

Item No. 11

APPLICATION NUMBER	CB/15/03408/FULL
LOCATION	Woodcote, Woodside, Aspley Guise, Milton Keynes, MK17 8EB
PROPOSAL	Erection of two detached dwellings each with a two bedroom annex used as ancillary accommodation over the detached triple garage, associated driveways, landscaping and tree work.
PARISH	Aspley Guise
WARD	Aspley & Woburn
WARD COUNCILLORS	Cllr Wells
CASE OFFICER	Judy Self
DATE REGISTERED	14 September 2015
EXPIRY DATE	09 November 2015
APPLICANT	McCann Homes
AGENT	DLP Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Wells as the precedent for infill on the opposite side of the road, where two very large houses built as infill in the last 5 years
RECOMMENDED DECISION	Full Application - Recommend Refusal

Summary of Recommendation:

The site lies within the South Bedfordshire Green Belt, where permission will not be granted except in very special circumstances for development for purposes other than those listed in paragraphs 89 and 90 of the National Planning Policy framework. The proposed development would be, because of its excessive bulk, height and scale, materially more harmful to the openness of the Green Belt than the existing use as garden land and as such would constitute inappropriate development in the Green Belt which by definition is harmful. The scale of the development would give rise to harm to the openness and character of the area. No 'Very Special Circumstances' have been put forward which would outweigh the harm by reason of inappropriateness or any other harm caused to the visual amenity and openness of the Green Belt. In addition approval of development in this location could set a precedent for further development in this area or in similar areas. The development is therefore contrary to Policy DM4 of the Core Strategy and Development Management Policies 2009 and national advice within the National Planning Policy Framework 2012

Site Location:

The corner site which currently forms the garden of Woodside is bounded two sides by Woodside and Aspley Hill. The area whilst varied is primarily characterised by one and two storey dwellings set in large plots. The area is washed over by Green Belt. It is outside of the defined 'in-fill only boundary for Aspley Guise'.

The Application:

Permission is being sought for 2 x detached dwellings each with a two bed annexe over a detached triple garage. The proposal includes associated driveways, landscaping and tree works.

The dwellings have a footprint which measure some 16m x 18m and 11.8m in height;

The detached garages have a footprint which measures 12m x 8m and 7.4m in height.

The 7 bedrooms have accommodation spread over three floors.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

9: Protecting Green Belt Land

Core Strategy and Development Management Policies - North 2009

CS1: Development Strategy

DM3: Residential Amenity

DM4: Development within and beyond Settlement Envelopes

DM6: Development within Green Belt Infill Boundaries

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council issued judicial review proceedings on the 12th March 2015 against the Inspectors findings. At the Council's Executive Committee on 6th October 2015, Members agreed to recommend to Full Council (19th November 2015) that the Development Strategy be withdrawn and to discontinue legal proceedings. Once withdrawn no weight should be attached to the Development Strategy. However, its preparation was based on and supported by a substantial volume of evidence studies gathered over a number of years. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform future development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Case Reference

CB/10/01473/FULL

Location

Woodcote, Woodside, Aspley Guise, Milton Keynes, MK17 8EB

Proposal

Full: Proposed basement to approved dwelling appno.

CB09/06614/Full.

Decision

Full Application - Granted

Decision Date

14/06/2010

Case Reference

CB/09/06614/FULL

Location

Woodcote, Woodside, Aspley Guise, Milton Keynes, MK17 8EB

Proposal

Full: Erection of detached dwelling with swimming pool and garage and widening of existing access.

Decision

Full Application - Granted

Decision Date 31/03/2010

Case Reference **MB/08/00774/FULL**
Location Woodcote, Woodside, Aspley Guise, Milton Keynes, MK17 8EB
Proposal Full: Demolition of existing dwelling and replace with Detached dwelling with detached garage and new access.
Decision Full Application - Granted
Decision Date 20/06/2008

Case Reference **MB/05/00551/FULL**
Location Woodcote, Woodside, Aspley Guise, MK17 8EB
Proposal Full: Demolition of existing house and outbuildings and erection of detached dwelling, detached garage and formation of new access to Aspley Hill. Relocation of summer house. Revised scheme to that previously approved 23/12/04 ref. 04/01999/FULL
Decision Full Application - Granted
Decision Date 20/10/2005

Case Reference **MB/04/01999/FULL**
Location Woodcote, Woodside, Aspley Guise, MK17 8EB
Proposal Full: Demolition of existing house and outbuildings and erection of detached dwelling, detached garage and formation of new access to Aspley Hill. Relocation of summer house.
Decision Full Application - Granted
Decision Date 23/12/2004

Case Reference **MB/79/00723/FULL**
Location Land At Woodcote, Woodside, Aspley Guise
Proposal FULL: EXTENSION TO STABLES FLAT TO FORM SITTING ROOM
Decision Full Application - Granted
Decision Date 18/07/1979

Consultees:

Aspley Guise PC

I am writing to set out the parish council's objections to the above planning application. The parish council does not object to the development in principle but has the following concerns about certain details of the application.

1. Design:

The Design and Access Statement indicates that the houses will be built in buff brick. As set out in the last review of the Aspley Guise Conservation Area buildings in the village are predominantly of red brick construction, particularly those of a similar scale to the two homes proposed. The parish council believes that the houses should be built in red brick.

The design also includes a number of bricked in windows referring back to the practise of infilling windows following the introduction of a window tax. We also feel that these are not in keeping with the character of the village.

2. S106 Contribution:

The Planning Statement included with the application indicates that there will be no S106 contribution from the proposed development. The parish council believes that a development of this scale and value should require a S106 contribution from the developer to help fund much needed infrastructure that these properties will benefit from. Were the new CIL in force this development would attract a levy of £471,900 at the currently proposed rates.

3. Trees, hedges and blocked gully:

As shown by the Arboricultural Method Statement included with the application there are a large number of mature trees and a high holly hedge on the north east corner of the site at the junction of Aspley Hill and Woodside. Falling leaves from overhanging branches regularly block the gully at this location causing severe flooding at the busy junction of Aspley Hill, Weathercock Lane, Woodside and West Hill. Black ice also forms in winter months which could lead to road accidents.

We believe that any approval of this application should include a condition that the trees and hedge in this area are cut back to prevent the gully from becoming blocked.

Further the gully involved is set into a soil bank with inadequate protection from falling debris. We believe that the S106 agreement referred to above should include a requirement for the protecting walls around this gully to be improved to prevent it from becoming blocked.

Highways	No objection subject to an advisory note
Trees & Landscape	No objection subject to the specified conditions
Ecology	No objection subject to a condition requiring an ecology assessment
Woburn Sands and District Society	We write to oppose this application to build two detached houses and separate garage in what is the front garden of Woodcote. This area is Green Belt and due to its very low density and greenery (trees and hedges) historically acts as a barrier preventing coalescence between the more urban area of Woburn Sands Buckinghamshire and more rural Aspley guise in Bedfordshire. This site and area provides a distinctive setting for what is a historic doomsday village. Replacement building is allowed on Green Belt, as was the case in respect Woodcote, but new builds are not unless there are exceptional circumstances. There are no exceptional circumstances in this case and we would urge the Council not to make an

exception in this case.

Additionally the buildings proposed are not in the local vernacular. Red brick Georgian boxes, with seven bedrooms and ancillary accommodation over the garages are far from the style of the houses within the settlement boundary in the locality and indeed the proposed buildings take up over half of the site.

We not clearance work has already been carried out on the site, predominantly on the boudnary and we sincerely hope that no TPO protected trees were felled as part of this work.

Other Representations:

128 West Hill

I think most people in the village accept that more properties are needed, and we were pleasantly surprised and pleased to see that the site is not going to be developed into a large apartment block. The proposed houses are in keeping with the size and style of the surrounding houses and will not therefore overly increase the amount of vehicles using the junction onto West Hill. We feel that this type of scheme that does not impact on the village roads should be supported.

The Limes, West Hill

I live opposite the development and am probably the house closest to this development and do not consider that I will be affect by it. I am therefore in full support of this development and feel after reviewing the plans it is in keeping with this part of the village and the properties surrounding it.

Considerations

1. Principle of Development

1.1 Policy DM4 'in-fill' only boundaries

Whilst there might be currently some uncertainty over the settlement boundary as defined under DM4 of the Core Strategy and Development Mangement Policies (as identified in the Applicant Design and Access Statement) it is considered that there is a greater degree of certainty where the proposed development falls within the Green Belt.

The Council have stated that they will adhere to the principles contained with the Core Strategy and Development Mangement Policies (2009). Settlements that lie within the Green Belt fall into two categoeres. Some are inset in the Green belt and are defined by Settlement Envelopes. The remainder are 'washed over' by the designation. Some of the villages washed over by Green Belt have defined 'infill only' boundaries. Aspley Guise is one such village as identified in Policy DM6 of the Core Strategy and Development Mangement Policies and as detailed on the proposals map.

Only within the Infill Boundaries will the principle of development (as defined) will be considered acceptable in principle even though there are other houses formed in relatively close proximity.

Reference has been made to the in-fill development on the opposite site of the road, where two very large houses were built within the last five years. However it must be noted that the opposite side of the road on Woodside and Aspley Hill falls **within** the Green Belt in-fill only boundary where the principle of development may be acceptable. Some such examples are:

Radlett House, 91 West Hill. Planning permission was granted under CB/12/03664/Full for the erection of two detached dwellings and garage block.

Green Timbers, Woodside. Planning permission was granted under CB/14/02376/Full for a replacement dwelling

Wood Place, Woodside. Planning permission was granted under CB/14/0217/Full for a replacement dwelling

Long Paddock, 46 Aspley Hill. Planning permission was granted under MB/07/00757

In addition permission has been granted on sites in the vicinity which fall outside of the Green Belt in-fill area where the proposal replaces an existing dwelling and can be acceptable in policy.

1.2 Paragraph 89 of The National Planning Policy Framework

In support of the application the applicants state that specific guidance which originally appeared in Planning Policy Guidance 2: Green Belts (1995) was not carried forward into the counterpart paragraph (89) of the National Planning Policy Framework (2012). It is therefore their view that the Framework no longer requires infilling the Green Belt to be tied to local plan policy; rather, as defined by the Courts, it a standalone exception that requires decision makers to consider whether, as a matter of fact, on the ground, a site can constitute an infill site.

At the heart of this is paragraph 89 and specifically the later points:

"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development".*

1.3 The applicants state that it is also the case that the infill boundaries have not themselves been reviewed to take into account changes in the development pattern, or indeed the most recent policy approach as set out in the Framework and are themselves therefore, by definition, out of date.

The Green Belt and Green Belt Infill Boundaries were defined by the adopted Core Strategy and Development Management Policies DPD.

Paragraphs 82 to 86 of the NPPF refer to the definition of Green Belt boundaries through the Local Plan process. Paragraph 86 relates to the inclusion or exclusion of villages within the Green Belt when defining the extent of the Green Belt. It does not apply to the consideration of individual sites through the development management process. Paragraph 83 of the NPPF makes clear that once established Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of a Local Plan.

The Green Belt Technical Paper was a high level assessment that looked at the function of the Green Belt at a parish level in the context of identifying strategic sites for development through the Development Strategy. It was not a detailed review that assessed village or infill boundaries or individual parcels of land for release. A detailed Green Belt review will be conducted as part of our forthcoming Allocations Local Plan.

Bullet 5 of Paragraph 89 of the NPPF states exceptions to inappropriate development in the Green Belt would include 'limited infilling in villages, and limited affordable housing for local community needs *under policies set out in the Local Plan*'. Green Belt Infill Boundaries provide the local policy mechanism for enabling infill development. Referring to the adopted Core Strategy, Policy DM6 allows limited infilling within the infill boundaries. The emerging Development Strategy continues to acknowledge the importance of infill boundaries in Green Belt areas. Infilling is defined in both the adopted Core Strategy (paragraph 11.3.2) and emerging Development Strategy (para 11.7) and a proposal would need to meet the definition in order to be considered appropriate under Policy paragraph 89 of the NPPF. Any future detailed Green Belt Review will determine whether the Green Belt or Green Belt Infill Boundary should be amended.

To conclude, under current policy the site remains in the Green Belt and as such it is considered that Green Belt policies should be used in determining the application.

No Very Special Circumstances' have been put forward which would outweigh the harm by reason of inappropriateness or any other harm caused to the visual

amenity and openness of the Green Belt and as such refusal is recommended.

2. Impact upon the character and appearance of the area

- 2.1 The two dwellings are 'Georgian' in design. The proposed dwellings are very large 7 bedroom detached dwellings with accommodation spread over three floors. Each property has a triple garage with a two bedroom flat above located in front, but to the side of the main dwelling.

The area is currently garden land, albeit enclosed by mature trees and planting. The construction of two very large dwellings in association with two very large garages in this location would result in harm to the character and appearance of the Green Belt to the detriment of the character and appearance of the area.

3. Residential amenity

- 3.1 Given the location and orientation of the dwellings and the positioning of windows no impact upon residential amenity (by way of overbearing impact, loss of light or loss of privacy is considered to arise).

4. Highway Safety

- 4.1 In a highway context the proposed plans indicate an acceptable scheme and as such the Highways Officer raise no objection to the proposal.

5. Other Considerations

5.1 Parish Council concerns not covered above:

2. Financial Contributions

The proposed development falls below the threshold at which affordable housing is required. The Council no longer has a Supplementary Planning Document that assesses the requirements for Planning Obligations and has not yet introduced a Community Infrastructure Levy and, as such, each application is considered on its merits to determine whether site specific planning obligations are required to make the development acceptable. In this case, it is considered, based on the small scale and the location of the development that there are no site specific planning obligations required to make the development acceptable in planning terms.

3. Trees, hedges and blocked gully

No objection was raised by the Tree & Landscape officer and as discussed above, a s106 is not required as these issues do not relate directly to the development in planning terms.

5.2 Appeal Court decision Wood v Secretary of State for Communities and Local Government [2014].

During the consultation period reference has been made to the above appeal decision in support of the application.

In Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) the Appellant had appealed against the decision of Gravesham Borough Council to refuse planning permission for a single dwelling in a site which lay in the Green Belt but was surrounded by existing built development. The principal issue for the Court was the proper interpretation of

one of the exceptions in the NPPF to the construction of new buildings being "inappropriate development" in the Green Belt. Paragraph 89 provides that an exception to the general rule is "limited infilling in villages".

Whilst this Appeal Decision has been noted the current situation as at the 15th September 2015 is that the Secretary of State's planning inspector dismissed the appeal and said that the proposed house was not in-fill and contravened the clear provisions of the council's strategy and national planning policy. He also said the development was not sustainable and rejected the developer's argument about not enough land being supplied for housing.

5.3 Woburn Sands and District Society

The comments received have been noted and have been addressed in the report above.

5.4 Human Rights issues:

The development has been assessed in the context of the Human Rights and would have no relevant implications.

5.5 Equality Act 2010:

The development has been assessed in the context of the Equality Act 2010 and would have no relevant implications.

Recommendation:

That Planning Permission be refused for the following reason:

RECOMMENDED CONDITIONS / REASONS

- 1 The site lies within the South Bedfordshire Green Belt, where permission will not be granted except in very special circumstances for development for purposes other than those listed in paragraphs 89 and 90 of the National Planning Policy framework. The proposed development would be, because of its excessive bulk, height and scale, materially more harmful to the openness of the Green Belt than the existing use as garden land and as such would constitute inappropriate development in the Green Belt which by definition is harmful. The scale of the development would give rise to harm to the openness and character of the area. No 'Very Special Circumstances' have been put forward which would outweigh the harm by reason of inappropriateness or any other harm caused to the visual amenity and openness of the Green Belt. In addition approval of development in this location could set a precedent for further development in this area or in similar areas. The development is therefore contrary to Policy DM4 of the Core Strategy and Development Management Policies 2009 and national advice within the National Planning Policy Framework 2012.

Notes to Applicant

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through early engagement with the applicant at the pre-application stage. This advice has however not been adequately followed and therefore the Council remains of the view that the proposal is unacceptable. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The requirements of the Framework (paragraphs 186 and 187) have therefore been met in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.