

**Application Number:** 18/02597/OUT

**Description** An outline planning application with all matters reserved, for the erection of a single detached dwelling

**AT** Land North of Weston, Castle Road, Lavendon

**FOR** Mr and Mrs Bowler

**Target:** 20.12.2018

**Extension of Time:** 31.01.2019

**Ward:** Olney

**Parish:** Lavendon Parish  
Council

**Report Author/Case Officer:** Chris Walton  
Planning Officer

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**Team Manager:** Paul Keen - Deputy Development Management Manager:  
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## **1.0 RECOMMENDATION**

1.1 It is recommended that permission be refused for the reasons set out in this report.

## **2.0 INTRODUCTION**

### **2.1 The Site**

2.1.2 The application site is an area of approximately 0.1ha located west of Castle Road and north of the settlement of Lavendon. The site is an area of existing agricultural land that forms part of what appears to be a larger agricultural holding which encompasses a large portion of land south-west of Castle Road. The site is abutted to the south-east by existing residential properties. To the north and north-east lie two liveries and a horse riding school and further residential development.

### **2.2 The Proposal**

2.2.1 The application seeks outline planning permission, with all matters reserved, for a single residential dwelling. The application is supplemented with an indicative site layout plan.

## 2.3 Amendments

2.3.1 No amendments were sought in the processing of this application.

## 2.4 Reason for referral to committee

2.4.1 This application is referred to the Development Control Panel on the request of Councillor Peter Geary in light of Officer recommendation for the refusal of this application.

## **3.0 RELEVANT POLICIES**

### 3.1 National Policy

#### 3.1.1 National Planning Policy Framework 2018:

Para 11: Presumption in favour of sustainable development  
Para: 170(b): Recognising the Intrinsic Character and Beauty of the Countryside  
Section 5: Delivering a sufficient supply of homes  
Section 11: Making effective use of land  
Section 12: Achieving well designed places  
Section 15: Conserving and enhancing the natural environment  
Section 4: Decision making

### 3.2 Local Policy

#### 3.2.1 Milton Keynes Core Strategy 2013:

Policy CSA: Presumption in favour of sustainable development  
Policy CS1: Milton Keynes Development Strategy  
Policy CS10: Housing  
Policy CS11: A Well Connected Milton Keynes  
Policy CS13: Ensuring High Quality, Well Designed Places  
Policy CS18: Healthier and Safer Communities  
Policy CS19: The Historic and Natural Environment

#### 3.2.2. Saved Policies in the adopted Milton Keynes Local Plan 2001-2011:

Policy D1: Impact of Development Proposals on Locality  
Policy D2A: Urban Design  
Policy D2: Design of Buildings  
Policy T1: Transport User Hierarchy  
Policy T3: Pedestrian and Cyclists  
Policy T10: Traffic  
Policy NE2: Protected Species  
Policy NE4: Conserving and Enhancing Landscape Character  
Policy T15: Parking Provision  
Policy H7: Housing on Unidentified Sites  
Policy H8: Housing Density

Policy H9: Housing Mix  
Policy S10: Open Countryside

### 3.2.3 Supplementary Planning Guidance:

Parking Standards SPD 2016  
New Residential Development Design Guide 2012

### 3.3 Human Rights Act 1998

3.31 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

### 3.4 Equalities Act 2010

3.4.1 Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equalities Act 2010.

## 4.0 MAIN ISSUES

Principle of Development  
Design and Impact on Character of the Area  
Impact on Residential Amenity of Neighbouring Properties  
Impact on Ecology  
Parking and Impact on Highway Safety  
Flood Risk and Surface Water Drainage  
Sustainable Development Assessment

## 5.0 CONSIDERATIONS

### 5.1 Principle of Development

*5 Year Housing Land Supply;*

5.1.1 The site is wholly outside the development boundary of Milton Keynes (or any other settlement) and in the open countryside, as defined by the Local Plan Policies Map and is unchanged within the Core Strategy. Saved Policy S10 of the Milton Keynes Local Plan states that planning permission will only be granted for development in the open countryside where it is essential for agriculture, forestry, countryside recreation and other development which is wholly appropriate to a rural area and cannot be located within a settlement. In addition, Core Strategy Policies CS1 and CS9 seek to focus development in the rural area within the development boundaries of the main and adjacent to the most sustainable towns or key settlements, Milton Keynes being at the top of the hierarchy.

5.1.2 The proposal would be in the open countryside and would not benefit from any of the exceptions within Policy S10 of the Milton Keynes Local Plan 2001-2011, and is therefore contrary to that policy. The application site is not located within the 'main areas for development' in Milton Keynes as outlined in Policy CS1 of the Core Strategy, namely, Central Milton Keynes, Uncompleted City estates, District centres, City Expansion Areas and Strategic Land Allocations, and other selective infill, regeneration and redevelopment. As such, the proposed development would be contrary to the Council's development strategy outlined in Policy CS1 of the Core Strategy. Furthermore, whilst it is recognised that Saved Policy S10 is not entirely consistent with the NPPF insofar as it has a restrictive approach to the supply of housing land in the Open Countryside, the policy has greater influence in terms of weighing the impact of development on the open character and beauty of the countryside.

5.1.3 As concluded in a recent appeal decision within the District, it was deemed, by the Secretary of State, that the Council is able to demonstrate a 5 year housing land supply (and a Council reviewed supply of 5.25 years). However, within the context of this appeal decision, the Secretary of State also suggested that Saved Policy S10 is out of date, in spite of the fact that moderate weight it still afforded to it. It is therefore deemed necessary to consider paragraph 11 of the NPPF, which applies when, "*policies which are most important for determining the application are out-of-date*". In these instances, the NPPF states

*"planning permission should be granted unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. 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."*

5.1.4 Moreover, it is also acknowledged that the Council considers that it will have a 5 year housing land supply upon the adoption of the emerging Plan: MK. Plan: MK is currently undergoing Examination in Public, and has been through the public hearings. The Inspector has raised no significant issues in relation to the housing number trajectory or the Council's calculation for the predicted 5 year housing land supply following Plan: MK's adoption. Therefore, the policies and allocations within PLAN:MK to justify the 5 year housing land supply can hold significant weight in the determination of the application, and continue to hold weight as the Examination continues without objections to these policies, in accordance with paragraph 48 of the NPPF.

5.1.5 In addition, the NPPF asserts a presumption in favour of sustainable development, even when an Authority is able to demonstrate a sufficient supply of housing. It is therefore, relevant to consider whether the site is sustainable and suitable for a new home. The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. This assessment will be addressed at the close of the considerations section of this report.

### *Loss of Agricultural Land;*

- 5.1.6 Paragraph 170(b) of the National Planning Policy Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising 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"*.

Paragraph 026 of the National Planning Policy Guidance states:

*'[...]The Agricultural Land Classification provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system[...] The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations. Natural England has a statutory role in advising local planning authorities about land quality issues.'*

- 5.1.7 Whilst no Agricultural Land Classification was submitted with this application, it is nevertheless necessary to have regard to all the provisions of the Local Plan and the National Planning Policy Framework and other material planning considerations when assessing whether the site is suitable for development. An assessment of the loss of this land to the rural economy / ability to provide food and non-food crops for future generations locally needs to be weighed against the other relevant material planning considerations. The loss of a site of 0.1 hectares is not considered to be significant in terms of the impact that it would have on the local rural area in respect of the provision of agricultural land for food and non-food crops.

## 5.2 Design and Impact on the Character of the Area

- 5.2.1 Policy CS13 of the Core Strategy seeks to ensure that all new development is of a high quality design in terms of layout, form and appearance and makes a positive contribution to the character of the area.
- 5.2.3 Section 12 of the NPPF and Saved Policies D2A (i) and D2 (ii) and (iv) and the New Residential Design Guide SPD 2012 seek to ensure that new residential development respects the character of the locality and reinforces better quality and locally distinctive design elements. Furthermore, as noted above, Policy S10 implicitly acknowledges the character and beauty of the countryside; as does paragraph 170(b) of the NPPF, which states the need to "[recognise] 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"
- 5.2.4 The application site forms part of a larger agricultural holding located to the rear of the existing residential development on the southern side of Castle Road. The application site is defined from the existing adjacent dwellings by virtue of existing shrubbery and boundary treatments. The site constitutes undeveloped land, as per the guidance set out in the NPPF. Notwithstanding the fact that there is scope for

the site to accommodate a dwelling in keeping with the scale of the nearby residential properties, it is observed that there is currently an established limit to the residential development along Castle Road, which is squared off by the two properties on either side of the highway. Although it is acknowledged that beyond these properties there lies a livery and its associated buildings, this type of development is what one might expect within a rural setting. The proposed dwelling would break this established line and encroach into the open countryside by introducing further residential development. The proposal would represent a piecemeal erosion of the stretch of open, unfettered countryside which occupies the north-west end of Castle Road which would be to the detriment of the character, appearance and intrinsic beauty of the locality and open countryside.

5.2.5 For these reasons it is considered that the proposal would be contrary to Saved Policies S10, D2 and D2A of the Milton Keynes Local Plan 2001-2011, CS13 of the Milton Keynes Core Strategy 2013 and the relevant sections of the NPPF in respect of safeguarding the intrinsic beauty of the open countryside.

### 5.3 Impact on Residential Amenity of Neighbouring Properties

5.3.1 Saved Policy D1 (iii and iv) of the Local Plan looks to protect the amenities of neighbouring properties from the impact of development. It is apparent via the indicative site layout that a single dwelling could be erected on the land in a manner which would satisfy the back to back recommended within the new residential design guide (22m) and avoid an unacceptable level of overlooking that would compromise the privacy of either the dwelling proposed or indeed the existing neighbouring properties. Furthermore, given the size of the plot, it is recognised that the dwelling could be erected without creating either an unacceptable visual intrusion or creating an unacceptable loss of daylight or sunlight, for the surrounding neighbouring properties. Should this application be found to be acceptable, these issues would be addressed in more detail during the assessment of the application at reserved matters stage.

### 5.4 Impact on Ecology

5.4.1 Section 15 of the National Planning Policy Framework (2018) states that the planning system should contribute to and enhance the natural environment by '*minimising impacts on and providing net gains for biodiversity*'. Furthermore, Saved Policy NE2 of the Milton Keynes Local Plan, 'Protected Species' and CS19 of the Milton Keynes Core Strategy seeks to protect the Borough's natural assets. Saved Policy NE2 states,

*'Planning permission will be refused for development if it would be likely to adversely affect animal or plant species, or their habitat, specifically protected by law.'*

*'Where necessary, planning conditions will be attached to permissions to require the developer to take steps to secure the protection of the species or habitat affected by development.'*

5.4.2 The construction of new dwellings provides an appropriate opportunity to incorporate and enhance biodiversity. It is noted that the site is located within an amber risk area for Great Crested Newts. There are also some ponds situated in close proximity to the site associated with Castle Farm and several trees and hedges within the vicinity which may also offer habitat for other protect fauna and flora. No ecological surveys were submitted with this application and, as such, there is insufficient information present for an assessment on the impact on protected species or any associated habitat to be undertaken.

5.4.1 In the absence of any ecological survey work identifying that the proposal would not have an adverse impact on any protected species and their habitat, it is considered that the proposal would be contrary to Saved Policy NE2 of the Milton Keynes Local Plan 2001-2011, CS19 of the Milton Keynes Core Strategy and Section 15 of the NPPF 2018.

5.5 Parking and Impact on Highway Safety

	Parking Standards Requirement - Zone 4		Provided / Existing	
	Allocated	Unallocated	Allocated	Unallocated
Residential (C3)	3	0.5	3 (potentially)	0
<b>Total</b>	<b>3</b>		<b>3</b>	

5.5.1 ~~As access and layout are reserved matters, there is no scope to assess the acceptability of the~~

spaces required for a dwelling in this locality (3), should the dwelling have 4+ bedrooms. Although they raised no objection to the application, the Highway Officer was consulted on the proposal and raised some concerns regarding the location of the dwelling due to the lack of lighting and the fact that the road is single track. This further demonstrates that the site is not within a sustainable location.

