitted First Application Documents - 14/02002/AOP**

- 1.1 Application Covering Letter, Application Form and Certificates
- 1.2 Location Plan (including Application Red Line)
- 1.3 Development Framework Plan - REV F
- 1.4 Design & Access Statement
- 1.5 Landscape & Visual Appraisal (5998 LVIA) July 2014
- 1.6 Transport Assessment
- 1.7 Travel Plan
- 1.8 Ecological Appraisal
- 1.9 Arboricultural Assessment
- 1.10 Phase 1 Site Investigation
- 1.11 Flood Risk Assessment
- 1.12 Archaeological Assessment
- 1.13 Foul Drainage Report
- 1.14 Agricultural Land Quality
- 1.15 Socio Economic Sustainability
- 1.16 Sustainability Assessment
- 1.17 Heritage Statement
- 1.18 Planning Statement
- 1.19 S106 Heads of Terms
- 1.20 Statement of Community Involvement

#### **Additional documents submitted after validation**

- 2.1 Framework Plan 5998-L-02 Rev F
- 2.2 Footpath Links - 5998-L-03
- 2.3 Green Corridor - 5998-L-04
- 2.4 Flood Risk Assessment - V4
- 2.5 CGMS Consultation Response
- 2.6 Transport Assessment - V4
- 2.7 Figure 4 Tree Retention Access Plan 5998-A-04

#### **Correspondence with Aylesbury Vale District Council (AVDC)**

- 3.1 Correspondence between AVDC and GDL from 18.08.14 to 9.12.14

#### **Statement of Case**

- 4.1 Statement of Case (Word and pdf)
- 4.2 Appendices to Statement of Case
  - 4.2.1 Appendix 1 - Responses to Third Party Representations
  - 4.2.2 Appendix 2 - Justification for requesting the Inquiry Procedure
  - 4.2.3 Appendix 3 - Draft Section 106 Heads of Terms
  - 4.2.4 Appendix 4 - Application Validation Letter
- 4.3 AVDC Statement of Case
  - 4.3.1 AVDC email 08.05.15 re additional documents
- 4.4 Ivinghoe Together Statement of Case

#### **Statement of Common Ground**

- 5.1 Statement of Common Ground
- 5.2 Appendices to Statement of Common Ground
  - 5.2.1 Appendix 1 - Draft Core Documents
  - 5.2.2 Appendix 2 - Draft Conditions (Word and pdf)

### **Committee Reports and Decision Notices**

- 6.1 Delegated Report - First Application 14/02002/AOP
- 6.2 Officer Report and Recommendation 15/01491/AOP
- 6.2.1 Decision Notice 15/01491/AOP

### **Submitted Second Application Documents 15/01491/AOP (New and Replacement Documents only)**

- 1.1N Application Covering Letter, Application Form and Certificates
- 1.3R Framework Plan (5998-L-101\_C)
- 1.4R Design & Access Statement (April 2015)
- 1.5R Landscape & Visual Appraisal (5998 LVIA) April 2015
- 1.6R Transport Assessment (R/C13827/003) April 2015
- 1.7R Travel Plan Framework (R/C13827/004) April 2015
- 1.9R Arboricultural Assessment (April 2015)
- 1.11R Flood Risk Assessment (R/C13827/002) April 2015
- 1.16R Sustainability Assessment - April 2015
- 1.18R Planning Statement (April 2015)
- 1.20R Statement of Community Involvement - April 2015
- 1.21N Design and Conservation - Consultation Response
- 1.22N Rebuttal Statement - Extension of Ivinghoe Conservation Area (March 2015)
- 1.23N Foul Drainage Analysis

*(R=Replacement Document; N= New Document)*

### **Consultee Correspondence - 15/01491/AOP**

- 7.1 Natural England response 07.08.14
- 7.2 Education
- 7.3 Community Spaces
- 7.4 Flood Risk
- 7.5 Strategic Access

### **Other Documents**

- 8.1 Conservation Area SPD
- 8.2 Historic Environment Good Practice Advice Note 3 - Setting of Heritage Assets
- 8.3 Proposed Ivinghoe Conservation Area boundary
- 8.4 Ivinghoe Conservation Area Review - draft
- 8.5 Local Plan Saving Direction
- 8.6 HEDNA Report - June 2015
- 8.7 5 Year Housing Land Supply Position Statement July 2015
- 8.8 Settlement Hierarchy Assessment for the Vale of Aylesbury Plan
- 8.9 Barnwell Manor v East Northamptonshire Council [18.03.13] EWHC 473 (Admin)
- 8.10 Barnwell Manor v East Northamptonshire Council [18.02.14] EWCA Civ 137
- 8.11 Phides Estates v SSCLG [26.03.15] EWHC 827 (Admin)
- 8.12 Land at Little Horwood Road, Winslow 25.02.15 - APP/J0405/A/14/2213924
- 8.13 Land at Verney Road, Winslow - 20.11.14 - APP/J0405/A/13/2205858
- 8.14 Land at Razors Farm, Chineham - 22.09.14 - APP/H1705/A/13/2205929
- 8.15 Land at Hampden Fields and Weedon Hill, Aylesbury - 26.01.15 - APP/J0405/A/12 /2181033, /2189277, /2189387, /2197073
- 8.16 Land at Lawn Farm, Drake Street, Welland - APP/J1860/A/13/2197037
- 8.17 AVDC's Sport and Leisure SPG and Companion Document

## **DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY**

- Document 1 Opening submissions on behalf of the appellant
- Document 2 Opening submissions on behalf of AVDC
- Document 3 Opening submissions on behalf of IT
- Document 4 **AVDC's letter of notification of the appeal**
- Document 5 Community Infrastructure Levy (CIL) Compliance Table, submitted by the appellant
- Document 6 Draft Settlement Hierarchy Assessment for the Vale of Aylesbury Local Plan to accompany Issues and Options Consultation, October 2015, submitted by the appellant
- Document 7 Bundle of viewpoint photographs submitted by IT
- Document 8 **Appellant's Visual Effects Table** & updated Visual Effects Schedule, with additional comments from John Platts, submitted by IT
- Document 9 **Matrices showing "Significance for Landscape Effects" and "Significance for Visual Effects", submitted by IT**
- Document 10 Statement of evidence from Robert Corn
- Document 11 Statement of evidence from Karen Groom
- Document 12 Statement of evidence from Louisa Stobbs
- Document 13 Corrected and original versions of a critique of figures from Rural Solutions Ltd, submitted by IT
- Document 14 **Updated version of Andrew Dicker's Appendix 7**
- Document 15 Bundle of enlarged photomontages from Viewpoint 11, submitted by the appellant
- Document 16 Speaking notes and additional information from Kris Weber
- Document 17 Comments on the draft suggested conditions, submitted by IT
- Document 18 Aylesbury Vale Housing and Economic Land Availability Assessment, Draft Final Report V2, October 2015, submitted by IT (extracts)
- Document 19 Extracts from the Aylesbury Vale District Local Plan, January 2004, covering saved Policies GP.53 and RA.2
- Document 20 Census information from 1991, 2001 and 2011, submitted by IT
- Document 21 Court of Appeal Judgment, Regina (Cherkley Campaign Ltd) v Mole Valley District Council [2014] EWCA Civ 567 [2014] P.T.S.R. D14
- Document 22 Consultation responses relating to Education and Sport/Leisure, submitted by the Council
- Document 23 List of agreed conditions
- Document 24 Certified copy of the signed and completed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, as amended, submitted by the appellant
- Document 25 Signed and dated Statement of Common Ground between the Council and the appellant
- Document 26 Closing submissions on behalf of IT
- Document 27 Closing submissions on behalf of AVDC
- Document 28 High Court Judgment Ivan Crane vs Secretary of State for Communities and Local Government and Harborough District Council [2015] EWHC 425 (Admin) Case No CO/2468/2014
- Document 29 Judgment Tesco Stores (Appellants) v Dundee City Council (Respondents) Scotland [2012] UKSC 13
- Document 30 Closing submissions on behalf of the appellant