
Appeal Decision

Site visit made on 8 November 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 15 December 2016

Appeal Ref: APP/D3125/W/16/3155314

High Thatch, Park Lane, Long Hanborough, Oxfordshire OX29 8JU

- 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 Christopher Wallworth (Executor of Walter Shepherd Deceased) against the decision of West Oxfordshire District Council.
 - The application Ref 16/00901/FUL, dated 14 March 2016, was refused by notice dated 9 June 2016.
 - The development proposed is erection of detached dwelling and garage, link to access drive and additional planting programme.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located at the end of Park Lane on the edge of the rural village of Long Hanborough. It is within the grounds of a large residential property, High Thatch, and its existing access would be utilised and extended for the new substantial two-storey dwelling and garage. A public right of way runs immediately adjacent to the site, where Park Lane ends, and continues across agricultural fields down into the Evenlode Valley, which is part of the Cotswolds Area of Outstanding Natural Beauty.
4. Park Lane runs off the A4095, the main road through the village. There is residential development on both sides of the lane with fields beyond, as it heads northwards. The last properties at the end of Park Lane are Tretawn and Somenos with High Thatch to the west further from the road. The proposed dwelling would be to the north. Though it would be within the substantial plot associated with High Thatch, which is bounded by trees and vegetation, it would still be sited noticeably beyond the end of the lane and existing built forms.
5. It seems to me that there is a visual break after Tretawn and Somenos where the lane is coming to an end and the more rural public right of way commences just after the entrance to High Thatch. At that point, as I observed on my site visit, there is a sense of leaving the village behind and setting out into the countryside. The area of the appeal site and the adjacent public right of way,

- therefore, form a transition between a rural residential area and the open countryside.
6. Though there are trees and vegetation there are clear views of the appeal site both at the entrance to High Thatch and then slightly more filtered views along the initial stretch of the public right of way. Beyond to the north east and north west of the site are open fields. The land is categorised as open valley sided farmland within the West Oxfordshire Landscape Assessment.
 7. The proposal would change the character and appearance of the area from one of grass, shrubs and trees at an interface between the village and the countryside, to a more clearly defined residential area with a large dwelling, garage and likely domestic garden landscape. It would extend the built form towards the countryside and change the character of the beginning of the public right of way.
 8. Overall, therefore, I share the Council's view that the proposal would be sited beyond the existing natural limits of the village as defined on the ground. It would urbanise the space and consequently be contrary to Saved Policies NE1 and NE3 of the West Oxfordshire Local Plan 2011 (LP)¹ which state that development should maintain and enhance the character of the countryside and landscape.
 9. Though I note that planning permission, Ref 16/00888/FUL, has been given for a similar dwelling on a plot to the east of High Thatch, it would be between High Thatch, Somenos and Tretawn and would, therefore, not involve extending the built form to the north. Views from the public right of way would also be more limited.
 10. The Council and others refer to the position of the site on a promontory at the top of the side of the valley stating that it would be visible in more distant views from the wider area, including the AONB. Though the existing planting at the site may consist of deciduous trees, I did not observe very clear views from other more distant vantage points, even though my site visit was at the beginning of the winter period.
 11. Additional planting is also proposed and could be retained by condition. Furthermore, many houses skirting the main road are visible from the valley. Therefore, I do not find significant conflict with Saved Policy NE4 of the LP which concerns the protection of the Cotswolds AONB and, therefore, give that aspect only limited weight.
 12. A planning permission for a new housing development off Swan Lane in Long Hanborough is referred to by the appellant, which is allegedly also in full view from the Evenlode Valley. I have not been provided with details of that permission and, in any event, I have already attributed more limited weight to that aspect.
 13. Previous appeal decisions relating to the site dating from 1989, 1991 and 1997 have been supplied by the Council.² All three decisions refer to it as extending beyond the natural limit of the village and conclude that such development would represent an incursion into the countryside and change the character of the area.

¹ Adopted June 2006

² T/App/D3125/A/88/102271/P4, T/App/D3125/A/91/177146/P2 and T/App/D3125/A/97/282395/P9

14. Whilst I note the appellant's submission that trees and vegetation on the site have grown in the intervening period, the Inspector who dealt with the 1997 decision refers to the extensive grounds of High Thatch being surrounded by a dense screen of trees, shrubs and hedges along all its boundaries. It would seem therefore that the site conditions have not changed quite as radically as suggested in the intervening period.
15. The Inspector also makes reference to the 1989 and 1991 decisions, as well as an earlier decision from 1977, concluding that his assessment of the village boundary is substantially the same as that made by the Inspectors in the previous appeals. Though the policy framework has changed in some respects since then, which I will consider shortly, I do not see that the fundamentals regarding the site which are repeated in all of the previous decisions have substantively altered despite the passage of time. Therefore, I give those decisions significant weight. The proposal of a large detached house and garage would still have an urbanising impact beyond the natural limit of a rural village at its interface with the open countryside and a nearby AONB.
16. An outline planning permission for the erection of a dwelling on land to the south of 168A Main Road, Long Hanborough, Ref 16/01425/OUT, is cited by the appellant as an example of a more permissive approach from the Council towards development at the edge of the village. The appellant also quotes from previous dismissed appeal decisions in relation to that site but no copies have been supplied. Though I do not have full details of the circumstances that led to that approval, the associated plans indicates that it sited is between existing development to the north, south and east rather than beyond existing built forms. Therefore, the parallel with this appeal is limited. In any case, I have determined this appeal on its own particular merits on the basis of the evidence submitted.
17. Long Hanborough is identified as a service centre in the LP and the emerging local plan, the West Oxfordshire Local Plan 2011-2031 (emerging LP). In Saved Policy H7 of the existing LP, new residential development in service centres is limited to particular circumstances including 'rounding off'. That is defined in the policy as development within the existing built-up areas of a settlement that would be a logical complement to the existing pattern of development and would not extend into the open countryside. As the proposal is beyond the natural limits of the village and north of any existing built form flanked by fields, I agree with the Council that it would not constitute 'rounding off' or meet the alternative criteria referred to in the policy. Therefore, the proposal would conflict with it.
18. The emerging LP is still undergoing the process of examination which is to continue in 2017. The Council refers to Policies H2, OS2 and EH1 in its reasons for refusal. Though the policies are assessed by the Council as more permissive than the existing LP in respect of new housing, H2 and OS2 still state that proposals should not erode the character and appearance of the surrounding area form and should form a logical complement to the existing scale and pattern of development and/or character of the area.
19. EH1 stresses the importance of respecting and, where possible, enhancing the intrinsic character of the local landscape reflecting similar objectives to Saved Policies NE3 and NE4 of the existing plan. Therefore, the relevant policies of the emerging LP do display elements of continuity with existing policies and

- reflect the Council's up to date thinking on these issues. However, as the emerging LP is still in the midst of examination, I give it more limited weight,
20. The above factors lead me to conclude that the proposal would harm the character and appearance of the area. Therefore, it would not comply with the LP or the emerging LP policies. As the Council accepts that it cannot demonstrate a five year housing land supply, it follows that in accordance with paragraph 49 of the Framework, policies H7, NE1, NE3 and NE4 of the LP which all to varying degrees restrict housing land supply by virtue of their limiting criteria, must be considered out of date.³ That reduces the weight that can be given to them.
21. In such circumstances, paragraph 14 of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as whole. The presumption in favour of sustainable development which is at the heart of the Framework is explained in paragraph 7 as having three dimensions: economic, social and environmental.
22. In economic and social terms the proposal would provide some economic uplift during the construction period. The appellant also refers to the contribution to local housing land supply, citing paragraph 47 of the Framework, but the contribution made by one house is inevitably limited. In any event, it is not clear from the evidence presented to me how serious the extent of the housing land supply shortfall is. Future occupants would make some contribution to the local economy and the viability of local services.
23. From an environmental perspective, I have already identified the significant harm that the development would cause to the character and appearance of the area. Though they have reduced weight, it would be contrary to the objectives of policies NE1, NE2 and H7 of the LP which, amongst other things, seek to ensure that development maintains or enhances the local character of the countryside and landscapes and limit housing within or adjacent to service centres. Therefore, the environmental aspect of sustainable development would not be satisfied. This weighs heavily against the appeal.
24. The lack of a 5 year supply of housing land does not of itself automatically lead to a grant of planning permission. Taking the above factors into account, I conclude that the adverse impacts of granting permission, which I have already detailed, would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Overall, therefore, the proposal would not represent sustainable development.
25. Whilst the relevant LP policies are considered out of date, the proposal would still be contrary to the development plan and that conflict would not be outweighed by other material considerations including the provisions of the Framework and paragraph 14 in particular.

Other Matters

26. In addition to the issues already discussed, further matters have been raised by the parish council and others. They include drainage, traffic volumes and consequent effects on the living conditions of residents of Park Lane, access for

³ Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA Civ 168

emergency and other vehicles, highway safety, the proposed design of the dwelling, suggested use of the site for affordable houses, construction traffic and disturbance during construction, ecological impact, risk to users of the public right of way, privacy and an undesirable precedent being set if the proposal were approved. Whilst I have considered those concerns, I note that they are not shared by the District Council. In any, event I have dismissed the appeal on other grounds.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR