

Planning application: 23/01594/AOP – objections by Stephen Wooler

29 Vicarage Road, Marsworth

Tring HP23 4LT

### Introduction and summary:

Promoted as a 'new village' the proposed development constitutes an estate remote from local communities and facilities. Despite the spin, it would amount to hundreds of houses, people and vehicles in an utterly unsuitable place devoid of suitable infrastructure and with no likelihood that the amenities the developers suggest would materialise. Common sense requires that new cities, towns and villages should be built in accordance with a coherent strategy. There is no strategic rationale for this application which should be refused because:

1. It conflicts with Vale of Aylesbury (AV) Local Plan 2013 2033 Policies D3 and 53
2. It conflicts with AV HEELA
3. It conflicts with AV Settlement Hierarchy
4. It conflicts with the National Planning Policy Framework para 78 which requires planning policies and decisions should be responsive to local needs and para 79 directing that housing should enhance or maintain the vitality of rural communities.
5. It conflicts with AV Sustainable Transport plan:
6. It will have a detrimental effect on the character and appearance of the area, including visual impact.

Particulars of the above objections are set out below. However, I first identify contentious assertions within the application aimed at justifying it on the basis of the 'tilted balance' provisions within the national guidance (paragraph 7.104 and following paragraphs of the revised Planning Statement); and treating the site as 'brownfield' (paragraph 7.6).

### Contentious assertions:

- a. The applicant's exhortation (paragraph 7.90 of its revised planning statement) that paragraph 11 (d) of the NPPF's presumption in favour of sustainable development (tilted balance) should be applied, is fallacious. They concede that Aylesbury Vale five-year housing supply position for 2022-2027 is 5.2 years but seek (7.99) to substitute their own judgement on the grounds that some of the planned sites are not *in their view* likely to be delivered within the required timescale. That is an audacious claim unsupported by cogent evidence.
- b. A similar contention is made in relation to the small proportion of the proposal relating to Dacorum BC. The applicants are dismissive of the DBC action plan adopted as recently as December 2021 to boost delivery of its housing supply. Once again, there is no cogent evidence that DBC will be unable to meet its supply needs going forward – especially given the level of construction visibly in progress. Moreover, no account is taken of recent government changes reducing the need for an emphasis on numerical targets.
- c. The applicant contends at para 2.7 that the site is previously developed land (within the meaning of the NPPF) i.e. 'a brownfield site' and was acknowledged as such by planning officials during the previous determination period. That assertion is reiterated at 3.9 of its planning statement but there is no information about the form of the 'acknowledgement' or evidence to support the assertion. On the contrary, local elected representatives have stated

Buckinghamshire Council's position that the land is NOT regarded as 'brownfield'. However, the terms and circumstances of the alleged agreement are not specified or evidenced in any way. Insofar as the applicants may seek to rely on the decision of the Inspector in the 1996 determination 252761 (annex 1 to the statement), that decision does not state or support the contention that the land is brownfield (or greenfield)<sup>1</sup>. Rather, it assesses the land as 'redundant agricultural'. All subsequent planning decisions have confirmed its agricultural status. Agricultural land which has been requisitioned in a national emergency for military purpose but without all buildings completely removed cannot be regarded as 'previously developed' in accepted planning terminology and any such interpretation would be perverse. In particular, the wartime structures (mainly Nissan huts) were only ever regarded as temporary and the fact that they have become largely abandoned where not specifically repurposed to agricultural use does not make them permanent within the definition.

#### Amplification of objections listed above.

1. Conflict with AV plan:

The site is not identified as suitable for development in section D2 of the AVL. As a non-allocated site within a 'medium village' it fails to meet the criteria of D.3 for exceptional development. In particular, its footprint would not fall within the existing Marsworth settlement so failing the criteria at D2.2.C. Despite assertions that BC is unlikely to meet its housing target, the applicant offers no evidence that the proposed development would enable BC to deliver within a timely manner – a requirement of the exceptionality criteria of D.3.2.

2. Conflict with AV HEELA:

The proposal introduces development outside the identified areas and without adequate provision for infrastructure and services outside the perimeters of the development. Such development is NOT necessary to enable the timely meeting of housing needs.

3. Conflict with AV Settlement Hierarchy:

The settlement hierarchy of the AVL contains no provision for further development within Marsworth (a medium village) over and above that which has already occurred at Marsworth Wharf and the former BWB site at Bulbourne.

4. Conflict with NPPF para 78 (requiring responsiveness to local needs) and para 79 re rural communities:

Even if the applicant's assertions in support of the 'tilted balance' could be sustained, they would not outweigh the wider adverse impacts. Since the application is identical to the withdrawn application (to meet the free-go criteria), I re-iterate previous objections which are encapsulated in my submission (attached) of 9 August 2022.

Where the applicants seek to mitigate previous objections, they rely on proposals unsupported by any evidence of ability to or likelihood of delivery. For example, issues relating to medical facilities (the CCG have not been engaged but Herts would like £400k to be allocated to Alpha Services (the network that co-ordinates GP practices) with a view to using it towards digitisation so document storage space can be made available for consulting - hardly a coherent strategy for meeting future needs! On education, the estimate is a need for 97 primary and 70 secondary places. Although a primary school is proposed, there is no

---

<sup>1</sup> Definition of brownfield land as per AVL: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings.*

evidence as to the willingness of Buckinghamshire to establish and maintain a school. Despite recent expansion, Tring School is bursting at the seams through development there.

5. Conflict with AV Sustainable transport plan:
6. The proposals are unconvincing to the point of risible: Two assertions particularly underline the smoke and mirrors aspect of the application:

1. Bus services: the application refers to the willingness of local operators to provide a half-hourly service (weekdays 7am to 6pm) and hourly service (Saturdays 7am to 6pm). But the letter from Red Eagle (Appendix 5 to the Transport Assessment) which confirms willingness in principle to do that by adding a loop into the route of the existing service 62 so it turns left on its circular route at Gubblecote and loops into the village before returning to join its present route. The letters says that such an upgrade would require funding of £618 per day (£193k per annum based on 52 weeks x 6 days) but mentions no plans for funding. Such funding is likely to be **in addition to any existing subsidy**. This pie in the sky thinking also overlooks the impact on the service which already takes around 40 minutes to wend its way from Marsworth via Ivinghoe/Pitstone and Cheddington through Long Marston and Wilstone to Tring with the result that only those who cannot avoid doing so use it at present. The existing usage is likely to be further impacted. Conversely, will residents of 'Wellington' use a bus taking 40 minutes to get from Tring?

2. The proposed transport hub is a cross between imaginative thinking and fiction. A letter from Enterprise car rental outlines a commercial scheme they are trying to develop in some parts of the country but states **they have no such presence in this area**. Initial costs would be around £30k per annum with more for additional vehicles. At its best, this is wishful thinking.

These transport proposals are on the assumption that Long Marston Road will be widened from the estate access to the Gubblecote junction from 5 metres to 6 metres in most places but 'pinch point' single file where it cannot – without identifying any costs or who will pay. It assumes the traffic will be mainly in that direction (unlikely) and grossly underestimates what is required of a road-widening scheme to meet required specifications. One does not just dig up the verge and chuck a few bags of asphalt down!! The hedgerows are likely to be emasculated. There is no provision for a footpath or cycle way down the road from the access to the Gubblecote junction.

7. Detrimental effect of the character and appearance of the area:

I rely on the detriment evidenced above and in the attached objections of August 2022.

### Summary:

Despite the applicant's attempts to mitigate the objections raised, the proposal remains in conflict with national and local planning policies. It would create a remote estate on agricultural land where the criteria for exceptionality is not met. There would be serious adverse environmental implications as well as major adverse implications for roads and road safety in the vicinity.

Stephen Wooler

16 June 2023

