



Office of the
Deputy Prime Minister

Creating sustainable communities

Mr J Drake
John Drake & Co
Smiths Farm
Yardley Road
Olney
Bucks
MK46 5EH

Peter Bates
Decision Officer
Planning Central Casework Division
3/J1
Eland House
Bressenden Place
London SW1E 5DU

Direct line: 020 7944 8720
GTN: 3533 8720
peter.bates@odpm.gsi.gov.uk

Web site: www.odpm.gov.uk

Our Ref: APP/Y0435/V/03/1115527

17 February 2004

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)
APPLICATION BY MESSRS PIBWORTH & HARGREAVES
LAND AT WARRINGTON ROAD, OLNEY
APPLICATION NO: 02/01180/OUT**

1. I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, Mr C Cunningham BSc (Hons) MA MCP MRTPI, who held a public local inquiry, which closed on 13 November 2003, into an application made by your clients, Messrs Pibworth & Hargreaves, for outline planning permission for B1 office development on land at Warrington Road, Olney.

2. On 9 April 2003, the Secretary of State directed in pursuance of section 77 of the Town and Country Planning Act 1990 that the application be referred to him instead of being dealt with by the local planning authority, Milton Keynes Council.

3. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that planning permission be refused. A copy of his report is enclosed. For the reasons given below, the Secretary of State agrees with the Inspector's recommendation and refuses planning permission.

Policy Considerations

4. Section 54A of the Town and Country Planning Act 1990 requires that proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is the Buckinghamshire Structure Plan 1991-2011 (1996) and the Borough of Milton Keynes Local Plan (1995). The Secretary of State considers that the policies of most relevance to this case are those discussed by the Inspector in paragraph 4 of his report. The Second Deposit version of the Milton Keynes Local Plan (October 2002) is a material consideration, but is still currently being considered at a Local Plan Inquiry. The Secretary of State therefore



INVESTOR IN PEOPLE

considers that this plan should be accorded limited weight in his consideration of this application.

5. Material considerations which the Secretary of State has taken into account are Planning Policy Guidance note 1 (*General Policy and Principles*): PPG1; Planning Policy Guidance note 6 (*Town Centres*): PPG6; Planning Policy Guidance note 7 (*The Countryside – Environmental Quality and Economic and Social Development*): PPG7; Planning Policy Guidance note 12 (*Development Plans*): PPG12; Planning Policy Guidance note 13 (*Transport*): PPG13; and Regional Planning Guidance for the South East (RPG9).

Main Issues

6. The Secretary of State agrees with the Inspector that the main considerations in this case are those set out in paragraph 36 of his report.

Impact on the form and setting of Olney

7. The application site is shown in the adopted local plan as within open countryside beyond the limits of development for the settlement of Olney. The Secretary of State agrees with the Inspector that the proposal would not be essential for agriculture, forestry or countryside recreation, nor would it comply with any of the categories of development listed in Policy OC1 of the Structure Plan [IR 38]. He agrees with the Inspector therefore that the proposal would not accord with policies OC1 and DS11 of the Structure and Local Plans respectively [IR 38]. However, the Secretary of State agrees with the Inspector that the requirements for the designated Wildlife Corridor and Biological Notification Site can be achieved by the imposition of a condition requiring the southern part of the site to be safeguarded from development [IR 39].

8. For the reasons given in paragraphs 40 to 42, the Secretary of State agrees with the Inspector that the proposal would represent a significant urban incursion beyond the elevated and well-landscaped former railway line into an area of otherwise open countryside and that it would materially change the character of this open land. He agrees with the Inspector that the proposal would have a detrimental impact on the form and setting of the northern part of Olney and the surrounding rural area [IR 42]. Furthermore, he agrees that the undefined nature of the western boundary of the application site would be likely to lead to pressure for further development on all or part of the rest of the same field [IR 42]. For these reasons, the Secretary of State agrees with the Inspector that the proposal would be contrary to Policies OC1 and DS11 of the Structure and Local Plans, and PPG7, which seek to safeguard the countryside for its own sake [IR 43].

Need for office development and sequential approach to site selection

9. Policy E2 of the Structure Plan says that, within or adjoining the built up limits of any settlement expanded under the terms of Policy H3, new employment-generating development appropriate to the needs of the settlement and the adjoining areas for which the settlement acts as a local centre will generally be permitted [IR 4]. However, the Secretary of State agrees with the Inspector that there was no evidence to demonstrate that Olney has had significant housing growth under the terms of Policy H3 and that Policy E2 cannot therefore be considered to apply in this case to justify the proposal [IR 44]. The Secretary of State agrees with the Inspector that, as the site is not identified in the adopted Local Plan, the necessary provisions of Policy E2 would not be met in any case and that there is no justification for office development as proposed based on these policies [IR 44].

10. Having regard to the evidence presented on need for office development in Olney, and for the reasons given in paragraphs 45 – 52, the Secretary of State agrees with the Inspector that there is not a convincing case for need for office development in Olney or at the application site. He agrees with the Inspector that the need arguments presented are not sufficient to outweigh the harm identified in paragraphs 38 – 43 of the Inspector's report and in paragraphs 7 and 8 above [IR 53].

11. The Secretary of State notes that the potential of the sites identified through the local plan process to provide employment development has been balanced against their potential to provide housing development. For the reasons given by the Inspector in paragraph 69 of his report, the Secretary of State agrees that this balancing exercise can only be considered fully as part of a review of overall policy in the Local Plan. The Secretary of State agrees with the Inspector that this exercise was not carried out in this case [IR 69].

12. PPG6 requires developers (and local planning authorities) to be able to demonstrate, when selecting sites for development, that all potential town centre options have been thoroughly assessed before less central sites are considered. In this case, the sequential approach to the site's selection as an employment site has been considered as part of the exercise to select development sites in the emerging local plan. However, the Secretary of State saw no evidence to demonstrate that the applicant, in proposing development on the application site, had carried out a sequential approach. The absence of such an approach is contrary to the requirements of PPG6.

Site accessibility

13. For the reasons given in paragraph 70, the Secretary of State agrees with the Inspector that the site has a high level of accessibility within Olney by means other than the private car. He agrees with the Inspector however, that the absence of a sequential approach to site selection makes it difficult to assess the site's relative accessibility compared to other potential employment sites around the town [IR 70].

Retention of option to provide a railway around Olney

14. For the reasons given in paragraphs 54 – 58, the Secretary of State agrees with the Inspector that proposals to re-instate an east-west rail link are not sufficiently advanced to enable the relevant provisions of paragraph 5.22 of PPG12 to apply and that there is therefore no justification to safeguard a route [IR 59]. The Secretary of State agrees with the Inspector that it would however be desirable to preserve the option of re-instating all or most of the abandoned rail line around Olney [IR 60]. He agrees therefore that, where planning permission to be granted, a condition could be imposed on any planning permission for development on the application site to ensure the former line of the railway was not developed [IR 60].

Other matters

15. The application site is allocated for B1 employment use in the emerging local plan. However, there are objections to the emerging local plan designation of Olney as a key settlement and to the need for additional employment land in Olney which are yet to be determined at the local plan public inquiry. The Secretary of State agrees with the Inspector therefore that, in accordance with paragraph 48 of PPG1, only limited weight can be given to the site's allocation for employment (B1) use in the emerging local plan [IR 64].

Overall Conclusion

16. The Secretary of State concludes that the proposal would have a detrimental impact on the form and setting of the northern part of Olney and the surrounding rural area and that there is no overriding need for the proposal to justify the harm caused. He considers that the limited weight given to the site's allocation for employment (B1) use in the emerging local plan and the site's good accessibility by means other than car would not be sufficient to justify its release or to override the

harm caused. The Secretary of State concludes therefore that the proposal would be contrary to the Development Plan and to PPG7.

17. The Secretary of State does not consider that there are any material considerations that would indicate that he should determine the application other than in accordance with the development plan.

Formal Decision

18. For the reasons given above, the Secretary of State accepts the Inspector's recommendation. He hereby refuses outline planning permission for B1 office development on land at Warrington Road, Olney.

Right to challenge the decision

19. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

20. A copy of this letter has been sent to Milton Keynes Council and to all those who appeared at the inquiry.

Yours faithfully,

Peter Bates

Authorised by the First Secretary of State to sign in that behalf