
Appeal Decision

Site visit made on 23 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/Z2830/W/16/3157745

Land adjacent to Hill House, Overthorpe, Banbury, Oxon OX17 2AA

- 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 Mr and Mrs D Farebrother against the decision of South Northamptonshire District Council.
 - The application Ref S/2015/2981/OUT, dated 10 December 2015, was refused by notice dated 8 February 2016.
 - The development proposed is two dwellings (outline).
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues, these are: whether or not the principle of the proposed development is acceptable with specific regard to its location; and the effect of the proposed development on both highway safety and the character and appearance of the area.

Reasons

Principle of Development

3. The application sought outline planning permission with access for consideration and all other matters reserved. The appeal site is, and thus the proposed development would be, outside of the settlement boundary as set out by the relevant saved Policies of the Local Plan¹.
4. The Core Strategy² sets out a hierarchy of settlements, identifying those that have the facilities that would support new development and directing it to them. I.e. where new residents would be able to access essential services via sustainable travel means. This approach, as well as the opposite reason for restricting development in the countryside and those rural areas that have little to no provision of services, is reflected by the Framework². There are however exceptions, which I shall return to later.
5. Overthorpe is one of those settlements that has been identified as having little to no service provision. I acknowledge that the village is a relatively short distance to Banbury by road, but there is no evidence to suggest that the

¹ South Northamptonshire Local Plan 1997

² West Northamptonshire Joint Core Strategy 2014

services which it would offer new development in Overthorpe could be accessed by means other than the private car. As such, development of the site in the manner proposed would not be materially different in its ability to access services via sustainable means than if it were isolated, in the more 'open' countryside.

6. The proposed development would not fall within any of the exceptions for new development in such areas as the appeal site as set out by either the Framework or the Development Plan. I.e. that which is associated with agriculture, forestry and rural business or other uses for which a need is demonstrated. Neither has it been demonstrated that, as per the Framework, the proposed development would enhance the vitality of the immediate or wider rural community.
7. I have not been presented with any compelling evidence to suggest that the proposed development would justify a departure from the principles of encouraging sustainable patterns of development as set out by the Development Plan and the Framework. Therefore, the proposed development would conflict with the aims of Policies S1 and R1 of the Core Strategy. These Policies seek to ensure that, amongst other things and along with the Framework, new development supports and is supported by services which can be accessed via sustainable means in accordance with encouraging sustainable patterns of development, specifically in rural areas.
8. I note the Council's reference to saved Policies H6 and EV1 of the Local Plan with regard to the principle of the development. The emphasis of these Policies is to restrict development in the countryside in order to protect its intrinsic character, for its own sake. The emphasis of similar countryside protection policies as they form part of the more up to date Core Strategy and National Policy³ have evolved to consider the access given development would have to essential services on which it would rely for day to day living. This is with regard to new housing specifically, in rural areas.
9. Whilst by definition the proposed development would be in the countryside, it would not be isolated as it would be very close to other buildings that are part of the settlement. For all intents and purpose therefore, the proposed development would be part of Overthorpe village. With this in mind, and whilst I accept that the proposed development would not accord with the exceptions specified by them, it would sit appropriately with what the Council's saved Local Plan Policies, specifically H6 and EV1, are trying to achieve.

Highway Safety

10. The proposed development would be accessed via an unmade and unlit single width track which, in turn, is connected to the public highway at the northwest corner of the cul de sac which makes up Chetwode.
11. I acknowledge that the requirements for a safe and suitable access for the proposed development as set out by the Council's highways advisors are reasonable. Particularly when taking into account the increase in the use of the access as a result of the proposed development and thus the more distinct possibility of two vehicles meeting whilst traveling in opposite directions.

³ The National Planning Policy Framework 2012

12. With this mind, and given also the length of the track and the right angle turn at both ends I accept that a passing place(s) would not be appropriate.
13. The very narrow width of the access track would mean that if two vehicles met one would have to reverse. There would be a right angle turn to negotiate in reverse gear where the track meets the public highway as well as into the appeal site itself. To my mind this would constitute an unsafe manoeuvre. The proposed development would therefore conflict with saved Policy G3 of the Local Plan, specifically bullet point B. This Policy seeks to ensure that, amongst other things and along with section 4 of the Framework, a safe, satisfactory and suitable access to a site can be achieved for all people.
14. I acknowledge that the appellant controls land outside of the actual proposed development site that could potentially allow for a full width access track to be created. However, such a scheme is not before me, and I have to arrive at a conclusion based on that which is.

Character and Appearance

15. The appeal site is a vacant area of land laid to grass and occasional shrubs with substantial and mature tree cover to its boundary with Overthorpe Road. The site is relatively flat but undulates in places and is at a noticeably higher level to the public highway. Dwellings are sited either side of the appeal site and in the wider context, built form is low density, spacious and set back from road frontages, in substantial plots.
16. The proposed development would by definition be in the countryside. Nevertheless, the appeal site is enclosed by built development either side. Whilst currently undeveloped and therefore arguably 'green' I accept the appellant's argument that the proposed development would be a form of infill. In character terms the appeal site is more related to that which makes up the established and aforementioned cluster of built form of the village than the countryside.
17. The siting/scale of the proposed development is a reserved matter. However, the low density of it as well as its possible positioning within the plot has the potential to maintain spaciousness. In addition, any visible new development would be read as part of that which has become established on a similar ground level and external materials can be controlled by the use of planning conditions. In any event, there is no footway to the frontage of the appeal site and as such any views of the proposed development would be fleeting transient glimpses from moving vehicles.
18. Furthermore, the use of a rear access to the appeal site would allow the retention of the tree cover to the frontage and thus a feature which contributes positively to the rural character and appearance of the area.
19. For these reasons, and with regard to this particular issue, the proposed development would not cause harm to the character and appearance of the area. As such it would not conflict with the aims of saved Policies H6 and EV1 of the Local Plan or Policies S1 and R1 of the Core Strategy. These Policies seek to ensure that, amongst other things and along with section 7 of the Framework; new development is of a contextually appropriate design and appearance and respects the intrinsic character and rural nature of the countryside.

Other Matters

20. The appellant has stated that the proposed development would represent an opportunity for economical and affordable housing which could enable local people to remain in the village. Whilst this may be the future intention, I have been provided with no further detail of the future management of the proposed development and thus am unable to form a view as to whether it would constitute affordable housing and apportion it weight in the balance of considerations.
21. I also acknowledge the appellant's argument that some limited growth may be required in small villages to stave off community stagnation in the long term. However, my role is to judge the merits of the proposed development against the Development Plan and in this case I have found planning harm and concluded that it would not comply as a result.

Conclusion

22. Whilst I have found that the proposed development would not cause harm to the character and appearance of the area, it would be inappropriate in terms of its principle. Specifically this being that granting a planning permission for it would encourage unsustainable patterns of development. It would also adversely highway safety for the reasons set out above.
23. The appeal is therefore dismissed.

John Morrison

INSPECTOR