5.5.2 Furthermore, whilst it is acknowledged that access is a reserved matter, the Highway Officer also raised concerns regarding the position of the access as shown on the indicative site plan. Should the application progress to reserved matters stage, it is likely that this access would need to be moved slightly further north to comply with visibility splay standards.

5.6 Flood Risk and Surface Water Drainage

5.6.1 Flood risk data indicates that the application site is located within Flood Zone 1. However, it is noted that some of the surrounding locality possess a low to medium risk of surface water flooding. As such, to ensure that the proposed development would not adversely affect surface water drainage in the area, it is recommended that, should this application be found acceptable, a condition be placed on the decision notice requiring details of the method of surface water drainage from the proposed dwelling to be submitted alongside any future reserved matters application.

5.7 Sustainable Development Assessment

5.7.1 The NPPF supports housing development through the presumption in favour of sustainable development. It advises that there are three dimensions to sustainable

development; economic, social and environmental which are mutually dependent and should not be taken in isolation. An assessment therefore needs to be made as to whether the proposal could be considered to be sustainable development in terms of the social, economic and environmental roles as set out in the NPPF.

*Economic Dimension of Sustainable Development;*

- 5.7.2 Whilst it is acknowledged that the proposal would add a new family home to the Borough and generate some economic activity associated with the construction of the dwelling, given both the limited scale of the proposal and indeed the short-term nature of the building works, limited weight is afforded to the minimal economic benefits associated with the development when balancing this with all other matters.

*Social Dimension of Sustainable Development;*

- 5.7.3 Paragraph 8(b) of the National Planning Policy Framework asserts that the objective of sustainable development is to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet present and future needs. Although the proposal would provide a further home within the Borough, this benefit is significantly limited by the scale of the proposal and the fact that it would involve the provision of a single market property.

*Environmental Dimension of Sustainable Development;*

- 5.7.4 As is outlined in the above report, no ecological survey information was submitted with this application. The site is in an amber risk zone for Great Crested Newts- a statutorily protected species. There are also several ponds situated in close proximity to the site and numerous trees and hedges within the vicinity which may also offer habitat for other protect fauna and flora. No ecological surveys were submitted with this application and, as such, there is insufficient information present for an assessment on the impact on protected species and any associated habitat to be undertaken. It has not been evidenced that any harm caused to protected species through these works could be mitigated to off-set any impact. Furthermore, as noted above, the proposal would result in the loss of undeveloped greenfield land within the open countryside which would be detrimental to the character and appearance of the area. No information has been put forward within this application to suggest that there would be any environmental benefits to the proposal. Therefore, significant weight is afforded to the harm caused by this development from an environmental perspective.

*Summary*

- 5.7.5 The Framework is clear that the three roles of sustainable development are mutually dependent and should not be taken in isolation. The proposal would supply a single market property and, as per recent appeal decisions, the Council considers that it is able to evidence a five year housing land supply. The minor economic and social benefits that would be yielded from the proposal are considered to be outweighed by the environmental dis-benefits of the proposal. Therefore it is not considered that the proposal constitutes sustainable



development and is therefore contrary to the aims and objectives of the NPPF 2018.

