
Appeal Decision

Site visit made on 28 February 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/Q3115/W/16/3163589

Ascott Holdings, Watlington Road, Stadhampton, Oxford OX44 7UQ

- 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 Mrs Bev Woodford against the decision of South Oxfordshire District Council.
 - The application Ref P16/S3115/FUL, dated 13 September 2016, was refused by notice dated 16 November 2016.
 - The development proposed is use of consented annex as a two bedroom dwelling with parking and outdoor space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised plan was submitted with the appeal¹, showing the means of access to the public road included within the application site. I am satisfied that the revised plan would not cause prejudice to any interested party. Therefore, I have taken the revised plan into account in my decision.

Main Issue

3. The main issue in the appeal is whether this would be a suitable site for housing having regard to the settlement strategy, access to services and facilities and the National Planning Policy Framework.

Reasons

Whether a suitable site for housing

4. The appeal site forms part of the grounds of a semi-detached dwelling located alongside the B480, in an area of scattered development between the villages of Stadhampton and Chalgrove. Planning permission was recently given by the Council for the restoration of a barn on the appeal site for use as a one bedroom annex and store and to create a new vehicular access following removal of the existing accesses.² The appeal scheme entails erecting a single storey, two bedroom dwelling on the footprint of the permitted annex, constructed to a similar design, scale and external materials, utilising a similar access arrangement. When I visited the site, footings had been laid in an L-shaped plan form similar to that shown on the submitted plans.

¹ Drawing number 3601-007 Rev A.

² Council references P16/S1643/HH & P16/S1931/HH.

5. Although there are four dwellings in the vicinity, the appeal site is in open countryside well outside of any identified settlement, in a location where Policy CSR1 of the adopted South Oxfordshire Core Strategy (CS) makes no allowance for new housing. Consequently, the Council's reference in its decision to the proposed dwelling not amounting to infilling, is otiose. Under CS Policy CSS1, the overall settlement strategy is to, amongst other matters, support villages by allowing limited housing. However, outside of the villages development is required to relate to very specific needs, such as those of the agricultural industry or an enhancement of the environment. The other criterion in CS Policy CSS1 are not directly relevant to the proposed dwelling.
6. No very specific agricultural or other rural need has been argued in this appeal. The proposed dwelling would not amount to an environmental enhancement. In particular, it would not be dissimilar in appearance to the permitted annex. Although residential in character, the use of the permitted annex would have been integrated with that of the existing dwelling. Therefore, the proposed dwelling would be materially different in character to the use of the permitted annex and it would result in the creation of a separate planning unit. Consequently, it does not follow that granting permission for the annex established the principle of development in respect of the proposed dwelling. The argument that on its own, one additional dwelling outside of a village would not undermine the 'proportional growth' approach of the overall settlement strategy, could be repeated too often, the cumulative effect of which would have precisely that outcome. For all of the above reasons, the proposed dwelling would not accord with the overall strategy in Policy CSS1 or the approach to housing in villages in CS Policy CSR1.
7. However, Policy CSR1 influences the supply of housing by restricting the locations where it can be developed. Therefore, according to recent case law³ it is a 'relevant policy for the supply of housing' as meant by paragraph 49 of the National Planning Policy Framework (the Framework). The Council accepts that it currently does not have a five-year supply of housing land. Also, it has not challenged the appellant's claim that the shortfall in the supply of housing land is increasing and is likely to do so further during 2017. Consequently, in accordance with paragraph 49 and other recent case law⁴, the above policy should be afforded limited weight and the presumption in favour of sustainable development in paragraph 14 of the Framework is engaged. This means that planning permission should be granted, unless the effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. CS Policy CS1 reiterates paragraph 14 in this regard.
8. Whether the proposed dwelling would amount to sustainable development as defined in the Framework has to be assessed against the three mutually dependent objectives-economic, social and environmental-set out in paragraph 7. The proposed dwelling would provide a small economic benefit, notably by creating short-term employment in the construction sector. Even so, given the modest scale of the appeal scheme, this benefit is of limited weight. A similar benefit would also have resulted from the permitted annexe.

³ Suffolk Coastal District Council v Hopkins Homes Ltd; Richborough Estates Partnership LLP v Cheshire East, SSLG [2016] EWCA Civ 168.

⁴ Crane v Secretary of State for Communities and Local Government [2015] EWHC 425 (Admin).

9. In terms of social benefits, the proposed dwelling would make a small scale, deliverable contribution to the supply of housing in the Council's area, where there is a significant shortfall. Given recent case law⁵, the extent of the shortfall in the 5-year supply of housing land would also lend some weight to the benefit offered by the proposed dwelling. Due to its modest size, the proposed dwelling would probably be priced at the lower to mid-range in the housing market, where significant demand exists. Overall therefore, I have afforded the social benefits offered by the proposed dwelling moderate weight.
10. In terms of its environmental impacts, the proposed dwelling would be around 1.5 kilometres outside of the village of Stadhampton, with Chalgrove around 1.8 kilometres away in the other direction. In order to access the services and facilities in both villages or public transport links, the future occupiers of the proposed dwelling would therefore have to travel along the B480, which largely lacks any pedestrian footways or street lighting and is subject to a 50mph speed limit. This is likely to deter most pedestrians and cyclists.
11. Consequently, given the distance to the nearest villages and the access constraints, the future occupiers of the proposed dwelling would largely be reliant on the private car in terms of their needs to travel to access services and facilities within the nearby villages, as well as further afield. The proposed dwelling would be likely to be occupied by more people than the permitted annex. Occupiers of the permitted annex would also to some extent be reliant on the other occupiers of the existing dwelling in terms of their day-to-day needs, including travel. Accordingly, the vehicle movements associated with the proposed dwelling are likely to be significantly greater in comparison with those that would be associated with the permitted annex.
12. I acknowledge that it would be unrealistic to expect the majority of rural journeys to be undertaken by non-car modes of transport and that reducing the distances travelled by car can also play a part in reducing carbon emissions. In this respect, it has been suggested that the largest local employment centres in the area are within a 15-20 minute drive from the appeal site. Even so, due to its location in relation to services and facilities, the proposed dwelling would afford its future occupiers little meaningful opportunity to adopt alternative means of transport to the private car for at least some of their journeys. I have also been made aware of a preferred option in the emerging South Oxfordshire Local Plan 2032 (LP) for a strategic development at Chalgrove airfield, in proximity to the appeal site. However, given that the emerging LP is still at a relatively early stage in its preparation, I have given that matter limited weight.
13. As a result, the proposed dwelling would be inconsistent with the Framework core principle at paragraph 17 of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. The limited access to services and facilities on account of the location of the proposed dwelling would also be inconsistent with the Framework objective of promoting sustainable development in rural areas by, amongst other matters, avoiding isolated new homes in the countryside at paragraph 55.
14. I accept that the incorporation of sustainable energy measures in the design of the proposed dwelling, ecological enhancements and surface water drainage improvements would provide some modest environmental benefits. I have also

⁵ Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin).

taken account of the barn-like design and scale of the proposed dwelling and its similarities to a nearby traditional structure, the absence of an adverse impact on the character and appearance of the surrounding countryside and any designated landscape, as well as the lack of adverse impacts on the living conditions of the adjoining occupiers and highway safety. However, the absence of adverse impacts in respect of the above matters are neutral factors which neither weigh in favour or against the proposed dwelling in environmental terms, particularly as similar conclusions would also have applied in relation to the permitted annex.

15. Overall, I find that the environmental benefits offered would be small in scale and they would not offset the more substantial adverse environmental effects that would be caused by the failure of the proposed dwelling to fully mitigate and adapt to climate change including moving to a low carbon economy, on account of the limited access to services and facilities by means other than the private car. Consequently, the proposed dwelling would not achieve the environmental role. This is a matter to which I attach significant weight.

Planning Balance

16. The proposed dwelling would provide a moderate social benefit in terms of increasing the supply of housing where there is an identified and increasing undersupply. However, the economic benefit would be small scale. A similar benefit could have been provided by the permitted annex. There would be an adverse environmental impact arising from the restricted accessibility of the proposed dwelling in relation to services and facilities by means other than the private car. This adverse impact would significantly and demonstrably outweigh the above benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposed dwelling would not amount to sustainable development as described in the Framework and it would not accord with CS Policy CS1.

Conclusion

17. The proposed dwelling would not accord with the Development Plan and the Framework and for the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR