
Appeal Decision

Site visit made on 18 October 2016

by David Walker MA MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/D3125/W/16/3153861

Bettys Meadow, Oxford Road, Eynsham, Oxfordshire OX29 4BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Ballard against the decision of West Oxfordshire District Council.
 - The application Ref 16/00558/FUL, dated 17 February 2016, was refused by notice dated 14 April 2016.
 - The development proposed is creation of first floor accommodation above consented garage building (Planning Approval Ref 11/0337/P/FP) for care staff.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to policies contained within the emerging West Oxfordshire Local Plan 2031. An independent examination into the Plan has been suspended to allow the Council to undertake further work and as such the plan remains under preparation. As I have nothing before me to indicate the extent to which the policies referred to are the subject of unresolved objections the emerging plan can attract only limited weight, in line with the advice at paragraph 216 of the National Planning Policy Framework (the Framework).

Main Issues

3. The main issues in the appeal are:
 - i) having regard to national and local policies that seek to avoid isolated new homes in the countryside, whether any special circumstances exist for the proposal; and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located outside of Eynsham in an open countryside setting where it is isolated from any nearby settlement. A new dwelling was under construction at the time of my site inspection and had progressed to the stage of a structural frame. The planning history provided to me indicates that this is a replacement for an existing lawful dwelling and a consolidation of numerous existing outbuildings.
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5. The proposal would result in two separate units of accommodation in the form of flats above a permitted garage building. These would house a carer and housekeeper required to assist with the appellant's day to day care. With no living facilities shared with the appellant's new dwelling the two flats would be capable of independent accommodation.
6. I have been pointed to paragraph 55 of the Framework which seeks to avoid isolated new homes in the open countryside, unless there are special circumstances. Care worker accommodation is not included in the examples of special circumstances provided under the paragraph. However, these examples are not couched in exclusive terms indicating a more flexible approach than that at saved Policy H4 of the West Oxfordshire Local Plan 2006 (the Local Plan) referred to in the reasons for refusal.
7. While I am satisfied that paragraph 55 affords some flexibility, the evidence of need¹ provided to me does not relate to the appellant and landowner as declared at section 25 of the application form and section I of the appeal form. I cannot be sure therefore that the special circumstances of the welfare case advanced would necessarily relate to the occupation of the dwelling by the appellant. I have nothing else before me to confirm otherwise.
8. Even if the appellant had a need for personal care there is no evidence to indicate that this would be needed round the clock as to justify an on-site presence requiring separate accommodation, or could not be adequately provided nearby. Moreover, it is stated that the appellant lives alone and from the plans provided to me it is evident that the new dwelling under construction will have generous standards of accommodation, including 5 en-suite bedrooms. While the appellant has indicated his preference not to share his house with a carer no explanation is provided as to why the other spaces of the house could not be made suitable.
9. On this basis I am not satisfied that special circumstances sufficient to offset the general restraint on new homes at isolated locations set out at paragraph 55 of the Framework have been demonstrated. As the Council concedes it cannot demonstrate a five-year supply of deliverable housing sites the presumption in favour of sustainable development under paragraph 14 of the Framework is invoked. However, the conflict I have identified with the specific policy of paragraph 55 indicates that the proposal would not amount to a sustainable development for the purposes of the Framework.
10. Turning to character and appearance. The landscape assessment² provided by the Council explains that the area around the appeal site forms part of a semi-enclosed floodplain pasture landscape. I have no reason to disagree. From my site inspection I note the appeal site is also particularly isolated with no adjacent development, although heavily screened by existing trees and hedgerows notwithstanding the claims of recent felling.
11. I do not doubt that the character of the appeal site will become more domestic with the completion of the new two storey dwelling. The proposed accommodation would also be a two storey building but would remain low overall due to the use of a flat roof. Were I to find in favour of the appeal

¹ Letter from Department of Work and Pensions dated 22 March 2016 setting out the terms of entitlement to attendance allowance for Mr Brian Matthew

² West Oxfordshire Landscape Assessment, May 1998

under special circumstances I would be satisfied that the need for the development would offset its visual impact.

12. However, in the absence of any special circumstances, I find the introduction of a second two storey building to result in a harmful consolidation of built form in an otherwise open countryside and natural setting. It would conflict with the requirements of saved Policies BE2 and H2 of the Local Plan to respect the existing scale, pattern, character and appearance of the surrounding area, amongst other matters.
13. Overall, therefore, as I do not find that special circumstances have been demonstrated the proposal would conflict with local and national policies for new homes in the countryside and would have a harmful effect on the character and appearance of the area.

Other matters

14. Although the Environment Agency has objected to the lack of a flood risk assessment (FRA) I note that one³ has been submitted with the appeal. While this indicates that safe egress is potentially achievable during flooding conditions I am conscious that the Agency was not re-consulted on the submitted document. However, as the appeal does not succeed under the main issues I have not pursued the matter further.

Conclusion

15. For the reasons given above, and with regard to the development plan read as a whole and to the Framework, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR

³ Flood Risk Assessment prepared by Glanville Consultants dated 10 August 2016