
Appeal Decision

Site visit made on 12 September 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 10th October 2016

Appeal Ref: APP/C3105/W/16/3152557

S & S Motors, Ploughley Road, Lower Arncott, Bicester, Oxfordshire OX25 1NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by S & S Motors against the decision of Cherwell District Council.
 - The application Ref 15/02353/OUT, dated 24 December 2015, was refused by notice dated 23 February 2016.
 - The development proposed is the redevelopment of site for the erection of nine new 2-storey open market dwellings, with associated parking spaces and upgraded access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by S & S Motors against of Cherwell District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect on the character and appearance of the area and highway and pedestrian safety within the site.

Reasons

Character and appearance

4. The appeal site consists of a vehicle repair workshop and an undeveloped, unused, parcel of land to the rear of the Nos 63 - 69 Ploughley Road which are a mixture of bungalows and two storey dwellings. To the south-west of the site is an extensive MoD base which is fenced off from the site and is screened by trees.
 5. This part of Lower Arncott consists of a section of ribbon development along Ploughley Road with the Tally Ho hotel and restaurant, residential properties, and Manor Farm at its northern extremity. Whilst the existing garage, the development at the Tally Ho, and Manor Farm extend back from the road frontage, the character of the residential element of this ribbon development is one of frontage development to Ploughley Road. Beyond this area, and the main part of Arncott, the area is generally rural in character.
 6. The Council's reason for refusal refers to Policy Villages 1 (PV1) of the Cherwell Local Plan 2011-2031 (LP). This policy sets out a categorisation of villages and
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where new development should be located. Arncott is a category A village where infilling and minor acceptable development would be supported.

7. Given that the development would not have a direct frontage to Ploughley Road, it could not be classed as infill development as it would not be the filling of a small gap in an otherwise continuous built-up frontage (para C.264 of the LP). Given the scale of the proposal it would however be minor development. In considering whether a development is acceptable minor development the supporting text (para C.262) indicates that regard will be given to the sites context and whether it would be in keeping with the character and form of a village.
8. Whilst the garage part of the site is previously development land and could be considered to be located within the developed limits of Arncott, the paddock area must be considered to be beyond the existing village envelope.
9. The new dwellings would be sited behind Nos 59-69 Ploughley Road which would also be in contrast with the prevailing form of residential development in Lower Arncott and the general form of the village as a whole. Furthermore, given the relative juxtaposition between the existing and proposed development in the area I consider that it would not represent logical rounding off of Arncott.
10. For the above reasons, I conclude that the dwellings would lead to unacceptable harm to the character and appearance of the area, contrary to Policies ESD13, ESD15 and PV1 of the LP and saved Policies H18 and C28 of the Cherwell Local Plan 1996 (the 1996 Plan). It would also be at odds with the design aims of the National Planning Policy Framework (the Framework).

Highway safety

11. It is common ground between the principal parties that the access point from the site to the highway is suitable for the development and I have no reason to disagree.
12. The submitted plans show that the access driveway and areas to the fore of the proposed dwellings would be largely devoted to vehicle access, parking and turning areas. Whilst there is a path along the property frontages, this would not extend down the driveway to Ploughley Road. It is also unclear whether service vehicles, being the largest vehicle likely to visit the site, would be able to enter and exit in a forward gear.
13. Whilst the existing driveway is a wide concreted area, the use of the site as a vehicle repair garage has very different characteristics to a residential development and as such the current situation would not override the need to provide a safe access to the development for pedestrians.
14. Although the application is in outline, the layout of the site is being considered at the outline stage. Given this, changes required to address the above issues cannot therefore be reserved for future approval. Similarly, I do not consider that this could be addressed through a suitably worded planning condition.
15. I also acknowledge that a revised plan was submitted with the appellant's final comments which showed an improved pedestrian segregation route along the access drive and some vehicle movement details to the parking spaces. However, to my mind, this does not adequately address with the above issues.

16. For the above reasons, I find that the layout of the development would be likely to give rise to significant harm to highway and pedestrian safety and as such the proposal would conflict with Policy ESD15 of the LP and the Framework which seeks to ensure that developments have a safe and suitable access for all people.

Other matters

17. The Council have stated that they have a five year supply of deliverable housing sites and this is only disputed by the appellant in relation to an unmet need arising from Oxford. The LP was adopted in July 2015 and, as I understand it, makes provision for that unmet need arising from Oxford as part of a partial review within two years. I further understand that there is now an agreement that 3,500 additional dwellings will need to be provided within Cherwell during the plan period and that the Council is looking at where these may be delivered.
18. Notwithstanding the above, I have not been provided with any figures to demonstrate what the current position is against either the current adopted housing delivery target, or a future target to include the additional unmet need from Oxford in relation to a five year supply of available housing sites.
19. Given the relatively recent adoption of the LP, and that it provides for a timely review to deal with unmet need arising from Oxford, I consider that it remains up-to-date when considered against the Framework as a whole. Therefore, the housing supply policies in the LP and the saved policies in the 1996 Plan must be considered to be up-to-date and therefore carry significant weight.
20. I have also had regard to the provisions of the Localism Act 2012, and the New Homes Bonus. However, whilst the New Homes Bonus would provide some financial benefit to the Council, I consider that this would not outweigh the harm I have found.
21. Reference has also been made to Policy Villages 2 (PV2) of the LP, and whether this is relevant to the consideration of this proposal. Whilst I acknowledge it was anticipated that the development would provide more than 10 dwellings at the pre-application stage, the scheme evolved to result in a scheme of nine dwellings. The consequence of this is that PV2 no longer applies to the development, as this is dealing with schemes for 10 or more dwellings.
22. Concern has been raised about the pre-application advice given by the Council and the apparent haste in determining the application. In my experience such pre-application advice is usually given without prejudice to the final determination of any application. In terms of the process and when the application was determined under delegated powers, these are matters which are away from the planning merits of the appeal and as such I give this matter only limited weight. I have, in any event, determined the appeal on its planning merits.
23. One of the core principles of the Framework is the presumption in favour of sustainable development. For decision taking, this means approving development that accords with the development plan. However, in this case, there is a clear conflict with an up-to-date development plan.

Conclusion

24. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR