The Planning Inspectorate

Appeal Decision

Site visit made on 28 February 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 16 March 2017

Appeal Ref: APP/D3125/W/16/3162883
Stonesthrow, Burford Road, Chipping Norton, Oxfordshire OX7 5XB

- 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 James Fraser against the decision of West Oxfordshire District Council.
- The application Ref 16/02214/FUL, dated 15 June 2016, was refused by notice dated 30 August 2016.
- The development proposed is described as ''Stonesthrow' N.E. Wing. Divide Flat 1 into 1A & 1B. Convert First Floor as extension to Flat 1B convert Ground Floor to Flat 1C'.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are whether or not the proposed development would be in a suitable location in relation to social, community, employment and other facilities.

Reasons

3. The appeal site currently accommodates four flats within a former stable block set back from the A361, the main road running between Burford and Chipping Norton. The site stands close, and was historically ancillary, to 'Downs Hollow', a Grade II listed detached dwelling situated in a wider context of open fields and woodland. The appeal site is located outside the settlement boundaries of Chipping Norton and is consequently within the category of open countryside, where new, isolated homes should be avoided. The appeal proposes to convert part of the former stable building to facilitate the extension of one existing flat and the creation of two additional units, effectively resulting in two open-market dwellings in the open countryside.

4. Travelling from the centre of Chipping Norton in a southerly direction towards the appeal site, the route is more readily defined by a sense of remoteness. Consequently, notwithstanding its relative proximity to the Chipping Norton and the travellers' site and campsite that are both nearby, there is a strong connection between the appeal site and the surrounding countryside. While Chipping Norton could evidently provide many essential services and wider public transport options, these are located some 1.5km away and are accessible only via the busy A361. A bus service stops close to the junction with the Old London Road, within reasonable walking distance. However,

walking to this bus stop would be along the A361, where there is no footway or lighting and, as I observed during my site visit, cars tend to travel at relatively high speed. Part of the walk to the bus stop would be along the wide and flat grass verge, which falls within the appellant's control. However, even if this verge was regularly mown, it narrows and becomes less even for the remaining stretch before the bus stop. The combination of these factors, along with the lack of bus shelter and the fact that only one bus service provides a reasonably good link to the nearby main towns, would, in my judgement serve as a deterrent to future occupiers of the proposed dwellings using the bus.

5. Just under 300 metres from the appeal site, and beyond the bus stop, is a surfaced footway, which I observed to be undergoing upgraded close to the Rugby Club. In spite of warning signs for horses near Downs Hollow and good visibility from the appeal site's access onto the A361, I consider that the nature of the route to the start of this footpath would, for much of the year, be dark and muddy, experienced as isolated and unsafe. Therefore, notwithstanding that basic provisions can be delivered to the appeal site, or that future occupiers may be able to walk into Chipping Norton, in my judgement the nature of the route would be off-putting and prohibitive to reliance on modes of travel other than private vehicle. Consequently, I do not consider that the two additional units proposed by the appeal scheme would be in an appropriate location.

6. The development therefore runs contrary to Saved Policy H4 of the West Oxfordshire Local Plan 2011, Adopted 2006 (the Local Plan), which is consistent with paragraph 55 of the National Planning Policy Framework (the Framework) and sets out the special circumstances under which an isolated home in the countryside may be acceptable; none such circumstances are met by the proposal. While the proposal may satisfy the three criteria in Saved Policy H8, it fails to satisfy either principal requirement, insofar as the location is not within the built-up area, and the continued existence in residential use of a large property in the countryside cannot be secured by sub-division. As the location would not be convenient and would not satisfy the principles of energy and resource conservation, the proposal would fail to accord with the general development standards in Policy BE2. The emerging West Oxfordshire Local Plan 2031 (the ELP) has yet to be adopted and so the policies within it carry less weight than if they were formally adopted. Nonetheless, the appeal scheme would still run contrary to emerging Policies H2, OS2 and H6, which require development in the countryside meets specific circumstances and, amongst other things, provides safe and convenient pedestrian access to supporting services and facilities; and is the only means to secure continued residential use.

Planning balance

7. In consideration of the proposal against the three limbs of sustainable development – economic, social and environmental, the proposal would result in some social and economic benefits associated with the provision of two dwellings as market housing, within a district where a five-year supply of housing land cannot currently be demonstrated. Investment in construction and relative employment for its duration would also represent an economic benefit. The appellant has also suggested that the appeal scheme could provide affordable housing, and refers to the potential to apply a low rental price to the proposed flats. In the absence of any planning obligation to secure

affordable housing, or cheap rental prices, such as a signed Section 106 Agreement, the proposed development is not secured as affordable accommodation. I therefore attribute very little weight to this proposition.

8. While the development would not increase the footprint of the existing building, would make use of vacant parts and would have negligible impact on the Area of Outstanding Natural Beauty or in relation to living conditions, these are neutral factors, which do not weigh in favour of the scheme. Nor does the lack of objection from the Parish Council, the Highway Authority, drainage engineers or environmental health officers.

9. On the other hand, I have found that there is likely to be major reliance on the private car to access services and facilities, and that alternative means of travel, for examples by bus or bicycle, are not practicable or safe options. Consequently, the environmental dimension of sustainable development would not be met and the proposal would not represent sustainable development as defined in the Framework. I find that the adverse impacts of locating dwellings in an isolated location in the countryside would significantly and demonstrably outweigh the totality of the benefits. I therefore find that the proposed development would not be in a suitable location and as such would be contrary to the policies in the development plan and Framework taken as a whole.

Other Matters

10. The appellant has drawn my attention to various developments within Chipping Norton that have been permitted some 1km outside the centre. While not knowing the specific planning considerations that led to these approvals, it is apparent that even though they are located on the edge of the settlement, they are within a relatively convenient walking distance. The appeal site, on the other hand, is further than 1km from Chipping Norton, and the town is not, in my judgement, readily accessible on foot or by modes of transport other than a private car. I also note the various schemes granted on appeal; however, the smallest scale of these involved the provision of 62 new dwellings, and the largest 270 dwellings. In light of the clear difference in site-specific circumstances and scale of the developments previously approved, I find no similarities that could reasonably justify allowing the appeal scheme.

11. In consideration of the location of the appeal site in relation to setting of the Grade II listed Downs Hollow, I find the surroundings in which the heritage asset is experienced would be unaffected. I therefore conclude, owing to the nature of the proposal in terms of its scale, location and appearance, the setting of the nearby heritage asset would be preserved and there would be no harm to its significance. A lack of harm in this regard, however, does not alter my overall conclusion.

Conclusion

12. For these reasons and in consideration of all matters raised, I conclude that the appeal should be dismissed.

H Porter

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