



## Appeal Decision

Inquiry held on 5-8 and 13 December 2023

Site visit made on 8 December 2023

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> January 2024

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Appeal Ref: APP/Y0435/W/23/3321221

Linford Lakes, Wolverton Road, Milton Keynes MK14 5AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant a hybrid planning permission.
  - The appeal is made by Templeview Developments Limited against the decision of Milton Keynes City Council.
  - The application Ref 21/02533/OUTEIS, dated 10 August 2021, was refused by notice dated 14 November 2022.
  - The development proposed is (1) Full application for the change of use of 68.65ha of agricultural land to a linear park and a new access road to the Linford Lakes Study Centre with associated works including the stopping up of the public road in Stanton Low and demolition of the Marle Inn; and (2) Outline application (matter of access to be considered, with matters of layout, scale, appearance and landscaping reserved) for up to 277 extra care apartments (Use Class C2); a care home providing up to 70 bedrooms (Use Class C2); up to 41 retirement bungalows (Use Class C3) and up to 196 homes (Use Class C3) with communal amenity space and other associated works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the **description of development given on the Council's decision** notice, and the address provided by the appellant on the application form, as being the most accurate forms of description and address used in the submitted documents.
3. The application is hybrid in form, consisting of a full application for the change of use of land to a linear park, and an outline application for residential development, in both cases with associated works. The outline element is made with all matters reserved for later consideration other than for access. Access relates to the vehicular accesses to Wolverton Road and does not extend to the internal roadways shown on the layout plan, which is for illustrative purposes only.
4. During the course of the appeal, agreement has been reached between the main parties on the issues of flood risk and drainage (reason for refusal 3), archaeology (reason for refusal 4), loss of agricultural land (reason for refusal 6) and safeguarding of mineral resources (reason for refusal 10). By the close of the inquiry, the issue of affordable housing had also been agreed (part of reason for refusal 7) so further narrowing the matters in dispute. Subject to legal or conditional controls over some aspects of these matters, I consider they no longer form determining issues in this appeal.

5. Following submission of the appeal, further information in relation to the environmental statement was requested pursuant to Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. That information was received on 27 September 2023 and has been subject to publicity. I am satisfied that all those with an interest in the proposal have had the opportunity to comment on the additional information, and I have taken it into account in reaching my decision.
6. The Haversham-cum-Litford Neighbourhood Plan 2022-2031 (the Neighbourhood Plan) was made on 13 September 2023 and now forms part of the development plan. Both main parties have had the opportunity to comment on it. I have had regard to it in determining the appeal.
7. A completed legal undertaking has been submitted, a draft form of which was discussed as part of a round table session at the inquiry. I comment further on the obligations contained within that undertaking later in my reasoning.
8. Shortly after the close of the inquiry, a revised version of the National Planning Policy Framework (the Framework) was published<sup>1</sup>. The main parties have been given the opportunity to comment on the changes made to it in so far as they relate to the appeal.

#### Main Issues

9. The first reason for refusal **on the Council's decision notice combines** issues relating to development in open countryside: partly with its effect on spatial strategy, and partly with its effect on the landscape. Although both main parties agree that the site lies in open countryside, the appellant argues that the spatial strategy as set out in the Plan:MK 2016-2031 (the Local Plan) is out-of-date and should carry less weight. Both parties provided me with evidence on spatial strategy, which was tested through cross examination. For clarity, I have therefore addressed these two issues (spatial strategy and landscape impact) separately in my decision.
10. Having regard to the above, as well as the other issues remaining in dispute between the main parties, I consider the main issues in this appeal to be:
  - the spatial strategy for new development
  - the effect on the character and appearance of the landscape
  - the effect on ecology and biodiversity of the site and adjoining land
  - the mix and need for housing, in particular residential institutional accommodation
  - accessibility to services and facilities
  - the need for visitor parking
  - whether self-build housing should be provided.
11. In addition to these main issues, it is also necessary to consider the benefits of the scheme, and the weight to be given to these and other material considerations. I do this as part of the planning balance.

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<sup>1</sup> 19 December 2023 with amendment to paragraph 14 made 20 December 2023

## Reasons

### *Spatial strategy*

12. The spatial strategy of the Local Plan is to direct new development to sites within the existing built-up area or on land allocated for development in the Local Plan, as set out in Policies D1 and D2. Land outside these designations is defined as open countryside, within which only a limited range of development is considered appropriate as detailed in Policy D5. Policy HLL1 of the Neighbourhood Plan is similar in intent to Local Plan Policy D5.
13. The appeal site lies outside the built-up area of Milton Keynes as defined on the Policies Map and is not allocated for development in the Local Plan. It is therefore considered to be open countryside. The residential element of the appeal proposal does not fall within any of the categories of development which are considered essential or appropriate to a rural area. Development of the site in the manner proposed therefore conflicts with Policies D1, D2 and D5 and runs counter to the spatial strategy of the Local Plan. It also conflicts with Policy HLL1 of the Neighbourhood Plan, which only supports proposals for development outside settlement boundaries if they accord with policies managing open countryside.
14. Policy DS0 of the Local Plan commits the Council to undertaking an early review of the Local Plan, with submission of a draft plan for examination no later than December 2022. That deadline has not been met. However, in my view that does not invalidate the Local Plan or make its spatial strategy out-of-date. The Plan was found to be legally compliant and sound at examination notwithstanding the need for review. There is no indication in the examining **Inspector's report that the** policies in the Plan should not continue to be given full weight while the review was being undertaken and a draft plan progressed. In terms of national planning policy, the Plan is less than five years old from adoption, and there is no dispute that the Council can demonstrate a five-year housing land supply and meet its housing delivery test.
15. I also consider there to be merit in the argument that circumstances prompting the need for a review have changed since the Plan was examined, with cancellation of some infrastructure projects intended to underpin regional growth. The Council still has ambitions for significant growth up to 2050, but planning for that growth needs to take account of the change in circumstances, which has had an effect on the timetable for plan making.
16. My attention has been drawn to an appeal decision<sup>2</sup> in which the Inspector found that the development target in a plan was out-of-date by virtue of a policy requirement that the plan be subject to an early review, which had not happened. The reasons for that policy approach are likely to be different to those in Milton Keynes given that the decision relates to a different authority area and a different plan. It is also unknown whether the matters leading to that approach have since changed, as is the case in Milton Keynes. That makes me cautious about drawing any direct comparison between the circumstances in that case and the current appeal. Moreover, because the plan was more than five years old, housing need was reliant on the standard method of calculation, which resulted in a much higher figure than that in the plan, which is not the

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<sup>2</sup> APP/V2255/W/23/3318448 – London Road, Newington

case in this appeal. Having regard to those considerations, I give limited weight to the decision in reaching my own conclusions.

17. Lastly, is the question of whether Policy DS5 is more restrictive than the Framework, and for that reason is out-of-date and should carry less weight. In so far as the development proposed in this appeal is concerned, I see no material inconsistency between Policy DS5 and paragraphs 82-84 of the Framework relating to rural housing<sup>3</sup>. I am supported in that view by Policy DS5 having been found sound at examination against similar national planning policies to those repeated in the current Framework. Both allow housing in certain circumstances that are appropriate to a rural area, but otherwise resist isolated houses in the countryside. The residential element of the appeal scheme would fail both local and national planning policies for the location of inappropriate housing in the countryside.
18. Having regard to the above, I conclude that the spatial strategy of the Local Plan is not out-of-date and that full weight should be given to Policies DS1, DS2 and DS5 of the Local Plan, as well as Policy HLL1 of the Neighbourhood Plan.
19. Even if less weight were to be given to the spatial strategy of the Local Plan because of the failure to comply with Policy DS0, paragraph 14 of the Framework says that the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that two criteria are met. In this case, the Haversham-cum-Little Linford Neighbourhood Plan meets those criteria as it is only a few months old, and contains policies and an allocation to meet its housing requirement. For those reasons, the tilted balance inherent in paragraph 11 of the Framework does not apply in this case.

### *Landscape*

20. The site lies within National Character Area 88 - Bedfordshire and Cambridgeshire Claylands, described as a broad, gently undulating lowland plateau dissected by shallow river valleys. While predominantly an arable and commercially farmed landscape, a wide diversity of semi-natural habitats is also present. At a more local scale, the most recent local landscape character assessment<sup>4</sup> identifies the appeal site as lying within the Ouse Lakes and Parkland Floodplains landscape character area. This area occupies the floor of a shallow valley through which winds the River Great Ouse. Restored mineral workings either side of the river provide lakes, scrapes and wetlands. These water bodies are interspersed with semi-improved grassland and the area is well-treed with small woodlands and tree belts along the river and lake margins. The area is rich in wildlife.
21. Although the southern edge lies adjacent to parts of the built-up area of Milton Keynes it retains a rural, undeveloped character. Use of the land consists mainly of rough grazing, informal recreation, wildlife conservation and countryside pursuits. It forms part of the Ouse Valley Linear Park, whose objectives include protecting and improving the landscape and features of nature conservation value, and retaining and improving public access to land and water for countryside recreation.

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<sup>3</sup> Previously paragraphs 78-80 in the September 2023 version of the Framework

<sup>4</sup> Milton Keynes Landscape Character Assessment – LUC, May 2022

22. Paragraph 180 of the Framework requires that planning decisions should protect and enhance valued landscapes, as well as recognising the intrinsic character and beauty of the countryside. There is no definition of what **constitutes a 'valued landscape' for planning purposes**. Guidance produced by the Landscape Institute<sup>5</sup> provides a range of factors to aid identification but recognises that these are not exhaustive, and it remains a matter of judgement depending on the characteristics of the landscape in question.
23. The area is not designated for its landscape qualities at a national level. However, the sinuous nature of the water bodies and irregular shapes of the intervening grazing land and tree belts contrasts with the more regular and more intensively farmed arable and pastoral land to the north. The area is also differentiated by its flat, low-lying nature from the rising ground to the north and south and from which it can be seen in medium and long-distance views. The variety of landscape features in the area, in particular the presence of extensive water bodies with their semi-natural wetland margins, results in a complex mosaic of forms that distinguishes it from the wider landscape and provides added visual, recreational, ecological and cultural interest.
24. In my view these distinguishing factors and the qualities of the area elevate it to that of a valued landscape. That view is consistent with the conclusion drawn in a previous appeal decision<sup>6</sup> which also found the countryside in this part of the Ouse valley to be a valued landscape. Although there has been some tree clearance recently on part of the site, it was accepted at the inquiry that in landscape terms little has changed since that decision was made.
25. The appeal site is an intrinsic part of the landscape in that it exhibits the features that characterise the local landscape area. This includes lakes, wetland margins, grazing land, scrub and woodland intermixed in an irregular form. On the southern part of the site there are some built features, including the Marle Inn, its parking area and access road. However, the building sits low in the landscape and its use ancillary to outdoor recreation means that it does not appear out of place. I was also shown the remains of structures associated with former gravel extraction. In all cases these were modest in size and not readily noticeable other than in localised views. Neither these nor the sound of traffic on the Wolverton Road significantly detract from the overall positive contribution the site makes to the landscape qualities of the area.
26. The residential element of the proposal would result in significant built development taking place on the southern part of the appeal site. Although this element of the scheme is made in outline, the illustrative masterplan, parameter and building heights plans give an indication of the size of development the proposal would entail. This would include larger scale blocks as well as domestic scale buildings, ranging from 1.5 to 3 storeys in height. The scale of development, and its height, would contrast markedly with the largely undeveloped nature of this part of the site and would be at odds with the landscape characteristics of the site and wider area.
27. Although there is existing development to the north of the Wolverton Road forming part of the northern edge to Milton Keynes, it lies on higher ground than the appeal site and is separated both visually and functionally from the

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<sup>5</sup> Guidelines for Landscape and Visual Impact Assessment, Third Edition and Technical Guidance Note 02/21: Assessing landscape value outside national designations.

<sup>6</sup> APP/Y0435/W/17/3175391 – Land at Linford Lakes, off Wolverton Road, Milton Keynes, Bucks

Ouse Lakes and Parkland Floodplains landscape area. Redhouse Park to the east is well screened by a woodland belt while Oakridge Park to the west is separated by Stanton Low Park. Some housing is visible from southerly views from within the site but this is of either Oakridge Park or development south of the Wolverton Road and therefore some distance away. In contrast, the residential element of the proposal would intrude into the valley floor, at odds with and conflicting with the largely undeveloped landscape character of this area.

28. Some landscaping would be possible, including retention of part of the tree screen along the Wolverton Road, and some limited open space within the southern part of the site as well as a margin to the lake edges. However, given the amount of building proposed, the proposal would inevitably result in a built up, urban form of development that would be visible in filtered views from the Wolverton Road and in more open views from surrounding countryside, in particular the west and from the other side of the valley. It would also be clearly visible to visitors to the nature reserve and users of the proposed walking route in the linear park element of the scheme.
29. The linear park element would retain the landscape features that characterise the wider area. Some landscape enhancement would result from the proposed planting of this area although the majority of the changes proposed are aimed at ecological rather than landscape improvements. Dedicating future ownership of the land to the Parks Trust would be of advantage in ensuring the long-term management of the land to the benefit of its landscape as well as ecological value.
30. Notwithstanding the benefit of maintaining and enhancing the future landscape value of the linear park element of the scheme, the impact resulting from the built development of the southern element of the scheme would have a major detrimental impact on the valued landscape character of the valley floor. That impact would persist in the long term irrespective of any landscaping that could be included as part of the detailed implementation of the scheme. The harm so caused would outweigh the benefits in landscape terms. The proposal when taken as a whole would therefore conflict with Policy NE5 of the Local Plan which seeks to conserve and enhance landscape character. It would also conflict with Policy HLL10 of the Neighbourhood Plan, which seeks to protect important views, including that of the landscape of the parish.

### *Ecology*

31. As well as forming part of the Ouse Valley Linear Park, the appeal site is also designated as part of the Great Linford Gravel Pits Biological Notification Site, the River Great Ouse Milton Keynes Wildlife Corridor and the Ouse Valley Biodiversity Opportunity Area. These designations recognise the site as having potentially high biodiversity value, equivalent to a local wildlife site, and which forms part of an ecological network linking habitats together.
32. The site contains a variety of habitats including lakes, grazing land, wetland margins, scrub and trees. There are differences between the main parties as to the quality of these habitats. The appellant asserts that there are no priority habitats<sup>7</sup>, that the site is managed for the benefit of fishing and grazing rather

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<sup>7</sup> This term was used by all parties in the inquiry and refers to habitats of principal importance listed under Section 41 of the Natural Environment and Rural Communities Act 2006.



- than nature conservation, and that consequently it is relatively poor in terms of its habitat quality. The Council question the veracity of some of the ecological baseline survey work, particularly as there are significant differences between the recent ecological assessment carried out for the purposes of the appeal proposal and a similar assessment carried out in 2016, which found there to be lowland mixed deciduous woodland and lowland meadow priority habitats on parts of the site.
33. Since 2016, an area of deciduous woodland has been felled and the grassland has been intensively grazed by sheep. There is also a dog training activity operating on the site but as the Council considers this use to be unauthorised, a view that was not challenged, I have discounted its effects for the purposes of this appeal. The same applies to fly tipping, which is also unauthorised, and which for the most part has now been removed from the site.
34. While the activities described above may well have contributed to the loss of priority habitats on the site, the felling was carried out under a felling licence<sup>8</sup>, and sheep grazing is a lawful activity. In the absence of any contrary evidence, I must base my reasoning on the survey data before me which indicates that the habitats present on the site, although of biodiversity value in themselves, no longer amount to priority habitat.
35. The site does however support a wide variety of wildlife, including protected and priority species. These include bat, otter, great crested newt, grass snake, slow worm and birds such as Redwing and **Cetti's Warbler**. All these are protected species that were recorded on the site. These and the many other species noted in the ecological assessment demonstrate the importance of the site for providing suitable habitats for breeding and foraging of wildlife.
36. The residential element of the proposal would result in the loss of that habitat. Some mitigation and landscaping would be possible but given the scale of built development and associated roadways and parking areas covering the majority of the land, there would be a harmful impact on the ability of the site to support the wide range of wildlife it does at present.
37. Set against that harm, the proposal to enhance and in some instances create new habitats on the linear park element of the scheme would be of benefit. Although this area already provides a range of habitats, the alterations to land forms, planting and landscaping would enrich those habitats.
38. I acknowledge that such improvement works, in particular the creation of new habitat, could be a difficult and lengthy process requiring long term management. They therefore are unlikely to compensate for the loss of established habitats in the short to medium term. However, the intention to place ownership of the land with the Parks Trust together with a commuted sum would ensure that such work would be overseen and managed by an organisation with the necessary expertise to achieve enriched habitats. Accordingly, this element of the proposal would be of benefit for biodiversity and nature conservation in the long term.
39. A biodiversity net gain calculation has been carried out using DEFRA Biodiversity Metric 3.1, being the latest version available at the time of the application. The calculation shows a loss of biodiversity on the residential

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<sup>8</sup> Enforcement of the requirement for replanting, which has not yet taken place, is a matter for the Forestry Commission.

element of the scheme, a gain on the linear park element of the scheme, which when combined result in a biodiversity net gain of 24.73% in habitat diversity and 185.80% in hedgerow diversity.

40. The Council has criticised aspects of the calculation and the way in which it has been applied. However, no alternative calculation has been offered, and even if the criticisms were to be accepted the changes to the calculation would be relatively small, as these were both positive and negative to the overall net gain. Conflicting evidence is presented as to degradation of habitats on the site. While the evidence suggests that there are no priority habitats on the site at present, studies carried out in 2016 and the conclusions of the Inspector on the previous appeal suggest that there was at that time. Irrespective of whether that was the case or not, there has been a degradation of habitats since 2016 and that has not been recognised in the assessment of biodiversity net gain as is required by the metric<sup>9</sup>, which consequently lessens the weight that can be given to it.
41. The need for biodiversity net gain is not yet a statutory requirement and its use in this appeal is to aid assessment of the scheme against the development plan rather than demonstrate a minimum net gain. Even assuming that there would be a biodiversity net gain, it is only one factor to take into account in determining the impact of the proposal on the ecological value of the site. The calculation relates only to habitat; the impact on wildlife needs to be assessed separately.
42. In that regard the residential element of the scheme would have a direct and harmful impact on wildlife on that part of the site, including protected species. Irrespective of any landscaping that may be included, given the density and size of the residential element of the scheme I consider that little if any of it would be suitable in supporting wildlife, and certainly not in the manner that it currently does. I reach that view notwithstanding the proposed control over pet ownership, and mitigation and landscaping that could be secured through conditions.
43. The residential element of the scheme would also be a permanent source of disturbance to neighbouring land and water bodies. The presence of human activity close to the lake edges and wetland margins, together with associated lighting and noise, would harm the attractiveness of those areas for wildlife. Such activity would disturb breeding and foraging activities, in particular for those species that require tranquil surroundings to thrive. While the linear park element of the site would in due course provide enhanced and new habitats, that would take time to mature and there is no guarantee that wildlife that was displaced during the intervening period would return. I consider the harm so identified would outweigh the benefits in so far as the impact on wildlife is concerned.
44. The residential element of the scheme would also reduce the amount of undeveloped land making up the Biodiversity Opportunity Area and Wildlife Corridor. Although the linear part element would bring enhancements to habitat, that land already forms part of these designations. Their potential to provide suitable habitats for flora and fauna depends in part to the size and extent of land, not just its quality. Development of the residential element of the scheme would permanently reduce the size of the Biodiversity Opportunity

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<sup>9</sup> Natural England, Biodiversity Metric 3.1 Technical Supplement, April 2022, paragraph 1.8.



Area and Wildlife Corridor. That would be harmful to the purposes of those designations, which is to protect features of nature conservation interest.

45. Having regard to all these matters, and notwithstanding the enhancement that has been planned for the linear park element of the site, I conclude that the scheme when taken as a whole would have a harmful impact on the nature conservation value of the site and wider area. It would as a consequence conflict with Policies NE1, NE2, NE3, NE4, and NE6 of the Local Plan, which seek to protect sites of nature conservation interest, protected and priority species, and support the network of green and blue infrastructure in and around the area. It would also conflict with Policy HLL9 of the Neighbourhood Plan which resists proposals that would undermine ecological networks.

*Mix and need for housing*

46. With agreement having been reached on securing a suitable element of affordable housing as part of the scheme, **the Council's reason for refusal has** narrowed to whether the proposal would result in an overconcentration of residential institutional development. Conversely, it has been put to me that there is a lack of such specialist housing to meet demand within Milton Keynes. I consider both arguments under this issue.
47. Extra care housing is considered as a component of general housing need for the purposes of the Local Plan. While the number of extra care units built is currently less than the need forecast in the most recent Strategic Housing Market Assessment, I was also presented with evidence that there are vacancies in extra care schemes that have recently been completed and are available for occupation. It is ultimately a matter for the market to determine whether there is demand for such schemes and to deliver them. There is no dispute that the Council is able to demonstrate a five-year housing land supply. One of the purposes of having a five-year housing supply is to ensure that there is sufficient deliverable and developable land to enable the housing market to operate effectively and respond to demand as required. I am therefore satisfied that the need for extra-care housing can be met within the land identified for development in the Local Plan.
48. For nursing home accommodation, the Local Plan sets a separate target to that for general housing. On **the Council's evidence**, current supply meets some 55% of the need identified in the SHMA, and as the Local Plan is approximately halfway through its plan period this demonstrates that need is being met for nursing home space. The calculated supply does not distinguish between nursing home spaces aimed at the elderly as opposed to other specialist care, does not include closures of existing nursing homes, and includes permissions that have not yet been implemented. However, the element of bed spaces aimed at non-elderly specialist care would appear to be relatively small, and I consider it reasonable to include permitted but not yet built schemes, since if there is demand for such schemes it is likely that they will be built in due course. In addition, further nursing home accommodation is likely to come forward as part of strategic housing allocations elsewhere in Milton Keynes which have yet to be started. Taking all those matters together, I consider that supply is largely meeting the forecast demand for nursing home accommodation, and that the housing land supply in the Local Plan provides adequate opportunity to meet demand over the remaining plan period.

49. Approximately two thirds of the units in the proposed scheme would be either in residential institutional use or intended for the elderly. The remaining third would be general housing, which I was told at the inquiry would have no age restriction on occupancy. While the majority of the scheme would therefore be for the elderly, it would not be all of the units. Within the wider area, evidence provided by the appellant shows there to be no other nursing home or extra care provision within one mile, and five care homes and one extra care schemes within two miles, with two further schemes consented<sup>10</sup>.
50. Having regard to the above, I do not consider that the scheme would represent an overconcentration of residential institutional development within this part of Milton Keynes. While there would be a significant amount of such development within the scheme, the scale of provision for the elderly would be comparable to retirement villages elsewhere in Milton Keynes. I conclude that in terms of housing mix, viewed either individually or in the context of the wider area, it would comply with Policies HN1 and HN3 of the Local Plan in so far as they relate to a concentration of supported or specialist housing. The agreement reached between the main parties over the provision of affordable housing removes any conflict with Policy HN2.

#### *Accessibility to services and facilities*

51. Policy ER14 of the Local Plan requires new residential developments of 500 dwellings or more to contain a local centre, which should be located so that the majority of new dwellings are within a 500m walking distance. The scheme does not contain a local centre. It was suggested that there could be a range of ancillary uses on site for the use of residents, but no such services or facilities are included in the description of the development. In order to remain ancillary, it is unlikely that such uses could be available to all those in the development, such as the general housing element, or visitors to the site. They would not therefore operate in the same way as a local centre.
52. There are local centres within 1.5-2km from the site<sup>11</sup>. At present these are not easily accessible on foot, but the scheme proposes a new redway<sup>12</sup> and pedestrian crossing points along the Wolverton Road, which would enable better pedestrian and cycle access. A financial contribution towards Milton Keynes' new on-demand bus service is also proposed which would see that service extended to the site.
53. Notwithstanding Policy ER14, the Council accepts that local services and facilities are accessible for occupants without impairment, for example those living in the general housing stock, and the Inspector on the previous appeal found the site to be reasonably well-placed for access to local facilities and public transport. The concern therefore centres around accessibility for the elderly and those with physical impairments. In that regard, while the distances involved are well beyond the 500m envisaged by Policy ER14, or the 800m preferred maximum in the CIHT guidance<sup>13</sup>, the improvements proposed for walking, cycling and mobility scooters, and bus services, would enable alternative means of transport to those facilities other than by motor car. I conclude that, on balance, there would be adequate accessibility to local

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<sup>10</sup> Proof of evidence, Nigel Newton Taylor, paragraph 7.2

<sup>11</sup> Shorter distances are quoted in PoE Appendix 1 of Jennifer Smith but these are as the crow flies.

<sup>12</sup> Shared-use pathways for walking, cycling and mobility scooters

<sup>13</sup> Chartered Institution of Highways and Transportation, Guidelines for providing for journeys on foot, 2000

services and facilities including for those with mobility impairments, and therefore the requirements of Policy HN3 of the Local Plan would be met. I reach that conclusion having had regard to the public sector equality duty under Section 149 of the Equality Act 2010.

#### *Visitor parking*

54. Unlike the previous scheme on the site, the current proposal does not propose to provide any additional parking for visitors to the linear park element of the scheme. The reason given for that is that the site is not intended as a destination country park and would be managed in such a way as to avoid high numbers of visitors. Existing car parks are therefore considered adequate to meet visitor demand.
55. There are no set parking standards for uses such as the linear park and it is therefore a matter of judgement as to whether additional parking is a necessary requirement. No objection has been raised by the Highway Authority on highway safety grounds. The position statement between the appellant and the Parks Trust<sup>14</sup> confirms the intention to limit public access to the land with an emphasis on biodiversity and landscape conservation. It is therefore unlikely that the use would cause congestion through an overuse of existing car parks or parking on verges.
56. On that basis I conclude that additional visitor parking has not been shown to be necessary, and accordingly the proposal would comply with Policies CT10, SD1 and L1 of the Local Plan, which require new development to meet parking standards, maintain highway safety and secure appropriate parking and access arrangements in parks.

#### *Self-build housing*

57. On strategic development sites, Policy NH5 requires 1 hectare of land to be provided for self-build and custom housebuilding plots. The need to provide self-build and custom housebuilding plots is evidenced by the number of entrants on the **Council's self-build** register and the number of plots permitted for self or custom-build projects. At present there is a significant undersupply of self-build plots to meet demand. That evidence was not challenged.
58. The appellant accepts there is conflict with Policy NH5 but argues that lesser weight should be applied because there is a need to maintain control over the residential element to minimise its effect on ecology and the landscape, including landscaping within the site. I give little weight to that argument. It seems to me that controls of that nature could be imposed by planning conditions or covenants while still allowing self-builders to develop individual plots. If that were not possible, it would indicate that the site was not a suitable one for a strategic housing development, because it would not be able to achieve the legitimate aim of meeting demand for a mix of housing types that included self-build.
59. I conclude that the development would conflict with Policy NH5. Furthermore, I give that policy full weight.

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<sup>14</sup> Statement of Common Ground between Templeview Developments and The Parks Trust, November 2023

## Other Matters

60. The legal undertaking accompanying the scheme secures a range of planning obligations. These comprise: dedication of part of the site as a linear park and transfer of ownership to the Parks Trust together with an endowment for future maintenance and management; affordable housing in accordance with Policy HN2; financial contributions towards education and health facilities, bus transport, public art, rights of way, and the voluntary sector; highway works; a travel plan and monitoring fee; a requirement for accessible and adaptable dwellings; and a restriction on pet ownership.
61. The obligation for accessible and adaptable dwellings is one that could be secured by condition rather than a legal undertaking, in accordance with the advice in paragraph 55 of the Framework. In all other respects I consider that the obligations meet the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 and I have taken them into account in reaching my decision. I have some concerns about the enforceability of a restriction on pet ownership but given my conclusions on other matters that is not a determining issue in this case.
62. The description of development includes the stopping up of the public road in Stanton Low. At the inquiry it was clarified that this was intended to mean stopping up of the road to motorised public traffic, but that it would remain open to walkers, cyclists and horses. Altering public rights of way in this manner would be a matter for a modification order, with attendant publicity. However, given my decision on the appeal I have not sought to progress this element of the scheme any further.

## Planning Balance and Conclusion

63. The development would conflict with the spatial strategy as set out in the Local Plan and that the relevant policies are up to date and should be given full weight. It would have a major detrimental impact on the landscape and would harm the net ecological value of the site and wider area. I reach those views having taken into account the improvements planned for the linear park element of the scheme and biodiversity net gain. The development would also fail to provide any self-build or custom housebuilding plots. These conflicts individually and collectively weigh heavily against the scheme.
64. There would not be an overconcentration of residential institutional development, either on the site or within the context of the wider area. Neither is there an undersupply of such specialist housing in the Milton Keynes area. On balance, there would be adequate accessibility to services and facilities subject the transport improvements included in the scheme being implemented. There is no need for additional visitor car parking. All these matters are of neutral weight in the planning balance.
65. Set against the harm are the benefits that would accrue from the scheme. Although the Council is able to demonstrate a five-year housing land supply, the provision of a large amount of residential development would nevertheless be beneficial in helping to meet the need for housing, including specialist housing for the elderly. The same applies to the affordable housing, which would help meet the needs of those who are unable to secure housing in the open market. Given that there is a five-year housing land supply, I give these benefits moderate weight.

66. There would be economic benefits arising from construction activity in the short term, and the spending power of future occupants in the longer term. There would also be economic benefit arising from employment opportunities associated with the nursing home, extra-care units, and management of the linear park. I give these benefits moderate weight too.
67. While I have considered the benefits of the linear park element of the scheme in terms of the maintenance and enhancement of landscape and ecology as part of those issues, it would also have the benefit of increasing access to the countryside. The changes to the linear park element are aimed primarily at improving landscape and habitats, but a circular walk has been included in an appropriate manner as part of the scheme. It would provide public access to an area of the linear park where there is none at present. That would be a moderate benefit in helping to achieve one of the objectives of Policy DS6 of the Local Plan, which is to improve public access to land and water for countryside recreation in the linear parks, including the Linford Lakes area.
68. The appellant puts forward other benefits including open space and landscaping within the residential element of the scheme, a restrictive covenant on pet ownership, provision of a new access to the nature reserve study centre, and provision of a redway and pedestrian crossing points along Wolverton Road. These changes are of limited benefit as they are required to mitigate the impact of the proposed development or are of private rather than public benefit in the case of the access to the study centre. Removal of shooting rights is also of limited benefit as while it would help the nature conservation value of the site, it would remove an existing countryside pursuit.
69. Notwithstanding the policy support and benefits arising from the linear park element of the scheme, I consider that the appeal proposal would conflict with the development plan when taken as a whole. That conflict would be substantial. The material considerations summarised above would be of benefit and I have given them moderate or limited weight accordingly. However, the conflict with the development plan and the substantial harm that would be caused to matters of acknowledged importance decisively outweigh those other benefits.
70. Accordingly, I conclude that the appeal should be dismissed.

*Guy Davies*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

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### INTERESTED PARTIES:

Richard Pryor

Chair, Haversham-cum-Little Linford Parish Council

Philip Ashbourn

Cycling UK

Tony Bedford

Chair, Friends of Linford Lakes Nature Reserve



## DOCUMENTS

Documents relating to the inquiry can be found at: [Linford Lakes Public Inquiry - Google Drive](#)

Other documents received during or after the inquiry are as follows:

1. Position statement on Policy DSO by MKCC
2. Copy of report on the examination of Plan:MK, February 2019
3. Statement of common ground between the appellant and The Parks Trust
4. Opening statement on behalf of the appellant
5. Opening statement on behalf of MKCC
6. Statement of common ground on landscape between the appellant and MKCC
7. Copy of consultation response from MKCC Children Services
8. Copy of speaking notes of Richard Pryor
9. CIEEM Associate and Full Membership Application Guidance
10. IEEM Field Ecology Skills Guide
11. Statement of Common Ground on ecology and biodiversity between the appellant and MKCC
12. Hard copy of application drawings for use on site visit
13. Site visit map with suggested viewpoints
14. JNCC Handbook for Phase 1 habitat survey
15. List of draft planning conditions v1
16. Statement of compliance with planning obligations from MKCC
17. Draft legal undertaking
18. List of draft planning conditions v2
19. Statement of common ground on planning and other main matters between the appellant and MKCC
20. Final agreed draft of legal undertaking
21. Closing submissions on behalf of MKCC
22. Closing submissions on behalf of the appellant
23. Copy of completed legal undertaking.