



THORNBOROUGH PARISH COUNCIL

Maggie Beach
Clerk to the Parish Council



Aylesbury Vale District Council Planning and Building Control,
The Gateway,
Gatehouse Road,
Aylesbury,
HP19 8FF

Copies:
AVDC Cllr Sir Beville Stanier
BCC Cllr Warren Whyte

16th September 2016

Dear Susan Kitchen,

We are writing to inform you of a forthcoming sale of land in the village of Thornborough by auction on 20th October 2016 in case anyone contacts your office with regards to planning permission.

The land to be auctioned is land previously owned by Mr Watts, now deceased and managed by the executors of his estate. It has been divided up into 6 plots. You can find details at <http://www.auctionhouse.co.uk/bedsandbucks>

As you will be aware there is a considerable planning application history attached to this piece of land. All planning applications made to Aylesbury Vale District Council in the past have been refused on the grounds as detailed:

- **Ref. No: 79/01275/AV ERECTION OF FOUR DETACHED BUNGALOWS Status: Refused-** AVDC reasons:

The Proposal is contrary to the normal development control policy of The Local Planning Authority in that it proposes the erection of four dwellings on agricultural land which cannot be regarded as constituting infilling or the closure of a natural gap in the built up frontage of the village development. The normal development control policy of the Local Planning Authority is that the only residential development that will be permitted on land such as this, is that required to meet essential local needs of agricultural forestry, or some other special local need. The Local Planning Authority see no overriding circumstances as would justify their departing from their policy in order to accept the development.

2) *Although the site is shown to be outside the designated Conservation Area, it is immediately adjacent to the boundary and is visible from several points within the Conservation Area itself. On the Conservation Area map it is shown to be part of a larger area of open land to which attention is drawn by view arrows. One of the objectives of the Conservation Area is “to protect the surroundings of the Conservation Area and its inward and outward views”, and in the opinion of The Local Planning Authority the erection of a dwelling on this site would be likely to detract from the pleasant open nature of this area and the view from the Conservation Area across it, and therefore conflict with this objective.*

The development would also involve the removal of part of the stone wall upon the frontage of the land with the High Street to the further detriment of the visual amenities of the area.

- **Ref. No: 85/01159/AV SITE FOR BUNGALOW AND GARAGE Status: REFUSE-** AVDC reason:

The Proposal would be contrary to the normal policy of The Local Planning Authority in that it would involve the erection of a dwelling on a site which is not within the existing limits of any settlement nor does it constitute limited infilling or the rounding off of existing development. The only development that the Local Planning Authority would normally expect to permit on such a site would be that required to meet the essential needs of agriculture or forestry or some other similar essential local need. The Local Planning Authority has given consideration to the information submitted in support of the application regarding the applicant’s current and proposed agricultural operations and also to the appraisal referred to by the Ministry of Agriculture, Fisheries and Food, and they consider that there is no essential need for a dwelling to be provided on the holding which would justify granting permission for the proposed development contrary to their normal development control policy.

The proposals entail the retention of an opening which has been made through the highway boundary wall. This has involved the removal of a length of the stone wall which is part of a prominent feature in the street scene in this part of the Conservation Area. Access was previously available to the land and the Local Planning Authority see no justification for the additional access that has been made.

- **Ref. No: 90/01047/APP ERECTION OF UNDERGROUND DWELLING Status: REFUSE-** AVDC reason:

1) *The Proposal is contrary to the policies contained in the approved County Structure Plan and the Rural Housing Plan in that it would involve the erection of a dwelling on the outside of the developed area of the village, and nor would it constitute small scale rounding off nor infilling. The only development normally permitted on such sites is that required in the essential interests of agriculture or forestry. The Local Planning Authority is not aware of any over-riding circumstances in this case that would justify them departing from their normal policies.*

4) *Use of this site as a result of the development which adjoins the designated Conservation Area would likely by reason of the associated residential activities, seriously detract from the visual amenities of the Conservation Area and the landscape views out identified in the Thornborough Conservation Area document*

- **Ref. No: 90/02347/APP UNDERGROUND DWELLING Status: REFUSE- AVDC**
reason: *as above*
- **Ref. No: 94/02276/APP AGRICULTURAL BUILDING Status: REFUSE - AVDC**
reason:

The Local Planning Authority consider that on the limited information available in support of the application, the proposed building would be an unnecessary intrusive development which would detract from the character and appearance of the open countryside and of the adjacent Conservation Area.

The most recent application:

- **Ref. 15/01474/COUAR | Determination as to whether prior approval is required in respect of transport & highway impact, noise, contamination risk, flooding and locational considerations for the conversion of one agricultural building into one dwelling with attached garage (Class Q(a)) and in relation to design and external appearance of the building (Class Q(b)) Brookfield**

This was considered by AVDC and it was decided that as the building is unlawful and subject to enforcement notice that it does not benefit from permitted development rights. AVDC has therefore closed the application and marked it as not pursued with.

It is also to be noted that

The land has been designated as open countryside by Aylesbury Vale District Council in the Statement of Submissions on behalf of the local planning authority (Ref CON/23/85 and APP/0/91/JO405/613199).

Para 5.1 states, *“The appeal site comprises a lung of open countryside which projects towards the village of Thornborough. The Conservation Area abuts the site on its southern and western sides, this length of the High Street being comprised of open views northwards across open farmland towards the stream towards the River Ouse.”*

Para 5.2 states, *“The appeal site comprises a corner of an open field which is not within the built up area of the village, and any development upon it represents an encroachment into the open countryside.”*

Para 5.3 states, *“Most of the village is in a Conservation Area, designated as such since 1971, and an important characteristic of that part of the Conservation Area is the views of open countryside northwards towards the stream and towards Back Street. In determining planning applications for development, the Local Planning Authority has had regard for the need to ensure the preservation of enhancement of the character and appearance of the Conservation Area.”*

This was the basis for refusal for the following planning application:

Ref 03/00889/APP Vine Cottage, Back Street, Thornborough MK18 2DH Demolition of existing cottage and erection of two houses *“The Local Planning Authority considers that the proposed second dwelling by virtue of its siting to the rear would encroach beyond the existing frontage development into open land to the south. The proposed development would therefore be out of keeping with the established pattern of development in the surrounding area”* 30th July 2003. The appeal was dismissed 20th September 2004. A

subsequent much amended planning application accommodating the reasons for original refusal was permitted.

Conservation Area and View. As stated in a previous point there is a Conservation Area adjacent to this land and the land itself is designated by Aylesbury Vale District Council as a Conservation View (January 1971, map attached) adjacent to a conservation area.

This was the reason for refusal for the following planning applications:

Ref.08/02848/APP Willowford House, High Street, Thornborough MK18 2DH Demolition of existing garage and erection of a two storey side extension refused permission December 2008 on the following grounds: *"Having regard to its ... location on the boundary of the village with open countryside, the proposed extension would form an overly assertive and intrusive addition to the dwelling which would reduce the openness of the Conservation Area and thus fail to enhance its appearance... and would harm the open setting and rural character of the area,"* A subsequent much amended planning application accommodating the reasons for original refusal was permitted.

The site is adjacent to a stream which regularly floods. It is a designated flood plain in the Thornborough Parish Plan 2008, (a copy of which was lodged with Aylesbury Vale District Council at the time of publication) and an area prone to flooding. This was the reason for refusal for a planning application for building a dwelling on land to the north of The New Inn, High Street, Thornborough MK18 2DF that is part of the meadows that comprises this green lung of open countryside.

In a letter from the Planning Inspectorate to Mr A Watts dated 22 June 1992, the Planning Inspectorate made the following statements:

Item 24 which refers to Policy 28 and states: "that special care will be taken to ensure that the views looking out of the conservation area remain unspoilt." The plan accompanying that document identifies the view across the appeal site from the High Street as one such view.

Thornborough Parish Council are concerned that any development of this area of would threaten the Conservation Views, impinge on the Conservation area and increase the risk of flooding in the village, already prone to flooding from the two streams running through the centre of the village which converge in this area of land.

We trust that AVDC Planning will take all this into consideration should they be approached with queries about planning applications for any part of the land up for auction on 20th October 2016.

Yours sincerely

Maggie Beach (Clerk)

On behalf of Thornborough Parish Council