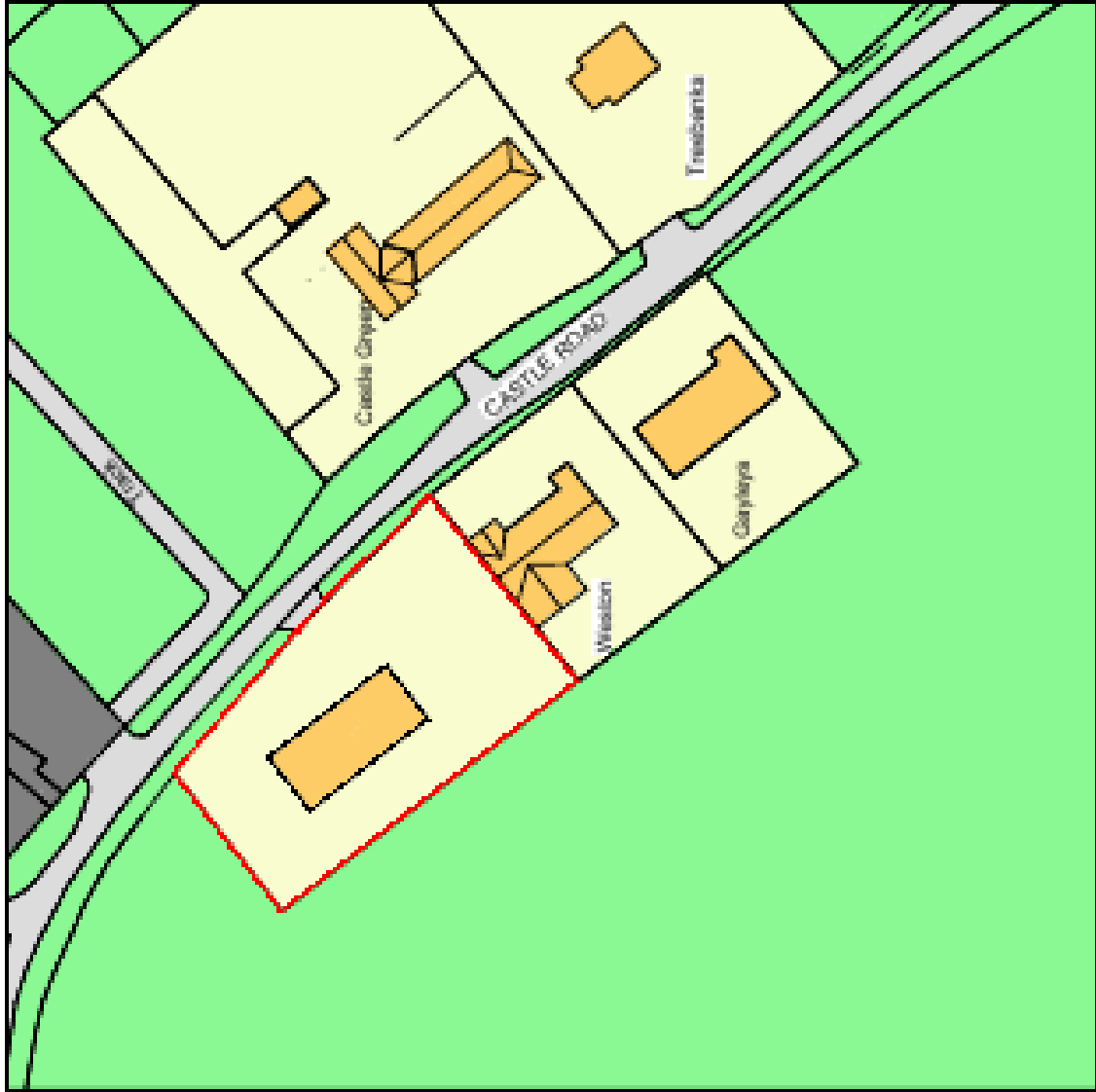
## **6.0 CONCLUSIONS**

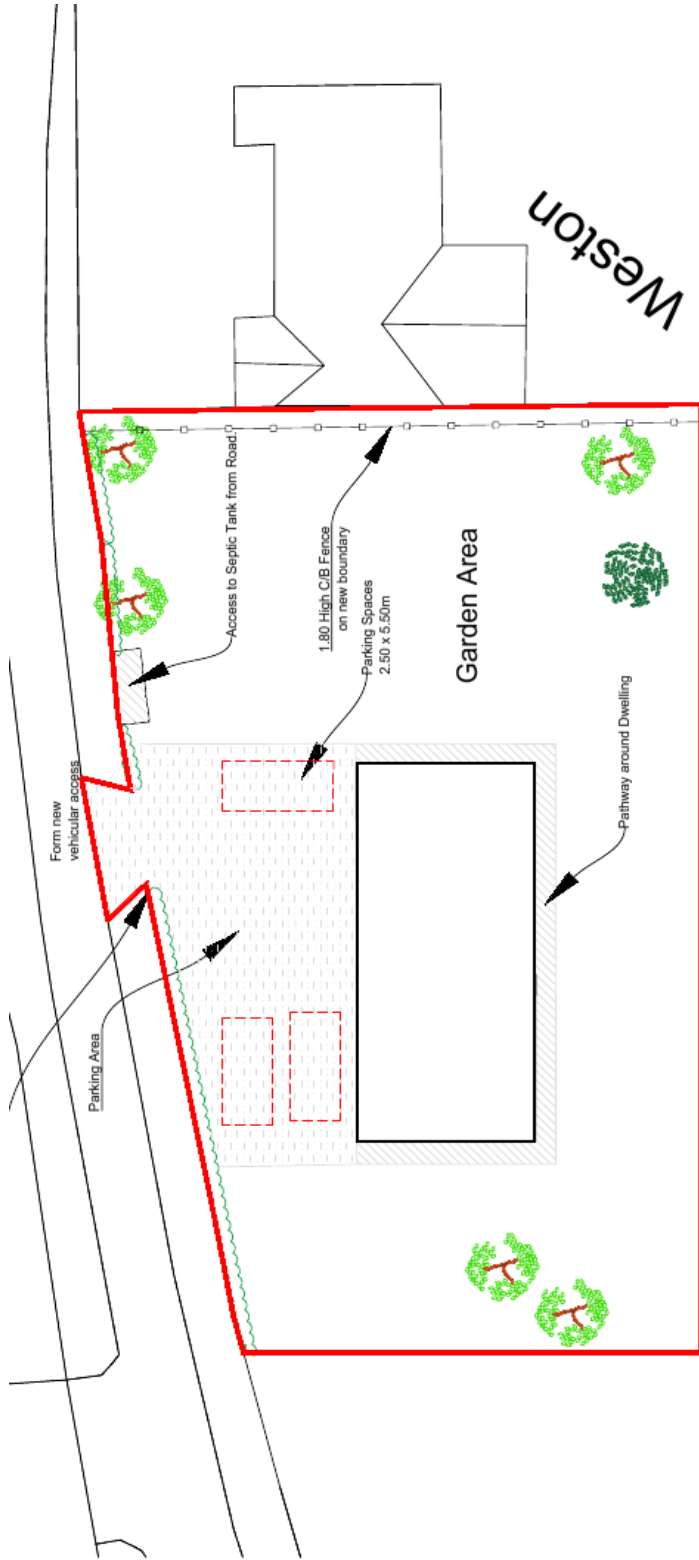
- 6.1 The NPPF indicates that where relevant policies of the Development Plan are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the Council is able to evidence a five year housing land supply (5.25 years) and can therefore rely on the adopted Development Plan in the determination of planning applications, providing that the policies against which an application is assessed is consistent with the aims and objectives of the NPPF. In spite of the fact that Saved Policy S10 has been found to be inconsistent with these aims and objectives in regard to its restrictive approach to the supply of housing land in the Open Countryside, it is consistent in respect of recognising the character and beauty of the countryside. The proposed development would have a detrimental impact on the rural character of the area and the intrinsic beauty of the Open Countryside. The proposed development would be contrary to Saved Policies S10, D2 and D2A of the Milton Keynes Local Plan 2001-2011 and Policy CS13 of the Milton Keynes Core Strategy 2013. It is therefore recommended that planning permission be refused.
- 6.2 Having regard to likely economic, social and environmental impacts of the scheme, it is considered that any benefits of the scheme are significantly outweighed by the harm caused to character and appearance of the locality and the open countryside. As a consequence, the development would result in unsustainable development in the countryside. The adverse impacts of this proposal would, therefore, significantly and demonstrably outweigh the benefits of this proposal and thus fail to tilt the balance in favour of residential development on this site.

## **7.0 REASONS FOR REFUSAL**

1. The proposed development, by virtue of its location outside the settlement boundary Milton Keynes, would represent an intrusive form of development in the open countryside. No evidence has been presented to demonstrate that the proposed housing is essential for agriculture, forestry, countryside recreation, and is not considered to be an appropriate form of development in a rural area. It is not considered that the proposed development would constitute a sustainable form of development in this location by reason of its impact on the environment of the locality. The proposal is therefore contrary to Saved Policies S10 (Open Countryside), D2 and D2A of the Milton Keynes Local Plan 2001-2011 (adopted 2005), Policy CS13 (Ensuring High Quality, Well Designed Places) of the Core Strategy (adopted 2013), and paragraph 11 and paragraph 170(b) of the National Planning Policy Framework 2018.
2. The supporting information for this application has not provided sufficient information to assess the impact on protected species within and in the vicinity of the application site area. It is therefore considered that the appropriate information to consider the impact on protected species has not been provided. Impact on protected species is a material planning consideration in the determination of an

application and the lack of information to make a full assessment is therefore considered contrary to paragraphs 175 and 177 of the NPPF 2018 and Saved Policy NE2 of the Milton Keynes Local Plan 2001-2011.





Proposed Block Plan	Planning Ref:
Drawing No.: 181002-002	Date: 18th October 2018
Indicative Layout of Proposed New Dwelling	Scale: 1:200
	A3



## **Appendix to 18/02597/OUT**

### **A1.0 RELEVANT PLANNING HISTORY**

No relevant planning history on the site.

### **A2.0 ADDITIONAL MATTERS**

A2.1 N/A

### **A3.0 CONSULTATIONS AND REPRESENTATIONS**

A3.1 Ward Councillor McLean  
No response received.

A3.2 Ward Councillor Hosking  
No response received.

A3.3 Ward Councillor P Geary  
While in theory this is in the open countryside there are numerous reasons why this should be an exception to policy and this application should be granted.

If you do not feel you can recommend approval for this application under delegated powers then I would request that it is sent to committee for determination. If you can recommend this for approval then I am happy for this to be granted under delegated powers.

A3.4 Lavendon Parish Council  
No responses received.

A3.5 Councils Countryside Officer  
No responses received.

A3.6 Highways Development Officer

"I have some concerns regarding the location of the dwelling. It is fairly remote from the rest of Lavendon along Castle Road, which for much of its length has single track sections, is unlit and without pedestrian footways. There is potential for some risk to safety of pedestrians, in particular. In the vicinity of the site and at other points along Castle Road there is evidence of verge damage which emphasises the issues with the narrow sections.

At some points along Castle Road there are issues with vehicles having no suitable place to turn. However, at this location there is space for turning in the area just to the north of the site. This is visible from the site and is considered suitable.

As this is an all matters reserved application the form and position of the access is not for determination at this stage. At the reserved matters stage I would expect the access to be shown with visibility splays. In order to be compliant with standards

this would probably need to be positioned slightly further to the north of where shown on the submitted plan.

As Castle Road is approximately 2.9m, turning into the site could be difficult if the access is not suitably wide enough to accommodate a turn. A suitably designed bellmouth form of access would assist with this so that turns do not result in verge over run.

Although I raise no objections to the planning application there are some issues with the location of the site as mentioned above.

Recommended conditions:

1. Submit details for vehicle access arrangements;
2. Submit details for on-site parking and turning in accordance with parking standards (zone 4)."

#### A3.7 Neighbour/Third Party Representations

Neighbour representations were received from the following addresses:

Weston, Castle Road, Lavendon, Olney MK46 4JG

Gayleys, Castle Road, Lavendon, MK46 4JG

Castle Farm, Castle Road, Lavendon, Olney MK46 4JG

The three neighbour representations received were all in support of the application. The representations based their support on the calibre of the potential occupants and their association with the local area and other residents, some of whom happen to be family members. This is not a material planning consideration.