
Appeal Decision

Hearing held on 5 April 2016

Site visit made on 5 April 2016

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 April 2016

Appeal Ref: APP/J0405/W/15/3137059

Land adj Slapton Lock, Horton Road, Slapton, Buckinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Dugard against the decision of Aylesbury Vale District Council.
 - The application Ref 15/00164/APP, dated 19 January 2015, was refused by notice dated 10 June 2015.
 - The development proposed is a 180 berth Marina with associated boater facilities, including dry docks, slipway, parking, toilets, showers and laundry. Provision of a small convenience shop/ chandlery and café.
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Decision

1. For the reasons given below, the appeal is dismissed.

Procedural Matter

2. The Council's second reason for refusal related to the archaeological potential of the site. However, following submission of a further evaluation, the County Archaeologist confirmed that no further works would be required. The Council offered no more evidence on the matter and I am satisfied that there would be no adverse impacts on heritage assets of archaeological importance.

Reasons

3. The proposed Marina would provide secure off-line leisure moorings, services and facilities for those using this stretch of the Grand Union Canal. Although there would be the capacity for 180 boats, I was told that in reality only about 120 could be accommodated, taking account of the different types and sizes of craft. Boaters could sleep on their craft within the Marina, but it would not offer permanent residential moorings.

Effect on the character and visual amenities of the area

4. The appeal site is a relatively flat open field on the northern side of the canal and adjacent to Slapton Lock. Its northern, western and eastern boundaries are bounded by substantial native hedgerows. The canalside boundary is relatively open at this point although a few trees and shrubs grow along its banks. The landscape and visual effects would mainly be experienced at the local level and it was agreed that there would be no significant impact on the setting of the more distant Area of Outstanding Natural Beauty. The site is not within any specific landscape designation. However, one of the core planning
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principles in the National Planning Policy Framework (the Framework) is to take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

5. *The Aylesbury Vale Landscape Character Assessment* (2008) (LCA) places the site within the Vale Character Type and specifically within the Ouzel Valley Catchment Landscape Character Area. The shallow rural valley is crossed by the meandering canal and by the west coast mainline railway, which is a significant detractor. The LCA identifies distinguishing features, including large open arable fields with a belt of pastoral land following the canal corridor. Tree cover is generally sparse although there are trees within hedgerows and along the canal. The LCA indicates that this is a landscape of moderate quality, which has a moderate sensitivity to change. Whilst there are built elements in the immediate vicinity, including the lock infrastructure and the former lock keeper's cottage, the landscape is essentially agrarian and rural. Even though the appeal site is only a relatively small element, its features are reflective of the landscape in the Character Area more generally.
6. The appeal proposal would undoubtedly result in a considerable change but the Appellant's *Landscape and Visual Impact Assessment* (LVIA) seems to me to lack a firm conclusion on the degree of landscape harm that would ensue. The proposal includes a substantial new water feature and although it would have soft vegetated edges there would be a large number of projecting wooden pontoons. Other hard features would include two open dry docks, a slipway, large car park, access roads and a one and a half storey "L" shaped building. There is no objection to its design or materials but the scale of built form would not be insubstantial, with a ridge of over 6 m in height.
7. Whilst the boundary hedgerows would be retained and new planting and landscaping is proposed, the overall significance of landscape change both in the short and long term would be medium adverse, in my opinion. I observed the extensive planting of young trees on the Appellant's adjoining land holding but this is not a matter that affects the consideration of the appeal proposal in terms of the conclusions I have reached on landscape impact.
8. The LVIA considered the visual impacts from various viewpoints along the public footpaths that surround the site. However, it did not address the effect on those travelling by boat along this stretch of the waterway. This seems to me a shortcoming and one that I was able to consider at my site visit. The towpath on the southern side of the canal appears to be a popular place to walk. There was no dispute that the significance of the impact for those highly sensitive receptors using it for informal recreation would be high adverse and would not be mitigated in the longer term.
9. To my mind a similar effect would be experienced by boat travellers who would also have a high sensitivity to change. Standing on the deck of a narrowboat I judged that there would be a clear view across the site and that this would be seen in the context of the wider countryside beyond. Part of the attraction of canal boating is its leisurely pace. Craft do not travel very fast and it would take a reasonable period of time for the boat to pass by the site due to the necessity to pass through the lock. A Marina would not necessarily be an unexpected feature within a canal environment overall. However, a development of this scale and in this location would, in my opinion, represent

- an unwelcome intrusion in the rural scene and considerably diminish the experience that boat travellers and walkers could reasonably expect to enjoy.
10. There would be other viewpoints where there would be a significant adverse impact, including from the elevated canal bridge to the west of the site and through the new access way into the site. However there are no footways along this stretch of Horton Road and the receptors would generally be motorists who have a lower sensitivity to change. Public footpath SLA/3/2 runs parallel to the boundary to the north of the site. I noted several gaps in the boundary hedgerow on the western side of the footpath and recreational users would be able to see the upper parts of the new building and other parts of the developed site in some views. The Council considered that sunlight catching glass surfaces, for example the boat windows, would also be a detractor. However, I am not convinced that such effects would be readily seen on account of the boundary hedgerows. In any event from these viewpoints the effects would diminish in time due to the tree planting within the intervening field, which will provide a screen as it reaches maturity.
 11. Views of the upper parts of the new building would be gained at the northern end of public footpath SLA/5/1, which crosses the field to the east of the site. Whilst a significant adverse visual impact would be experienced, the new built form would be appreciated in the context of Hill Farm Cottages and Keepers Cottage. The LVIA assesses the significance to be medium adverse over both the short and long terms and this seems a reasonable assessment.
 12. From the sitting room windows of Keepers Cottage, which are at first floor level, there would be direct views over the site. Upper floor windows of Hill Farm Cottages also face towards the site. There is no doubt that these occupiers would experience a considerable change in outlook and that this may not be welcome. However, there is no right to a view over third party land and the effect of development on private properties is usually considered in terms of residential amenity. In this case I am satisfied that there would not be an overbearing impact or unreasonable loss of light or privacy to adversely affect the living conditions of these occupiers.
 13. Drawing together the above points, it is concluded that the proposed development would result in significant adverse impacts on the character and visual amenity of the area. The Aylesbury Vale District Local Plan (LP) recognises the amenity potential of the Grand Union Canal landscape and the opportunities for tourism and canal-related activities. However, saved Policy GP.81 requires such facilities to respect the character and appearance of the canal, its setting and surroundings and avoid, amongst other things, adverse impacts on the landscape and countryside. Saved Policy GP.35 concerns the design of new development and includes provisions that it should respect and complement the physical characteristics of the site, the natural qualities and features of the area and public views and skylines. It is concluded that the appeal proposal would conflict with both of these policies.

Opportunity for sustainable travel choices

14. It seems likely that those who moor their boats within a Marina, would generally travel back and forth by car. The proposed car park would accommodate those who wish to take their boats out onto the canal network either for a day trip or for a more prolonged period. Whilst several objectors

are concerned that the car park would be insufficient in size, I note that there are no specific car parking standards applicable to this type of use and there is no objection on this basis from the Highway Authority. There is little opportunity for roadside parking, apart from a small informal layby on the southern side of the canal bridge. It seems to me unlikely that visitors would wish to leave their cars other than within the site. Berthed boats may include short stay visitors already on the canal system and they would of course have left their vehicle at their point of origin. Furthermore, those visiting their boats would not all come at the same time, even at peak periods. Some parking spaces would be required for staff but overall I am satisfied that there would be sufficient space on site to meet the needs of the development.

15. The Council confirmed at the Hearing that its main concern in terms of the sustainability of the location related to those travelling to the shop and café from the village. Although the edge of Slapton is relatively close, there are no pavements and the road has some sharp bends. I walked the route and consider that it is not particularly safe for pedestrians. There is a public footpath across the field to the east, which would provide an alternative route to the village. The application site includes a narrow northward extension, which would accommodate a new section of footpath inside the hedgeline adjoining Slapton Road. However, this would emerge some distance north of the stile serving public footpath SLA/5/1 and so there would be no connection between the two. Slapton no longer has a village shop and it seems likely that any villager wishing to buy groceries or newspapers from the Marina store would travel by car. However, it would be of limited size and this would restrict its attractiveness. It seems likely that many residents would continue their car journey to a larger retail facility in one of the nearby towns.
16. The area does have an extensive network of public footpaths and there are a number of local visitor attractions such as the Ivanhoe Beacon. The Appellant also pointed out that the land on which he has planted large numbers of young trees is available to the public for informal recreation. I further observed that Hill Farm, on the eastern side of Slapton Road, has two "glamping" pods. The shop and café would provide a readily accessible and convenient facility for people using these facilities.
17. In conclusion, there are some opportunities for non-car travel although the nature of the use would indicate that many trips would be made by car. Saved Policy RA.4 states that the accessibility of the site is a matter to be considered in proposals for the recreational use of land outside built-up areas. However, a Marina providing off-line leisure moorings in a rural locality is likely to be heavily reliant on car travel. In the circumstances the sustainability of this location is not a matter that weighs against the proposal in this case.

Whether there is a need for the proposed Marina

18. The LP recognises that the canal is an important recreational resource. The Appellant considers that there is a need for high quality off-line moorings on the Grand Union Canal. A British Waterways Board¹ document entitled *The Need for Moorings in Aylesbury Vale* (2007) suggested a local shortfall in provision. However, the consultation response to the planning application by the Canal and Rivers Trust considered this document to be out of date. All

¹ The British Waterways Board is now the Canal and Rivers Trust.

boats are required to have a licence and the Canal and Rivers Trust indicate that the trend over the last 20 years has been a growth in licences. However, this does not necessarily mean that there is a consequent need for the number of off-line leisure moorings proposed by the Appellant. Not all boat owners will choose to park in a Marina because, although it may offer security, there would also be a not insubstantial cost. Furthermore, the proposal would not offer moorings for those who choose to live permanently on their boats.

19. The Appellant indicated that surveys had been undertaken to support the commercial business plan on which the proposal is based. However, the only survey information that was available was in the Design and Access Statement that accompanied the planning application. This looked at the availability of moorings within a 50 mile radius of the appeal site and indicated little availability and waiting lists. No information was given as to the numbers on the waiting lists or whether the same enquirers had put their names on more than one list. The situation would change with time and would not necessarily represent a true picture of the position now. Furthermore, there is no information on the nature of the requirement, for example the proportion needing long term residential moorings.
20. It is noted that planning permission was granted in 2013 for a 200 berth Marina on a former golf driving range at Ivinghoe. However, this is due to expire within the next few months and it is therefore questionable whether it will ever be built. Furthermore, it is not clear whether it would be intended to provide permanent residential moorings and there seems to be no condition to prevent this. I have noted that at the time of the decision the Council considered there to be a need, although this was against the background of previous planning permissions for 170 moorings. There may be many reasons why this development has not been implemented, despite having been renewed several times. However, it is not unreasonable to surmise that in the face of a strong need for the facility more efforts would have been made to implement the scheme.
21. Even if there is a need for more off-line moorings, there is no evidence of a requirement for a Marina of the size currently being proposed. No financial information has been provided to demonstrate that this is a viability requirement. Whilst it is appreciated that the Appellant has planted over 17,000 trees on adjoining land, there is no evidence that this is dependent on a cross-subsidy from the proposed Marina. Furthermore there is no mechanism by which the two would be linked.
22. The Appellant has pointed out that the Marina would also provide facilities for boaters travelling along the waterway, including water, diesel, pump-out facilities and overnight moorings. In addition, the shop would provide convenience provisions and the chandlery would offer small boating items. There is already a water point close to the lock and it is understood that fuel and pump-out boats ply their trade along the waterway. There are also pump-out and water facilities at Grove Lock Marina about an hour's travel to the north-west and at Cheddington in the opposite direction. Whilst the facilities would no doubt be a welcome addition to the canalside amenities, it is not considered that they provide justification in themselves for the proposed development.

23. I have no doubt that the Appellant proposes to establish a high quality Marina facility and that he is confident that there is a demand in the market for his offer. However that is not the same thing as seeking to satisfy an unmet need and the Design and Access Statement confuses the two. Whilst a demonstration of need is not a policy requirement, I do not consider that there is sufficient evidence for it to be included as a benefit of the proposal in the overall planning balance.

Conclusions and planning balance

24. The Framework sets out the presumption in favour of sustainable development. It indicates that there are three mutually dependent dimensions that give rise to an economic, social and environmental role within the planning system. The appeal proposal would support economic growth and prosperity. It would provide jobs both within the construction phase and thereafter. The Appellant indicated at the Hearing that he expected to provide 8-10 jobs, some of which would be full-time and some part-time. This would be a benefit within a rural area such as this.

25. There is insufficient evidence to demonstrate that there is a need for the moorings and other facilities provided by the appeal proposal. Nevertheless, the provision of a safe, secure and high quality facility would provide the boating community with wider choice. It would have the potential to encourage longer stays on the canal network and could attract more people onto the waterways. The shop and café would also provide an amenity for walkers, cyclists and those holidaying at Hill Farm. For the reasons already given though, any benefit to residents of Slapton in terms of retail provision would be marginal. The LP identifies the amenity potential of the Grand Union Canal and the significant opportunities for further recreation within the area. The Framework also recognises the importance of recreation to the promotion of healthy communities. There is local support for the scheme, including from Slapton Parish Council. However, it is only fair to observe that there is also a considerable amount of local objection.

26. The appeal development would provide some enhancement to biodiversity. However, it would also result in significant adverse impacts on the landscape and visual amenity of the rural area. This would be a development of considerable scale with a large water basin, a not insubstantial sized building and considerable amounts of hard development. Although the visual harm would be limited to those receptors in a relatively small area, it would nonetheless be highly significant and adverse and the LVIA concedes that the impact would not be mitigated by the proposed landscaping. In particular, for those walking the towpath and travelling along this attractive section of canal in a boat, it would represent a change that would be unacceptably harmful to their recreational experience. The development plan policies of relevance, particularly saved Policies GP.35 and GP.81, are not out-of-date. There are no material considerations of sufficient weight to outweigh the conflict with these policies. Overall the proposal would not satisfy the environmental role of sustainable development and the appeal does not succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr A Dugard	Appellant
Mr N Boddington BSc(Environmental Planning) MRTPI	Boddingtons Planning Ltd
Mr S Pearce BA(Hons) DipPG	First Environment Consultants Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Doodes MA MSc MRTPI	Mark Doodes Planning acting as Consultant to Aylesbury Vale District Council
Mr J Bellars BA DipLA DipUD CMLI	Landscape Architect and Urban Designer with Aylesbury Vale District Council

INTERESTED PERSONS:

Mr B Williams	Chair of the Slapton Parish Council
Mr Woodham	Slapton Parish Council
Mr C Green BA(Hons) DipTP MRTPI	Director of Town Planning Services advising a number of local residents
Mr T Skillings	Local resident
Mrs P Skillings	Local resident
Mr R Fenn	Local narrowboat owner
Mr E Capel	Landlord of the Carpenters Arms, Slapton
Mr G Mann	Local resident
Ms K Evans	Local resident
Mr D Wright	Local resident

DOCUMENTS

- 1 Extracts from the Aylesbury Vale District Local Plan (2004)
- 2 Archaeological Evaluation Report by KDK Archaeology Ltd (October 2015) and response from the Senior Archaeology Officer with Buckinghamshire County Council (submitted by Mr Boddington)
- 3 Location Plan of Slapton Marina and its environs (submitted by Mr Boddington)
- 4 Aerial photograph of part of the appeal site and the adjoining canal (submitted by Mr Skillings)
- 5 Background information and Committee Report for a new Marina Basin and associated facilities at Ivinghoe Golf Driving Range, Horton Road, Ivinghoe (submitted by Mr Boddington)
- 6 Response from the County Council's Highways Officer (10 June 2015)
- 7 Draft list of planning conditions (submitted by Mr Doodes)

PLANS

- A Application plans