



## Directorate For Planning, Growth And Sustainability

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Our Ref: 21/01601/COMM

[REDACTED]  
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Dear [REDACTED]

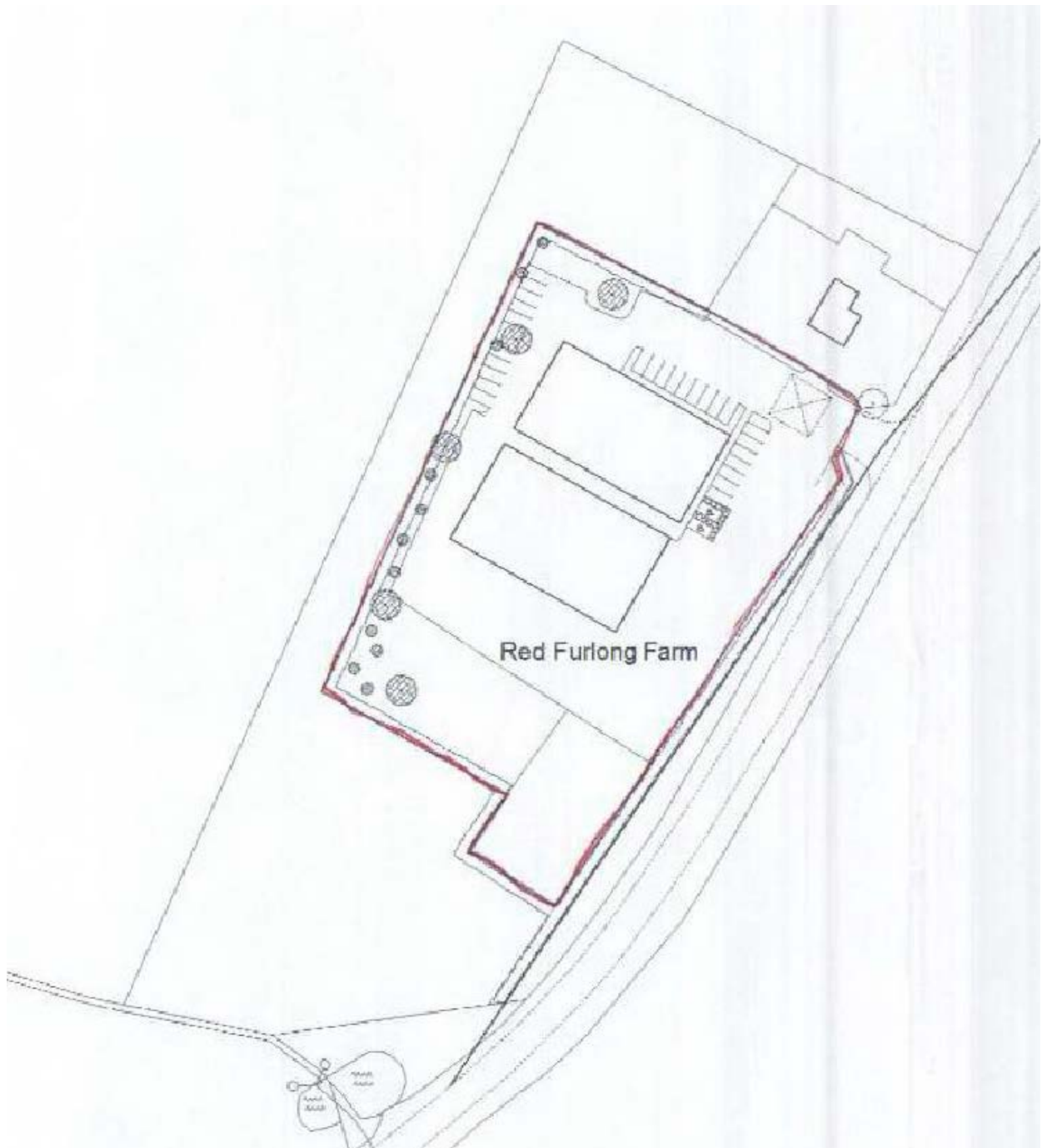
Red Furlong Farm Twyford Road Poundon Buckinghamshire OX27 9BG

**Development proposal particularly linked to HS2 - establishment of a operator skills hub for training operatives of heavy construction plant and machinery**

I refer to your letter dated 9 April 2021 regarding the above proposed development of Red Furlong Farm in Poundon for a heavy construction plant and machinery training centre and further to my meeting with [REDACTED] and [REDACTED] on 10 June.

The main issues to be considered with regards the proposed development are the principle of the development, the rural economy, conservation and enhancement of the historic environment, conservation and enhancement of the nature environment, and the balance of material planning considerations.

The site comprises a former farmhouse that is without agricultural tie, two former agricultural buildings and hardstanding (edged red on the below drawing extract) that had a change to B1 use and have been used for light industrial purposes, access from Twyford Road, a further building which was constructed some time between 2017 and 2018 (for which there is no planning history), an area of rough ground and hardsurface to the southwest which includes a pond, and an agricultural field of approximately 1.2ha which is crossed by a public footpath and displays ridge and furrow landform, and has a pond on the northern boundary.



### PLANNING CONSTRAINTS

Ridge and Furrow – Non-designated archaeological heritage asset.

Open countryside.

#### Principle of development

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the Vale of Aylesbury Local Plan which was adopted on 15 September 2021.

The proposals comprise change of use of land from business and agricultural uses to what would likely be considered a *sui generis* use. Evidence from Development Control Practice indicates that these types of construction vehicle training centres are typically viewed as employment uses.

VALP Policy D6 supports employment development **in sustainable locations:**

- a. through allocations in this plan and appropriate allocations in neighbourhood plans
- b. through the intensification or extension of existing premises**
- c. as part of a farm diversification scheme
- d. through the appropriate re-use or replacement of an existing building provided this is well designed, appropriate to its context having regard to the scale of the proposal, location and impact on the surrounding area., Or
- e. in a rural location where this is essential for that type of business. (my emphasis)**

This policy reflects paragraph 84 and 85 of the NPPF (2021), and it is important to note that paragraph 85 also states “In these circumstances it will be important to ensure that **development is sensitive to its surroundings...**”.

The site is located around 500m from the nearest bus stop which provides a rural service; however, there are no pavements or streetlights between the site and the bus stop so this cannot be safely accessed. It is around 1km to Poundon and 1.2km to Twyford, neither of which have very much to offer in terms of local key services. The nearest offer of these is at Bicester, around 10km away. As such the site is not considered a sustainable location. Turning to the next point identified from the policy, the proposed change of use and inclusion of a large tract of agricultural land would exceed what could be considered an intensification or extension of an *existing* premises.

The final point under this policy is the essential business need for this rural location, the argument presented is that the use requires a large open space away from sensitive receptors, such as residential properties. However, it has not been demonstrated that this needs to be in such a remote unsustainable location. It is considered that the use could operate in a location that was closer to strategic or larger settlements with better facilities and transport links.

VALP policies BE2 seeks good design in accordance with the NPPF and can cover site selection as well as design following identification of a suitable site. Policy NE4 also addresses the need to consider landscape impact in terms of a hierarchical assessment, which includes avoiding harm through site selection as well as on-site mitigation.

Due to the open, verdant and tranquil character of the agricultural land which would be dramatically changed by the proposal, the proposal would conflict with VALP policy BE2 for the following reasons:

- failure to respect and complement the physical characteristics of the site and the surroundings;
- failure to respect and complement historic scale and context of the setting; and natural qualities and features of the area.

It would also conflict with policy NE4 as it would result in harm to landscape character and visual impact that could not be adequately mitigated or avoided.

Policy BE1 requires proposals which affect the significance of a non-designated heritage asset to be properly considered, weighing the direct and indirect impacts upon the asset and its setting. There will be a presumption in favour of retaining heritage assets wherever practical, including archaeological remains in situ, unless it can be demonstrated that the harm will be outweighed by the benefits of the development.

The proposal would result in the permanent and irreplaceable loss of a non-designated heritage

asset in terms of the ridge and furrow which would be scraped from the land. The significance of ridge and furrow in part derives from the ancient agricultural processes that produced the landform, including the types of plough used. Your suggestion that the significance derives only from its visual appearance and that the harm can be reversed because it can be recreated at the end of the use is not accepted. This response would create only a facsimile.

Archaeology have made the following comments using a largely desk-based assessment:

*“This site looks to have some very well preserved ridge and furrow. The multi orientated layout, and clear pre-enclosure land division makes it an important site in terms of these rapidly dwindling earthworks. With ridge and furrow, we often recommend moving areas of impact to the edge or to a different part of the site, but in this case the whole farm looks really well preserved, and it is the relationship of all the small areas which adds to its significance. We would therefore prefer that none of it is destroyed.”*

The public right of way through the site would be significantly affected by the proposal, with fences to both sides and large vehicles operating on both sides. Policy C4 states that planning permission will not normally be granted where the proposed development would cause unacceptable harm to the safe and efficient operation of public rights of way. Paragraph 100 of the NPPF (2021) requires that:

*“planning decisions should protect and enhance public rights of way and access”.*

The proposal would neither protect nor enhance.

The VALP was drafted in accordance with the 2012 NPPF and in accordance with the transitional arrangements in paragraph 220 (NPPF 2021) the policies contained in the NPPF March 2012 apply for the purposes of examining the plan. On this basis the Plan subject to the main modifications has been found to be sound. Therefore, the starting point for development management decision making is the development plan – Vale of Aylesbury Local Plan.. When considering the provisions and policies of VALP as a whole I can find no policy support for the proposed development.

However, you are putting forward a case that “other material considerations” should indicate a decision other than in accordance with the development plan. It is necessary that any “material planning considerations” should provide clear and convincing reasons for why it is necessary not to have regard to the relevant development plan policies. It is for the decision maker to decide what weight is to be given to the materials considerations advanced.

The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making. Determination of any formal application would need to consider whether the proposal constitutes sustainable development having regard to Development Plan policy and the NPPF as a whole.

In order for material considerations to overcome the conflict with the relevant development plan policies, there would need to be overwhelming evidence that:

- The proposed use is required, and for the period proposed
- There are no other available, more suitable sites for this development within an appropriate area
- Evidence that the area searched is appropriate for the proposal, based on the locational needs of the development – in other words, you will need to evidence why the development needs to be in this general geographical area
- That the benefits of the development would outweigh the harm, including the total loss of a non-designated heritage asset

The NPPF cites 3 overarching objectives for achieving sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

**an economic objective** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*

Any application would need to clearly set out the economic benefits, why this is the right location to support growth innovation and productivity and whether these benefits would remain after the use had ceased and the land restored. From the information provided the economic benefits would be temporary, through temporary tutor and supportive jobs, temporary increase in economic activities of students and staff. The training facility would produce the skilled workers required to fill jobs within other parts of the development sector but would not create permanent jobs itself. It is recognised that the area is a growth area and therefore construction is likely to be a priority sector for the foreseeable future.

**a social objective** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

Some of the above policy conflicts are because the development would not foster a well-designed and safe built environment (taking into consideration the earth movement and vehicle training area's relationship with the public right of way and open countryside); would have poor accessibility in terms of people accessing the site by sustainable means and the distances to facilities; and would harm health social and cultural well-being through the impact on the Public Right of Way and the ridge and furrow. Any application would need to highlight any social benefits to the proposed development. You will need to highlight and evidence any elements that you believe will support the local communities. It would be especially important to communicate these to those communities.

**an environmental objective** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

The policy conflicts highlight the way that the development would neither protect nor enhance the natural or historic environment. The harm to the historic environment in particular would be permanent despite the development's temporary timeframe. The lack of sustainable transport access and nearby facilities would also be counter to moving to a low carbon economy. It is recognised that Flannery have made strides in reduction of the environmental impacts of their vehicles and operations, but it is unclear how this relates directly to the development proposal and is not for some other benefit (which would therefore not be a material planning consideration). This in any case would be weighed against the unsustainable location drawing a greater need for users of the site to travel by unsustainable means, not only to access the site at the start and end of the day, but to access facilities during break periods.

There are a number of other policies in relation to transport and parking, cycle storage, electric vehicle parking, residential amenity and pollution (including noise, air quality, light), Biodiversity and geo diversity, best most versatile agricultural land, trees and hedgerows, renewable energy, flooding and water resources which will be relevant to the proposal.

## **Community engagement**

The Council strongly encourages developers and agents to engage with the planning service, statutory consultees, and the local community, at the earliest opportunity, especially on major applications. This ensures the best information on which to base proposals and enable any subsequent planning application to have the best chance of success. You may wish to engage with the parish councils, and local members as appropriate.

The site lies within Twyford Parish but adjoins the boundary with Poundon.

Parish Council and meeting contact details can be found here:

<https://buckinghamshire.moderngov.co.uk/mgParishCouncilDetails.aspx?bcr=1>

## **CONCLUSION**

On the basis of the information provided thus far, the proposal conflicts with Development Plan Policies which are considered up to date and consistent with the NPPF. In terms of other matters there are some short term benefits to the economy and employment. These are not sufficient to indicate a decision other than in accordance with the Development Plan. Any application is therefore unlikely to be supported by officers.

If in spite of this advice you submit an application, you will need to present full details of the benefits of the proposal to be considered as “other material planning considerations” so that these can be weighed against the conflict with policy and the identified harms.

You will need to submit an energy statement (policy C3), ecological assessment and mitigation strategy (policy NE1), heritage significance and impact assessment (policy BE1), a landscape impact and mitigation strategy (policy NE4), and a transport assessment (policy T4).

I would draw your attention to the Council's applications checklist which sets out the required supporting information to accompany a planning application:

<https://www.wycombe.gov.uk/pages/Planning-and-building-control/Planning-applications/How-to-prepare-a-valid-planning-application.aspx>

You will appreciate that at this stage advice can be offered on an informal basis only, and should not be taken to represent a formal determination by the Local Planning Authority nor does it cover Building Regulations. Any subsequent application would be considered in the light of Development Plan policies, all material considerations including Government advice, technical advice and, if appropriate, public comment. In addition, if an application is submitted, issues not addressed in this response may be considered relevant. Nevertheless, I hope this letter is helpful to you.

Yours sincerely,

*Mrs Rebecca Jarratt*