
Appeal Decision

Hearing held on 31 August 2016

Site visit made on 31 August 2016

by G D Jones BSc(Hons) DipTP DMS MRTPI

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

Decision date: 2 November 2016

Appeal Ref: APP/V3120/W/16/3144811

Land to the Rear of 10 Halls Close, Drayton, Abingdon OX14 4LU

- 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 Blue Cedar Homes Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P15/V2077/O, dated 28 August 2015, was refused by notice dated 27 January 2016.
 - The development proposed is described as outline application on Land to the Rear of 10 Halls Close, Drayton to provide up to 28 no. dwellings with all matters reserved except access.
-

Decision

1. The appeal is allowed and planning permission is granted for up to 28 no. dwellings with all matters reserved except access at land to the rear of 10 Halls Close, Drayton, Abingdon OX14 4LU in accordance with the terms of the application, P15/V2077/O, dated 28 August 2015, subject to the conditions contained within the Schedule at the end of this decision.

Preliminary Matters

2. The proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to these reserved matters submitted with the appeal planning application as a guide as to how the site might be developed.
3. In my formal decision I have employed the site description as it appears on the appeal form in favour of that on the planning application form. I have done so because it provides a clearer indication of the appeal site's location and it is also agreed by the main parties as reflected in their Statement of Common Ground (SoCG).
4. During the hearing the appellants submitted two separate signed Unilateral Undertakings¹, both dated 31 August 2016, pursuant to Section 106 of the Town and Country Planning Act 1990 (the UUs). The UUs would secure the provision of affordable housing and financial contributions towards a range of matters, including education, outdoor recreational facilities and traffic calming. During the hearing the Council's representatives confirmed that the UUs satisfactorily address its second refusal reason concerning the appeal development's effect on local

¹ Document 9 a & b

infrastructure and facilities. I have considered and determined the appeal on that basis.

5. After I had closed the hearing the Council asked that I take into account three additional appeal decisions made by the Secretary of State². As these decisions concern proposed development in areas where there is an adopted neighbourhood plan and have at least some points in common with the current appeal, in the interests of consistency, I have taken them into consideration when making my decision.

Main Issues

6. The main issues are:

- The effect of the appeal scheme on the character and appearance of the area, having regard to the setting of nearby listed buildings and of the Drayton Conservation Area;
- The effect of the appeal scheme on the housing strategy for the district; and
- Whether any harm arising is outweighed by any other considerations, including the absence of a National Planning Policy Framework compliant supply of housing land in the area.

Background

Site and Context

7. The appeal site is located on the southern edge of the village of Drayton, immediately beyond the dwellings in Hall Close, a small cul-de-sac. It measures some 1ha in area and is roughly square-shaped. High Street runs east-west through the village a little to the north of the site beyond the properties that line the southern side of the street and those grouped in Halls Close. No. 44 High Street, a listed building at grade II, is one of those properties and is located at the junction with Halls Close.
8. Although the SoCG refers to it as being private garden, the significant majority of the site has the appearance of a paddock which lies beyond the lawned rear garden areas of the neighbouring homes in Halls Close. A small portion of it extends between Nos. 6 and 10 as far as the head of Halls Close. This includes part of the garden to No. 10 as well as its double garage, which would be demolished in order to form the proposed access.
9. The land to the west is currently in agricultural use but also allocated for residential development in Drayton Neighbourhood Development Plan 2015 (Neighbourhood Plan). It is also the subject of a detailed planning application by Bloor Homes for 140 dwellings, which the Council has resolved to approve subject to the completion of a legal agreement³. For ease of reference I shall refer to that land as the Bloor Homes site.
10. To the east of the appeal site are properties, including their grounds, located to the southern end of Chiers Drive, which is accessed from High Street. To the south the land is largely open countryside in agricultural or equine use and includes a small farmstead, Little Smith Farm, a little to the south of the appeal site.
11. The site lies outside but adjacent to the boundary of the existing 'built up area' for Drayton village as defined in the development plan. Although it extends some

² Document 10 a, b & c

³ Planning application Ref P15/V2447/FUL, Planning Committee meeting on 2 March 2016

distance to the north, Drayton Conservation Area (DCA) is predominantly concentrated along High Street. Its southern boundary extends into Halls Close but stops several metres beyond the closest part of the appeal site. The site is also located within the locally designated Lowland Vale, which at least in part is characterised by long, open views.

12. Drayton is classified as a large village in the Vale of White Horse Local Plan 2011 (the Local Plan) and lies some two miles south of Abingdon. The village centre along Abingdon Road, roughly 300m from the site, is reasonably well served with local facilities including convenience stores, pubs and a post office. Drayton also has the Parish Church of St Peter's, a listed building at grade II*, a Baptist Church and a primary school. The village has a bus service which links to Didcot, Abingdon and Oxford.

Planning Policy & Housing Land Supply Context

13. The National Planning Policy Framework (the Framework) outlines a presumption in favour of sustainable development, which it indicates has three dimensions – economic, social and environmental. Paragraph 14 sets out how this presumption is to be applied and indicates that development proposals which accord with the development plan should be approved without delay, while going on to say that where it is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
14. In respect to Neighbourhood planning the Framework says that communities are given direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. It also states that where a planning application conflicts with a neighbourhood plan that has been brought into force, permission should not normally be granted.
15. In respect to housing delivery, the Framework requires the Council to meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. Applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The main parties agree that, for the purposes of this appeal at least, there is not a Framework compliant supply of housing land. The SoCG indicates that the Council can demonstrate only a 4.2 year supply of housing land and this was reconfirmed by the Council at the hearing.
16. The development plan for this area includes the Local Plan and the Neighbourhood Plan. The remaining refusal reason indicates that the appeal development would be contrary to Policies HE1, GS2, H11 and H13 of the Local Plan and Policies P-LF2, P-LF4, P-LF5 and P-H1 of the Neighbourhood Plan. Although not cited in the refusal reasons, the evidence also refers to Local Plan Policy HE4.
17. Local Plan Policy HE1 seeks to preserve or enhance the character or appearance and the setting of conservation areas, while Policy HE4 concerns the setting of listed buildings. Policies GS2 and H13 control development outside the built up areas of settlements. There is no direct conflict with Policy H11, since the appeal site is not within the built up area. I would also note that the statutory duty⁴ to pay special attention to the desirability of preserving or enhancing the character or

⁴ S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

appearance of a conservation area does not apply in this case as that duty does not extend to consideration of a conservation area's setting.

18. Neighbourhood Plan Policy P-LF4 seeks to conserve and enhance the character and appearance of the DCA and its setting, while Policy P-LF5 concerns the protection and enhancement of heritage assets at large, including listed buildings and the DCA, as well as their contribution to local distinctiveness, character and sense of place. Policy P-H1 allocates land for residential development on three sites including the Bloor Homes site, which is identified as land 'South of the High Street (9.64ha) for approximately 140 dwellings'. Policy P-LF2 states that development that does not extend the village's boundaries through ribbon development along roads to the adjacent settlements of Abingdon, Steventon, Sutton Courtenay and Milton, will be supported, subject to compliance with other policies in the Neighbourhood Plan.
19. The remaining refusal reason cites conflict with Core Policy 39 of the emerging Local Plan 2013 Part 1 (eLPt1), concerning protection of the historic environment. The eLPt1 has been the subject of a two stage examination in public. The examining Inspector published his interim findings in June 2016, in response to which the Council has made modifications to the eLPt1 which were the subject of consultation at the time of the hearing.
20. The evidence includes a copy of a report to the Council's Planning Committee in respect to another planning application⁵. Among other things, that report states that, with the exception of a policy concerning affordable housing, the policies of the eLPt1 carry limited weight. Although the eLPt1 is at a reasonably advanced stage, as it has recently been the subject of consultation and appears still to be subject to objections I see no reason to disagree with that Committee report in respect to the weight carried by the eLPt1.

Reasons

Character & Appearance - Setting of Conservation Area and Listed Buildings

21. The Council has confirmed that its concerns in respect to heritage assets relate primarily to the appeal development's effect on the setting of the DCA and the setting of the grade II* Church of St Peter. While it also notes that, the grade II listed, 44 High Street is seen in combination with the Church in certain views across the appeal site, the Council does not allege harm to the setting of 44 High Street in isolation.
22. In regard to the setting of the DCA, it is common ground between the main parties that the appeal development would cause less than substantial harm to its setting in the terms of para 134 of the Framework. From what I read, saw and heard during the appeal process, particularly given the site's proximity to the DCA and the contribution that open, undeveloped fields make to the rural setting of the village and its conservation area, I have found no reason to disagree. In this regard I have particularly had in mind the likely historical associations between the DCA as the historic centre of this rural community and the surrounding agricultural land of which the appeal site forms a part. The development of the appeal site would weaken those associations.
23. Nonetheless, the appeal development would be of a reasonably modest scale. Views out of the DCA to the site are very limited. Views across it to the DCA are fairly limited and largely seen against the backdrop of the reasonably modern

⁵ Report to the Council's Planning Committee of 17 August 2016 in respect to planning application Ref P16/V0364/O for the construction of 24 dwellings

- intervening development in Halls Close. There is also a gap between the site and the DCA, which is largely occupied by development in Halls Close.
24. Consequently, in my judgement, this harm would amount to a limited adverse effect on the setting of the DCA. This weighs against the proposed development, as does the associated conflict with Local Plan Policy HE1, Neighbourhood Plan Policies P-LF4 and P-LF5 and eLPpt1 Core Policy 39 in respect to the scheme's effect on the setting of the DCA.
25. The Council's evidence states that the key significance of the listed buildings is that they are good examples of vernacular buildings dating from the medieval period onwards constructed in local materials and styles. No. 44 stands some 75m north of the appeal site, while the church is located further north a little distance beyond High Street. At the hearing I was advised by the Council's representatives that these two listed buildings have no historic association. I have also found no reason to believe that there are any significant historic associations between either of these buildings and the appeal site.
26. Views of the appeal site and the Church of St Peter together are limited due in large part to intervening development and/or planting. Such views would become constrained further with the planned development of the Bloor Homes site. Nonetheless, there are views from the south, particularly from a section of the Drayton East Way Bridleway (the Bridleway) to the south-eastern corner of the Bloor Homes site, from which the appeal site can be seen with both 44 High Street and the Church of St Peter partly visible beyond. In my judgement, although it is somewhat removed, the site does form part of the setting of both of these listed buildings.
27. However, subject to the careful consideration and control of the matters that would be reserved for future consideration, the proposed development would not materially affect the setting or significance of these listed buildings. This is primarily due to the reasonably modest size of the site and of the proposed quantity of the development, because the appeal scheme would be read against the backdrop of the existing intervening modern development in Halls Close and due to the screening/filtering effect of the reasonably dense line of planting to the site's southern boundary, predominantly in the form of a hedgerow.
28. Accordingly, in this respect having taken account of the statutory duty⁶ to have special regard to the desirability of preserving listed buildings or their setting, the proposed development would not conflict with Local Plan Policy HE4, Neighbourhood Plan Policy P-LF5 or eLPpt1 Core Policy 39.
29. Regarding the appeal development's effect on the broader character and appearance of the area, the site abuts the development in Halls Close to its northern boundary and also adjoins considerably less dense development to the east off Chiers Drive. The land to the west, which extends southward well beyond the appeal site's southern boundary as far as the Bridleway, is planned to be developed for housing. While at the hearing interested parties expressed doubt regarding how soon that land will be developed, I have no reason to believe that it will not be developed, particularly given its allocation in the Neighbourhood Plan and the advanced stage of the Bloor Homes planning application.
30. As a result of the allocation, it is likely that, in due course, the appeal site would become largely surrounded by development to the west, north and east, albeit to a much lesser extent to the east. Nonetheless, the site lies beyond the designated

⁶ S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

built up area and there is nothing in the evidence that gives me reason to believe that the appeal scheme would meet any of the exception criteria of Local Plan Policies GS2 and H13. The supporting text to these Policies also states that they concern, among other things, the protection of the character and quality of the countryside.

31. The site is screened to a large extent from the surrounding public domain by existing development and planting. Nonetheless, due to the scale of the development proposed, its presence would be apparent from the public domain, albeit that its effect on the landscape and countryside would be tempered. This is principally due to the circumstances described above and because it would be seen within the context and, in some views, against the backdrop of the neighbouring development. In addition to public views, although there is intervening boundary treatment and planting, the occupiers of nearby dwellings (particularly those in Halls Close) have a reasonably open outlook across the appeal site and in many cases to the open countryside beyond.
32. Although the residents of neighbouring properties would experience a change in their outlook and the proposed development would be visible to some extent from the public domain, the visual intrusion would be somewhat limited, given that the scheme would not introduce features that would be uncharacteristic of the immediate area and bearing in mind the planned development at the Bloor Homes site. Moreover, given its small scale relative to the existing and planned size of the settlement as well as in the context of the proposed development of the Bloor Homes site, the appeal scheme would not be disproportionate to Drayton. Nor would it be out of keeping with it provided that the further opportunities that would exist to secure an appropriate design and landscaping scheme were to be taken at the reserved matters stage.
33. I also note the evidence refers to another appeal involving a proposed extension to a village elsewhere in the district⁷. While I recognise that there are some parallels between that scheme and the current appeal, as matters of character and appearance are generally largely case specific, due to the individual nature of the development proposed in each case combined with the unique character of each site and their context, including the host villages concerned, that decision is of limited relevance to this appeal.
34. Nonetheless, due to the open, undeveloped nature of the site the introduction of the development would have an urbanising effect that would cause some harm to the intrinsic character and beauty of this part of the countryside. Consequently, the appeal scheme would detrimentally affect the character and appearance of the area, albeit that the harm arising would be somewhat limited. In these respects, therefore, it would conflict with Policies GS2 and H13 of the Local Plan.

Housing Strategy

35. The adopted housing strategy for the district is set out in the development plan. Local Plan Policy GS1 is particularly relevant as it identifies that development, including new housing, will be concentrated at the five major towns but with small scale development within the built up areas of villages provided that important areas of open land and their rural character are protected. Drayton is one of 22 Larger Villages identified in Local Plan Policy H11 within which limited housing development may be permitted subject to a set of criteria.

⁷ Appeal Decision Ref: APP/V3120/W/16/3142562

36. While the appeal site is located adjacent to the southern edge of Drayton, other than a small portion adjacent to the end of Halls Close, it is not within the defined built up area of the village. The development does not meet any of the exception criteria set out in the Local Plan for development beyond the defined built up area. Nor does it fall within a site identified for development in the wider development plan or in the eLPpt1. Consequently, the appeal development would be at odds with the housing strategy in conflict, in that regard, with Policies GS2 and H13 of the Local Plan.
37. In this respect the Council also considers that the appeal development would conflict with Neighbourhood Plan Policies P-H1 and P-LF2. While the appeal site does not form part of any of the sites allocated for housing in the Neighbourhood Plan via Policy P-H1, this Policy does not preclude the possibility of other housing development within the Plan area. Policy P-LF2 is also a positively worded policy in that it states that, subject to certain provisions and compliance with other policies within the Plan, development will be supported. In any event, the appeal development would not extend the village's boundaries through ribbon development in the terms of the Policy.
38. Consequently, the proposed development would not conflict with Policies P-H1 or P-LF2 nor significantly affect the housing strategy as expressed in the Neighbourhood Plan. In this regard I have also found no conflict with paras 183, 184, 185 and 198 of the Framework as cited in the remaining refusal reason.

Planning Balance

39. I have found that the proposed development would cause *less than substantial harm* to the significance of a designated heritage asset due to the effect it would have on the setting of the DCA in the terms of para 134 of the Framework. In these circumstances the identified harm, which I have found would be limited in extent, should be weighed against the public benefits of the proposal. The evidence indicates that the appeal development would offer a number of potential benefits.
40. Via the Neighbourhood planning process the Parish Council and local community have gone to considerable lengths to plan for the Parish's needs, including through the allocation of housing sites for approximately 255 new homes. Nonetheless, the Council's evidence is that it can currently demonstrate only a 4.2 year supply of housing land for the district at large. This is a substantial shortfall. While the appeal development would provide only a modest contribution to bridging that shortfall, it would be significant given the social-ills associated with housing need and the government's objective to boost significantly the supply of housing.
41. Consequently, notwithstanding the positive planning undertaken in Drayton Parish, the contribution to the district's housing land supply offered by the proposal carries substantial weight in its favour under the social dimension of sustainable development as a public benefit. As part of the scheme affordable housing would be delivered on-site and this too weighs substantially in favour of the appeal proposals.
42. The development would also contribute towards economic growth during the construction phase in terms of employment and possibly an increase in local spending. In the longer term, the additional population may increase the potential for spending, for instance in local shops, and help support the sustainability of local services. These matters carry some weight in favour of the appeal scheme, including as public benefits.

43. Regarding the environmental dimension, the development offers potential for the incorporation of energy efficiency/renewable energy measures as well as additional planting and habitat enhancement. While these matters weigh in favour of the proposals as public benefits in relative terms their weight is very limited.
44. These public benefits collectively, but in particular the provision of market and affordable housing in the absence of a Framework compliant supply of housing land, would outweigh the identified *less than substantial harm* to the DCA. Consequently, with reference to para 14 of the Framework, the overall harm that I have found must be considered in terms of whether it would significantly and demonstrably outweigh the benefits.
45. I have found that, of the development plan policies cited in the remaining refusal reason, the appeal development would conflict with Policies HE1, GS2, and H13 of the Local Plan and Policies P-LF4 and P-LF5 of the Neighbourhood Plan as well as with the eLPt1 Core Policy 39.
46. Local Plan Policies GS2 and H13 are of relevance for the supply of housing as they seek to direct development toward locations within the designated built up areas and to restrict the amount that takes place outside these 'areas'. Consequently, to the extent that they concern the supply of housing, these two Policies should not be considered up-to-date given the absence of a five-year housing land supply. In the circumstances, I can give only limited weight to the harm that the appeal development would cause to the housing strategy for the district and associated conflict, in that regard, with these two Local Plan Policies.
47. Additionally, I have found that the appeal development would also conflict with Policies GS2 and H13 of the Local Plan in terms of its harmful effect on the character and appearance of the area but that that harm is limited. In regard to the character and appearance of the area, I have also found that there would be harm to the setting and significance of the DCA in conflict with Policy HE1 of the Local Plan and Policies P-LF4 and P-LF5 of the Neighbourhood Plan as well as with eLPt1 Core Policy 39. While I have found that harm to be at the lower end of the less than significant range it carries reasonably substantial weight against the appeal scheme.
48. Shops and other services in Drayton are not abundant. There are nonetheless, a reasonable range and quality of services and facilities in proximity to the appeal site such that it is a suitable location for residential use of the type and size proposed.
49. It is suggested that confidence in Neighbourhood planning could be undermined if this appeal was to succeed. However, the only conflict with the Neighbourhood Plan in this appeal concerns the setting of the DCA. As my decision makes clear, that harm is outweighed by other considerations, including the contribution to the supply of housing.
50. The evidence also refers to case law concerning appeals involving development within areas where there is an adopted or emerging neighbourhood plan⁸. As part of the planning application process the Council sought Counsel Opinion, which - among other things and with reference to case law - identifies a series of factors to be taken into account in the planning balance in relation to the appeal development⁹.

⁸ Including *Crane v SSCLG* [2015] EWHC 425 (Admin) & *Woodcock Holdings Limited* [2005] EWHC 1173 (Admin)

⁹ Within Appendix 11 to the appellants' evidence

51. These factors are considered in some detail in the officer's report on the appeal planning application to the Council's Planning Committee¹⁰. Having reviewed the evidence, I find that I broadly agree with the officer's assessment in this regard, particularly as set out in paras 6.23-6.43 of his report, which concludes that the principle of the proposals should be supported. While I recognise that since the officer's Committee report was written the eLPpt1 examining Inspector has published his interim findings, I have nonetheless found that the eLPpt1 carries only limited weight at this stage.
52. In summary, therefore, while the matters that weigh against the proposals are important considerations, in the current circumstances they do not significantly and demonstrably outweigh the matters that are in favour of the appeal development, particularly the delivery of housing.
53. I have also taken into account the other appeal decisions referred to concerning development proposals and neighbourhood plans¹¹. I have reached my decision on the basis of the particular local planning policy context for this appeal and the details of this site, particularly that the conflict with this Neighbourhood Plan is confined to the impact on the setting of the conservation area and that any wider harm is limited or attracts limited weight as outlined above.

Other Matters

54. As outlined above, UUs were submitted during the appeal process. Both the Council and Oxfordshire County Council have produced comprehensive statements that address the application of statutory requirements to the planning obligations within the UUs and also set out the relevant planning policy support/justification (the Planning Obligations Statements)¹².
55. I have considered the UUs in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy/guidance on the use of planning obligations. Having done so, I am satisfied that the obligations therein would be required by and accord with the Policies set out in the Planning Obligations Statements. Overall, I am satisfied that all of those obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.
56. In addition to the foregoing matters, concern has been expressed, including by those who spoke at the hearing, in respect to several considerations. These include the development's effect, including in combination with other development, on highway safety, congestion and vehicle movements; on archaeology; on flood risk and drainage; on the living conditions of neighbouring occupiers; and on existing services, utilities and the adequacy of existing and future infrastructure/facilities, including education and drainage/sewerage. Concerns were also raised regarding the adequacy of the transport assessment, of the proposed play area/facilities, and of the appeal scheme's connectivity to the existing settlement and the development proposed to the west.
57. Other issues raised include that the proposal would undermine local democracy and the Localism Act; the Neighbourhood Plan allocates sufficient housing to the village to meet the eLPpt1 housing target; the loss of grazing/farmland; the proposed housing mix; the standard of sustainable construction; the absence of a travel

¹⁰ Officer's Report re the appeal planning application to the Council's Planning Committee of 27 January 2016

¹¹ Including Appeal Refs: APP/D3830/W/15/3137838, APP/L3815/W/15/3004052, APP/P1615/A/14/2218921, APP/L3815/A/14/2223343, APP/C3810/A/14/2228260, APP/P1425/W/15/3133436 & APP/F0114/A/14/2217216

¹² The Community Infrastructure Levy Regulations 2010 - Regulations 122 & 123: Statement of Compliance on Behalf of the Vale of White Horse District Council & Document 8

plan; approval of the scheme could set a precedent for other development and discourage engagement with neighbourhood planning or encourage landowners/developers to try to by-pass the planning-making process; the appeal site was only proposed as a potential development site very late in the Neighbourhood planning process; the Neighbourhood Plan was widely consulted upon and supported by a large proportion of local residents in the referendum; the density of proposed development relative to its context and that of the sites allocated in the Neighbourhood Plan; housing development is coming forward including at the other Neighbourhood Plan allocated sites; there has been/will be a decline in the housing market and there are other permitted housing schemes that have not been built; and in view of the eLPPT1 process, there is a five-year supply of housing land for the area.

58. These matters are largely identified and considered within the Council officer's report on the appeal development. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry. Other than as set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions, in these respects, subject to the identified obligations of the UUs and the imposition of planning conditions.

Conditions and Conclusion

59. The Council submitted a schedule of suggested conditions prior to the hearing. At the hearing the parties also agreed that an additional condition would be required to identify the matters to be reserved for future consideration. They also agreed that condition No. 7 should be amended to require the submission of a travel plan rather than travel information packs. I have considered all of these suggested conditions in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly.
60. Conditions to control to timetable for the submission of reserved matters and the commencement of development would be necessary to help ensure the delivery of the development within the five year period in order to assist the supply of housing land. To provide certainty, a condition requiring that the development is carried out in accordance with the approved plans would be necessary in so far as they relate to matters that are not reserved. At the hearing the main parties also agreed that the suggested list of relevant drawings would require amendment in order to properly reflect and control the matters that would not be reserved.
61. In principle, the suggested condition regarding the submission of an arboricultural method statement would be necessary in order to protect retained trees and hedgerows, however its wording would need to be amended as agreed by the main parties at the hearing to reflect that fact that an Arboricultural Impact Assessment and Tree Protection Plan and an Arboricultural Method Statement were submitted as part of the appeal planning application.
62. Conditions to secure the installation of sustainable drainage as part of the development and foul water drainage would be necessary in the interests of flood prevention, to provide appropriate/adequate facilities and to protect the environment. In the interests of highway safety and to safeguard residents' living conditions, a condition would also be necessary to ensure that the construction works proceeded in accordance with a Construction Traffic Management Plan. To promote sustainable modes of transport and to reduce the need for travel, a condition to secure the implementation of a Travel Plan would be necessary.

63. Conditions would be necessary to ensure that features of archaeological interest are properly examined/recorded. To add cultural value to the development and contribute to the creation of a sense of place a condition to secure public art in association with the development would be necessary. To protect highway safety, a condition would be necessary to control the implementation and detail of the approved site access. A condition would also be necessary to secure biodiversity mitigation to protect wildlife and their habitat.
64. In principle, a condition to control the range of the use that would be permitted in 11 of the proposed dwellings, including occupancy of those units as per the details set out in the planning application, would be necessary as the proposal has been assessed and considered on that basis. For instance, unconstrained use of those dwellings would be likely to increase the school-aged population of the development thereby altering the education requirements that would result from the development. However, as all matters are reserved except for access, the suggested reference to the indicative layout would be unnecessary.
65. Overall, notwithstanding the identified policy conflict and its effect on the character and appearance of the area, including the identified less than substantial harm to the setting of DCA, and on the housing strategy for the district along with the other identified harm, given the absence of a five-year housing land supply and the status of relevant policies of the development plan for the supply of housing, I find that the considerations that weigh against the development collectively do not significantly and demonstrably outweigh those matters that are in its favour, particularly the delivery of housing. On this basis the proposals would be sustainable development in the terms of the Framework and, consequently, the appeal is allowed subject to the identified conditions.

G D Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Christopher Boyle	of Queens Counsel
Des Dunlop	D2 Planning
Simon Tofts	Blue Cedar Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mark Flood	Insight Town Planning
Sally Stradling	Conservation, Vale of White Horse Council
Peter Brampton ¹³	Planning, Vale of White Horse Council

INTERESTED PERSONS:

Cllr Richard Williams	Drayton Parish Council
David Perrow	Clerk to Drayton Parish Council
Cllr Bob Johnson	District Councillor
Tom Shebbeare	Chair of the NDP Implementation Group
Andrew Ainscough	local resident
Paul Mayhew-Archer	local resident
Julie Mabberley	Chair of the Wantage and Grove Campaign Group
Raymond Cole	Oxfordshire County Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement from Cllr Johnson
- 2 Map showing the location of the conservation area, 44 High Street, the Parish Church of St Peter's, the Bloor Homes site and the appeal site
- 3 Statement from the Parish Council
- 4 Blue Cedar's consultation document for the appeal development
- 5 'Supplementary Papers' report, including Ms Stradling further consultation response, to the Council's Planning Committee meeting of 27 January 2016
- 6 Copy of Local Plan Policy DC4
- 7 Secretary of State's decision letter and associated Inspector's Report in respect to Appeal Ref: APP/D3830/W/15/3137838
- 8 Note of Compliance of Planning Obligations Sought by Oxfordshire County Council document
- 9 Signed Unilateral Undertakings, both dated 31 August 2016, pursuant to Section 106 of the Town and Country Planning Act 1990 with covenants to:
 - a) Vale of White Horse Council
 - b) Oxfordshire County Council

DOCUMENTS SUBMITTED AFTER THE HEARING

- 10 Secretary of State's decision letters and associated Inspector's Reports in respect to Appeal Refs:
 - a) APP/C3810/A/14/2228260
 - b) APP/P1425/W/15/3133436
 - c) APP/F0114/A/14/2217216

¹³ Mr Brampton appeared on behalf of the Council to confirm matters of fact only

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/V3120/W/16/3144811:

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) The development to which this permission relates shall be begun within a period of 6 months from the date of the approval of the reserved matters or, in the case of different dates, the date of the approval of the last reserved matter to be approved. The application(s) for the approval of all reserved matters shall be made to the local planning authority within a period of two years from the date of this permission.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans in so far as those plans relate to matters not reserved for future determination: Location Plan - Dwg No 14.070.SI.01; Proposed Site Access Arrangement drawing - Figure 3.1 from within the Transport Statement (TPA, Aug 2015).
- 4) All works and development on site, including demolition, shall be carried out in accordance the Arboricultural Impact Assessment and the Tree Protection Plan and Arboricultural Method Statement (both Bosky Trees, 27 August 2015) and the identified tree protected areas shall not be used at any time to park or manoeuvre vehicles, for site temporary offices or other structures, store building materials or soil, mix cement/concrete or light bonfires.
- 5) Prior to the commencement of development, a fully detailed scheme for the sustainable surface water drainage of the development shall be submitted to and approved in writing by the local planning authority. The sustainable surface water drainage strategy shall include the following:
 - a) The undertaking of permeability tests to determine the soakage potential of the site, to inform the design;
 - b) Design calculations relating to the proposed SuDS drainage system for pervious pavements and soakaways;
 - c) Design to be based on a 1:100 +climate change event with discharge restricted to Greenfield run off rate;
 - d) Information on overland flood flow paths and their maintenance;
 - e) Detailed arrangements for the future maintenance and management of the SuDS; and
 - f) Monitoring results of seasonal groundwater levels.

The surface water drainage scheme shall be developed and implemented in accordance with the Flood Risk Assessment and Drainage Strategy (Ref: 1507-45/FRA/01, TPA, August 2015). The approved scheme shall be implemented prior to any occupation of the development to which the scheme relates and be retained and maintained thereafter in accordance with the approved details.
- 6) Development shall not commence above slab level until a foul water drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by the local planning authority. No discharge of foul water from the site shall be made into the public system until the drainage works referred to in the strategy have been completed.

- 7) Prior to the commencement of any development a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The approved Plan shall be complied with throughout the construction period.
- 8) Prior to the commencement of development a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and provide for periodic review. The approved Travel Plan shall be fully implemented, maintained and reviewed.
- 9) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological investigation to be undertaken prior to development commencing. The investigation shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the local planning authority.
- 10) Prior to the commencement of the development and following the approval of the Written Scheme of Investigation, a staged programme of archaeological investigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority.
- 11) Elements of public art shall be incorporated into the development in accordance with a scheme that shall be submitted in support of the reserved matters application. Thereafter, the public art elements shall be provided and maintained in accordance with the approved reserved matters.
- 12) Prior to the commencement of development, details of vehicular access to the site and visibility splays at that access shall be implemented in full accordance with the approved plans and supporting information accompanying the planning application. The access and visibility splays shall be provided prior to the occupation or use of the new development and, thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.
- 13) The development hereby permitted shall be implemented in full accordance with the scheme of mitigation, compensation and enhancement contained in Section 6 of the Ecological Appraisal (Malford Environmental Consulting, 3 July 2015). Any variation shall be agreed in writing by the local planning authority before such change is made. This condition will be discharged on receipt of a letter from the project ecologist providing evidence to demonstrate that the mitigation, compensation and enhancement measures have been implemented in accordance with the approved report.
- 14) The 11 dwellings hereby permitted that form part of the retirement element of the scheme shall only be occupied by persons:
 - a) Aged 60 or over;
 - b) Living as part of a single household with such a person or persons;
 - c) Who were living as part of a single household with such a person or persons at the property who have since died.