
Appeal Decision

Site visit made on 10 January 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/D3125/W/16/3160097

Stag & Hounds, High Street, Ramsden OX7 3AU

- 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 Ms Jan Mason against the decision of West Oxfordshire District Council.
 - The application Ref 16/01959/FUL, dated 25 April 2016, was refused by notice dated 19 August 2016.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has made reference to policies H2, OS2, OS4 and EH7 of the emerging West Oxfordshire Local Plan 2011-31 (the emerging LP). I understand that following an Examination, the emerging LP is now undergoing a process of modification with the objective of making it sound. This includes modifications proposed by the Council to policies H2, OS2 and OS4. The pre-submission consultation period in respect of the proposed modifications expired on 23 December 2016. The modified policies will be subject to Examination. Therefore, I cannot be certain that they will be adopted in their modified form without further alteration. Consequently, in accordance with the approach set out in Section 216 of the National Planning Policy Framework (the Framework), I intend to give those policies limited weight.

Main Issues

3. The main issues in this appeal are as follows:
 - Whether the proposed dwelling would preserve or enhance the character and appearance of the Ramsden Conservation Area.
 - Whether the proposed dwelling would provide a suitable site for housing, having regard to accessibility to services and facilities.

Reasons

Character and appearance of the Conservation Area

4. The appeal site forms part of a large garden. It is at the side of a former public house, now a dwelling, constructed of natural local stone. The dwelling is identified as a locally listed building in the Ramsden Conservation Area
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Character Appraisal (CAA)¹. On the other side of the appeal site is a row of traditional natural stone cottages behind which is 'Little Wychwood', a modern detached bungalow occupying a generous plot. The stone wall along the appeal site frontage and some of the trees within it are identified as locally significant features in the CAA. The stone dwelling opposite known as 'The Old Forge' is a Grade II listed building.

5. The appeal site and its surroundings are in the Ramsden Conservation Area (CA), which encompasses most of the built-up part of the village. I am required by legislation and the Framework to give great weight to the conservation of the CA. The CAA refers to the linear, loose-knit form of development in the village with buildings set close the road, the general consistency in the vernacular style of the buildings, and the uniformity of materials with mostly local limestone with stone slate roofs, as being important characteristics of the CA. The appeal site has a reasonably wide frontage and its rising landform site is visible in the street scene from in front of the entrance and between the frontage vegetation. Its character as a substantial open, undeveloped area between buildings reflects one of the principal characteristics of the village. Consequently, although the appeal site is not identified in the CAA as an important open space, it nevertheless contributes in a significant, positive fashion to the rural character of this part of the village and the character and appearance of the wider CA.
6. The proposed dwelling would be set well back from the High Street, towards the rear boundary of the appeal site. However this would be not be in keeping with the linear form of development with buildings close to the road, as identified in the CAA. I accept that the proposed dwelling would be located broadly alongside the adjoining bungalow at 'Little Wychwood'. However, the siting of that relatively modern property in what might be described in a 'backland' location, behind dwellings closer to the road, is not characteristic of the established pattern of development in the village. As a result, in terms of its siting the proposed dwelling would be entirely at odds with the prevailing pattern of local development.
7. There would be areas of open space on either side of the proposed dwelling and a substantial open area between the front elevation and the High Street. Nevertheless, the proposed dwelling would occupy a significant part of what is currently the expansive undeveloped open space between buildings in the street scene. Its location towards the rear of the plot, whilst away from the existing dwelling, would have the effect that the proposed dwelling would occupy higher ground in relation to the road, thus emphasising its visual presence in its surroundings. As a result, the proposed dwelling would significantly erode the existing sense of an undeveloped open space in the street scene. Retaining the existing trees would have a limited effect in terms of offsetting the visual impact of the new built form, in particular during the winter and early spring. Consequently, the proposed dwelling would create a greater sense of enclosure and a more built-up feel in the street scene. This would be entirely at odds with and would significantly erode the existing loose-knit characteristics of development in the locality by consolidating development, giving rise to a more urbanised feel in this part of the CA.

¹ Published by West Oxfordshire District Council.

8. In terms of its form and general design, the proposed dwelling would have a steeply pitched roof similar to traditional local buildings and natural stone would be used for the walls, with stone slates on the roof and timber joinery. I understand that the proposed dwelling would be of similar overall height to 'Little Wychwood'. However, the design includes a deep plan form and the proposed dwelling would be 1½ storeys high, utilising cottage-style dormers along the front and rear elevations and it would include a partial 'catslide' roof. Parts of the secondary elevations as well as the proposed garage would be clad in timber weatherboarding. None of these aspects of the design are reflected in terms of the scale, form, proportions, massing and materials typical of traditional vernacular buildings in the immediate locality or the wider CA. Therefore, the overall appearance of the proposed dwelling would be entirely at odds with the prevailing character of buildings in the CA, with the result that it would appear as an alien and discordant feature in the street scene.
9. When taken individually or cumulatively, the above matters would cause unacceptable harm to, and would neither preserve or enhance, the character and appearance of the CA. The harm caused by the proposed dwelling to the significance of the CA would be 'less than substantial' within the meaning ascribed by the Framework at paragraph 134. There is no dispute between the main parties that the Council is currently unable to demonstrate a five-year supply of housing land. I understand that the extent of undersupply is substantial. The proposed dwelling would therefore represent a public benefit by contributing towards boosting the supply of housing. Nevertheless, this benefit would be small in scale and in my view, it would not outweigh the harm caused to the CA.
10. Consequently, the proposed dwelling would not accord with saved Policy BE5 of the adopted West Oxfordshire Local Plan 2011 (the adopted LP). It would also not accord with saved Policy BE2 of the adopted LP, as the proposed dwelling would not respect or improve the character and quality of its surroundings, it would not relate satisfactorily to the site and its surroundings, its design would not respect the existing scale, pattern and character of the surrounding area and it would not respect or enhance the form, siting, scale and massing of adjoining buildings, reflecting local building traditions. Further, the proposed dwelling would also not accord with saved Policy BE4 of the adopted LP, as it would result in the erosion of an open area which makes an important contribution to the character of the locality.
11. For the reasons identified above, the proposed dwelling would also be inconsistent with the guidance in the Framework at paragraph 17 concerning the requirement for high quality design and at section 7, which in, amongst others, paragraphs 56, 58, 60 and 61, explains how good design is to be achieved.
12. The Council has also made reference to the West Oxfordshire Design Guide 2016 Supplementary Planning Document (SPD), in particular section 6. Whilst the SPD does not have the same weight as the adopted LP policies, it can nevertheless be afforded some weight. For the reasons identified above, the proposed dwelling would not be designed to be in sympathy with the character of the area, nor would it respect the form, siting, scale and massing of the surrounding buildings or incorporate existing features of importance and it would therefore be inconsistent with above guidance.

13. Notwithstanding my conclusions in relation to the other emerging LP policies referred to by the Council, Policy EH7 is at an advanced stage in preparation and it is consistent with the Framework. I therefore intend to afford it some weight. The proposed dwelling would not conserve the special character and distinctiveness of the historic environment, nor preserve or enhance heritage assets, their significance and settings and therefore, it would not accord with Policy EH7.

Access to services and facilities

14. Ramsden is categorised as a small village in the adopted LP, in which saved Policy H4 only permits the erection of a new dwelling if there were an essential agricultural need for a worker to live on the site. However, Policy H4 influences the supply of housing by restricting the locations where new houses may be developed. It is therefore a relevant policy for the supply of housing in the context of paragraph 49 of the Framework. As there is no five-year supply of housing land, policy H4 cannot be considered up-to-date and greater weight must be afforded to the Framework.
15. To promote sustainable development in rural areas, paragraph 55 of the Framework requires that new housing should be located where it would enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances, none of which have been argued to apply in this case. This reflects the core principles of the Framework at paragraph 17, which include requiring active management of patterns of growth to make the fullest possible use of public transport, walking and cycling. It is also reflected in paragraph 34, which seeks to minimise the need to travel and maximise the use of sustainable transport modes.
16. I acknowledge that the appeal site is in garden use and it is adjoined by land in residential uses on three sides. It forms a gap between the groups of buildings clustered along High Street which comprise part of the built-up area of the village. In physical terms, the appeal site could therefore not be described as being 'isolated in the countryside'. Paragraph 55 does not preclude development in smaller settlements. The Planning Practice Guidance (PPG) section 'Rural Housing' indicates that all settlements can play a role in delivering sustainable development in rural areas, so blanket policies preventing settlements from expanding should be avoided, unless their use can be supported by robust evidence². However, none of this is conclusive in terms of whether the appeal site would be a suitable location for housing in terms of its access to services and facilities.
17. Ramsden has a public house, a church and church hall. However, it does not have a shop, a school, doctors' surgery or any significant employment opportunities. Consequently, the village itself has few services and facilities. The village is located around five kilometres from the town of Witney, and around four kilometres from Charlbury, the nearest larger village. There is a single daily bus service from the village, consisting of one outward and one return trip from Witney on most days, but due to the service timings it is unlikely to be convenient for most school or employment journeys. A more regular bus service is available only by walking up to one kilometre along a narrow, unlit road lacking footways and in practice, these factors are likely to

² Paragraph: 001 Reference ID: 50-001-20140306.

deter most potential users of the latter service. The village therefore has a limited access to public transport.

18. Accordingly, it is likely that future occupiers of the proposed dwelling would be almost entirely reliant on the private car for most of their journeys to and from the services and facilities either in Witney or in larger villages in the surrounding area. Although the number of journeys made in relation to the single dwelling proposed would be relatively modest, this would still result in an unacceptable adverse impact in terms of reducing reliance on use of the private car.
19. Therefore, the proposed dwelling would not make provision for the increased use of public transport appropriate to its scale. As a result, it would not accord with saved Policy BE3 of the adopted LP and it would be inconsistent with the objectives in paragraphs 17 and 34 of the Framework referred to above.

Planning balance

20. As LP Policy H4 is not up to date, the proposed dwelling therefore has to be considered against the presumption in favour of sustainable development in paragraph 14 of the Framework. There are three mutually dependent dimensions against which the proposed dwelling has to be assessed-economic, social and environmental.
21. I accept that the proposed dwelling would provide some economic benefits, notably short-term jobs in the construction sector. It would also provide some social benefits in terms of future occupiers contributing to maintaining or enhancing the vitality of the local community and local services. Given the small-scale of the proposal and the few local services available, these benefits are of limited weight. In terms of other social benefits, the proposal would contribute to the supply of housing land. Although small-scale, given the significant shortfall in terms of the supply of housing land this is a benefit to which I afford moderate weight.
22. Nevertheless, the proposed dwelling would not create a high quality environment. The harm to the CA would not contribute to protecting and enhancing the built and historic environment. This is a matter which has to be given significant weight. Moreover, the likely reliance of the future occupants on the private car would not contribute to protecting and enhancing the natural environment by minimising pollution, mitigating and adapting to climate change and moving to a low carbon economy. Therefore, the proposed dwelling would also not achieve the environmental role of sustainable development. These adverse impacts would significantly and demonstrably outweigh the modest benefits of the proposed dwelling, when assessed against the policies in the Framework taken as a whole. As a result, the proposed dwelling would not amount to sustainable development as set out in the Framework.
23. I have been referred to the recent appeal decision concerning the erection of a dwelling elsewhere in the village³, in which the Inspector concluded that the associated minor increase in traffic movements would not outweigh the social, economic and environmental benefits of the scheme. However, that site was located outside of the CA and a different balance of considerations therefore

³ Reference APP/D3125/A/14/2220555.

applied. Consequently, and although the shortfall in housing land might have been lower at that time, it does not inevitably follow that the appeal scheme is directly comparable or that it necessarily amounts to sustainable development.

Other matters

24. I accept that the proposed dwelling would make a more efficient use of land, it would not cause unacceptable harm to the surrounding countryside, nor create an undesirable precedent for future similar development. However, none of these matters affect my findings on the main issues.

Conclusion

25. The proposed dwelling would not preserve or enhance the character and appearance of the CA and it would not be a suitable location for housing, having regard to its accessibility to services and facilities. The proposed dwelling would therefore be inconsistent with the Framework and the Development Plan and for the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR