
Appeal Decision

Site visit made on 10 January 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 27 January 2017

Appeal Ref: APP/D3125/W/16/3157788

Land north of Fair View, East End, Oxfordshire OX29 6PX

- 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 John Bull against the decision of West Oxfordshire District Council.
 - The application Ref 16/00690/OUT, dated 29 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is erection of a four bedroomed house and a double garage. Existing access to be utilised and the garden landscaped.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is for outline planning permission, with all matters being reserved for future consideration. I have dealt with the appeal on this basis. The Council have referred emerging Policy H2 and OS2 from West Oxfordshire Local Plan 2031 (the ELP). Given this plan has not been formally adopted, it does not, as yet, form part of the Development Plan and so I give very limited weight to these policies in determining this appeal.

Main Issue

3. The main issues are the effect of the proposed development on the rural character and appearance of the area; and whether the location would be suitable to enhance or maintain the vitality of the rural community or support services in nearby settlements.

Reasons

Character and appearance

4. The appeal site is situated towards the edge of the ribbon of primarily residential development towards the route of East End, which extends into the open countryside at either end of the small settlement. Travelling from East End in a southbound direction, the continuation of ribbon development out of the hamlet gradually fragments and the spacing between dwellings increases. As the frequency of dwellings becomes more sporadic, the route is more readily defined by a rural country-lane character and sense of remoteness. Consequently, notwithstanding its relative proximity to other houses along East End, there is a strong connection between the appeal site and the surrounding open countryside.
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5. The proposed development would introduce a four-bedroom dwelling and detached garage on the flat, undeveloped portion of land to the north of Fair View. Regardless of the final layout, detailed design and landscaping, which sit outside the outline application, the proposal would result in a consolidation of built form along East End. Reducing the spacing between houses at the end of the settlement edge would add density to the sporadic line of dwellings into the countryside, to the detriment of the sense of openness and the area's rural character.
6. I therefore conclude that the proposal would result in harm to the rural character and appearance of the area. As such, the development would fail to accord with Saved Policy BE2 of the West Oxfordshire Local Plan, 2011 and emerging Policy OS2 of the ELP, which seek to ensure a development respects the pattern and character of the surrounding area. The scheme also fails to conform to the provisions within the Framework, notably the core principles which take account of the character of different areas.

The location

7. East End is a relatively narrow, semi-rural route, unlit and with no public footway. The settlement itself contains none of the services or facilities that could satisfy everyday needs, nor any public transport links. The Council identify Long Hanborough as being the nearest significant settlement, some 2.5km distant from the appeal site. While this larger settlement may satisfy some everyday needs and public transport services, it is apparent that access on foot or by bicycle to these would be via long, semi-rural country lanes or using isolated public footpaths, across un-lit fields. Notwithstanding the appeal site's proximity to other residential dwellings, the nature of its location means that the proposal would severely limit options to travel without using a private car.
8. I therefore find that the proposed development would not be in a suitable location in relation to social, community, employment and other facilities, and would fail to enhance or maintain the vitality of the rural community or support services in nearby settlements. The development is therefore contrary to Saved Policies BE3 and H4 and emerging Policy H2 of the ELP to the extent to which weight can be attached to these policies, which seek to minimise the impact upon the environment and only permit additional new dwelling in the countryside under certain circumstances.

Planning balance

9. Policy H4 of the West Oxfordshire Local Plan 2011 and H2 from the ELP state that additional new dwellings in the countryside will only be permitted if there is a genuine essential agricultural or other operational need. That said, the current uncertainty over whether the Council can demonstrate a 5-year housing land supply means that this policy, which relates to the supply of housing, should not be considered up-to-date, and the proposal be considered in the context of the presumption in favour of sustainable development¹.
10. However, although Policy H4 is out of date, this does not mean that it no longer applies. Indeed, because the supply of housing is just below the 5-years' worth expected and as the Framework recognises the intrinsic beauty and character of the countryside as a core planning principle, it should be given

¹ National Planning Policy Framework, Paragraph 49

significant weight. However, it clearly carries less weight than it would if there were a five year supply of deliverable housing sites.

11. I have found that there is likely to be major reliance on the private car to access services and facilities, and alternative means of travel, for examples by bus or bicycle, are not practicable or safe options. I also find harm in relation to the rural character and appearance of the area. Balanced against this is the delivery of one dwelling, would make a very small, albeit still beneficial, contribution to the supply of housing, to which I have given moderate weight. Investment in construction and relative employment for its duration would also represent a modest benefit, as would the social benefit relating to the potential business enterprises that the appellant's family could provide from the appeal site; these factors carry limited weight in favour of the proposal.
12. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh these benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations above do not justify making a decision other than in accordance with the development plan.

Other matters

13. The appellant's comments relating to the change of use and extension recently approved at Lightpipe Cottage are noted. I do not know the specific planning considerations that led to this approval; however, the creation of a family dwelling and associated garaging would significantly intensify this residential use along this portion of East End. While there may be some reduction in car travel since the holiday let use has ceased, future occupiers of the proposed house would require physical access to a range of community and social facilities, whereas occupiers of a holiday let would not require access to such facilities to the same degree. I therefore do not consider that the loss of the nearby holiday let justifies the development proposed.
14. The appeal proposal fails to meet any of the special circumstances that would justify a new isolated home in the countryside, established in Policy H4 or paragraph 55 of the Framework. While reliance on private car may be comparable, the degree of harm would be outweighed by the necessity to support a rural enterprise and therefore to enhance or maintain the vitality of a rural community.
15. The existing stone boundary wall would benefit from repair; however, the moderate positive benefit that would arise from the restoration of the boundary wall, or the lack of objection from neighbours, does not justify the overall harm I have concluded.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR