

Inspector's Question 32

I would appreciate the Council's comments on the representation from Tim Northey of Rectory Homes Ltd to the effect that allocation D-WHI009 is inconsistent with its assessment in the 2016 HELAA and so, unsound.

AVDC Response

The site was considered unsuitable in the early stages of the HELAA because of the site's location within a designated landscape (Area of Attractive Landscape) and likely adverse landscape and visual impact, and also the site being prominent on the edge of a settlement, and the fact that development could be out of keeping with settlement pattern.

However, the HELAA deliberately takes a conservative approach to being able to overcome constraints in circumstances where there is only a red line around a site with no other mitigation and other detailed studies available. Moreover, all sites were re-evaluated through the HELAA as part of a continual updating process to reflect new evidence.

A planning application 16/02244/AOP | *Outline application with access and layout to be considered for a site for 22 dwellings* in respect of the site was validated 16 June 2016, after HELAA version 3 was published (May 2016). The material submitted for that application, from consultee responses and from internal workshops held to inform the most recent edition of the HELAA (version 4) and VALP indicated that there were no longer concerns about the principle of development on the site. This was because previous concerns relating to local context (settlement pattern) and the landscape and visual impact on an Area of Attractive Landscape were considered to be substantively addressed in the material submitted – detailed technical studies, mitigation, detailed layouts and design for the planning application 16/02244/AOP.

Therefore, in HELAA version 4 (January 2017), the site was re-assessed in light of the further information available and scored positively in the January 2017 HELAA assessment – fully suitable for housing.

The site also scored relatively positively in the Sustainability Appraisal of the VALP (September 2017) with 21 green positive scores, 6 red (negatives) and 4 amber neutral impact scores.

Rectory Homes have referred to an alternative site at 'Land South of Oving Road'. As this is an alternative site it has been specified by the Inspector that such sites will not be considered as part of the VALP Examination unless further allocations are shown to be necessary. However, for clarity the alternative site was subject to an appeal decision APP/J0405/W/16/3152177 and the appeal was dismissed on 3 October 2016. In terms of how the Aylesbury Vale District Local Plan 2004 policy (RA8) on Areas Attractive Landscape (AALs) has been applied, that is only one appeal decision amongst numerous examples where RA8 has been upheld and in any case the appeal inspector did not say RA8 was not a valid policy. The appeal was dismissed and the representor misinterprets that decision by omitting to reference the overriding harm the inspector concluded would be caused on applying the planning balance. Paragraphs 50 and 51 of the appeal decision clearly demonstrate the harm to the environment that development of the site would cause.

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?CaseID=3152177&CoID=0>

The Oving Road site was also assessed for the VALP through the HELAA process (part of site WHI002) and was concluded to be unsuitable due to the site being poorly related to the built form – being open on two sides without frontage development on the south side of Oving Road, the site being peripheral to Whitchurch and likely to have an adverse impact on a designated landscape.