
Appeal Decision

Site visit made on 13 March 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 04 April 2017

Appeal Ref: APP/C3105/W/16/3163712

Jack Barn, West End, Launton OX26 5DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Howson against Cherwell District Council.
 - The application Ref 16/01598/F is dated 8 August 2016.
 - The development proposed is the demolition of development at Jack's Barn and the erection of ten dwellings.
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Decision

1. The appeal is dismissed and planning permission for the demolition of development at Jack's Barn and the erection of ten dwellings is refused.

Preliminary Matters and Main Issue

2. The appeal was made against the failure of the Local Planning Authority to give notice of their decision on the application within the statutory period. Subsequent to the making of the appeal the Council confirmed that they would have refused the application. I have treated the committee report and planning appeal statement as the decision the Local Planning Authority would have made, had they been empowered to do so.
3. The report states that the Council would have refused the application on three grounds; the effect of the proposal on the character and appearance of the area, the design of the scheme, and on the lack of a legal agreement to mitigate impacts and provide for affordable housing. Based on all that I have seen and read I have no reason to disagree with this analysis, and consequently I consider the main issue in this case to be the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. Launton is a reasonably sized village, located close to the larger town of Bicester. The village is based around the intersection of two roads; West End/Station Road and Bicester/Blackthorn Road. West End heads towards the south west from this crossroads, and features a range of mainly residential development on both sides of the road. The street has a variety of ages and styles of development located on it, with two more modern cul-de-sacs towards the west end. The traditional vernacular of the village is shown by various pitched roof properties, including the Black Bull pub towards the end of the street. Such properties are often constructed in stone, sometimes whitewashed, and have fairly steep roof pitches with integral chimney stacks.
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A run of terraced cottages on the south side of the street have less angled roof pitches but these properties are shallow in depth and low in height, ensuring the proportions of the properties remain visually pleasing.

5. At the end of the metalled street there is a small turning circle/parking area, from where the road carries on as a farm track and footpath. At the end of the road a small track heads towards the north-west; a small number of houses are located on this track, primarily facing towards the south west and overlooking a meadow/paddock. A new bungalow is located towards the end of this track, sited just before the appeal site. This bungalow is partially hidden behind a tall blockwork wall. The character of the area is that of the edge of the village, blending into the countryside; whilst there are residential curtilages running along the eastern side of West End beyond the parking area and I note comments concerning a potential vehicular access to a garage of this access, the change in West End to the appearance of an agricultural track and the large green area of the paddock clearly marks the start of the countryside.
6. The appeal site contains a range of light industrial buildings, including one reasonably tall metal barn, part of the service yard for the buildings and part of the paddock. The scheme would demolish the existing buildings and construct 10 houses. The access track would be carried on, with a row of 4 terrace properties, staggered into 2 groups of 2 located at the head of the track which would contain a parking and turning area. A small cul-de-sac would be located part way down the access which would contain the other 6 properties. A play area would be located on the side of the site adjoining West End.
7. Outline planning permission was recently granted on appeal¹ for 2 dwellings on the front half of the service yard area of the site. The Inspector in that case noted that Launton has no identified settlement boundary and considered in part that the construction of the bungalow had connected the appeal site visually and physically to the village. I agree with this view; the service yard and existing light industrial buildings appear on the edge, but as part of the village.
8. However, the paddock area although therefore adjacent to the village edge, marks the beginning of the open countryside which surrounds the village. Part of the proposal would involve developing on a substantial area of this open green space, extending the limits of the village and would inevitably therefore have some adverse environmental affect. The site would be visible from users of West End and from views between trees from footpaths to the south and west. Whilst the existing edge to the village is fairly 'hard' in places such as the new bungalow and the existing industrial use, this is softened by the large paddock set in front of it, and the 2 house consent could potentially improve this aspect.
9. The new cul-de-sac proposed as part of the scheme would contain plots 5-10, and would consist of 4 detached units and a pair of semi-detached houses. These would be sited on the top half of the paddock and would be sited to overlook the remaining area. Whilst this would mean that rear gardens would not be visible from the south west, a range of parking, garaging and the access way would be visible from the lane to the east and from glimpsed views between trees on the footpaths.

¹ APP/C3105/W/16/3152571, 5 December 2016

10. Furthermore, whilst such a layout would provide a good quality of outlook for the future residents of these properties, by doing so the houses would turn their back on the remainder of the village. In particular this would create a poor environment for the 4 terraced properties, the front of which would look out on to a fairly large parking and turning court for their own properties, as well as Plots 6 & 7 (the semi-detached houses) and the back and side boundaries of these plots, shown as fences on the site plan. This would not I consider be an intimate courtyard setting but would lead to a poor environment for these plots.
11. The appellant considers that the siting of Plots 1-4 at the end of the access way would create a sense of destination. However, from West End the view would be mainly of plot 4 and some of plot 3 and the hard surfacing area in front of these units. The terrace and hardstanding area would appear cramped and as overdevelopment in this edge of village location. Whilst this element of the site has permission for 2 houses, this is half the number of houses proposed in this instance and the 2 house consent is in outline, with no design details. In this respect I do not consider that the Council's appeal statement concedes that Plots 1-4 would be acceptable; this part of their statement refers to the principle of development on this element of the site, as opposed to the design of the units, which is considered by their second reason for refusal (had they been empowered to do so).
12. The design of the 6 lower units shows that Plots 5, 8 and 10 would be of the same design (with plot 10 handed), and Plots 6, 7 and 9 would also be the same. The former units would be large 2½ storey properties, with the latter 3 bedroom smaller dwellings. The smaller houses would be fairly squat in their design, with reasonably shallow roof pitches and being quite deep in depth. All properties would have external chimney stacks.
13. Whilst the materials indicated would be of a high quality and match the vernacular, I am not convinced that the detailed design would. Although I can appreciate the placement of Plot 10, fronting the lane and carrying on the linear development of West End, the squat design and shallow roof pitches of Plots 6, 7 and 9 would appear out of place and present large fairly plain gables to the street scene. In particular, Plot 9, being a detached house but the same design as the two semi-detached units would appear out of place and overly dominant in the street scene, presenting a large red brick gable to views down the cul-de-sac.
14. Policy Villages 2 of the Local Plan² states that 750 homes will be delivered at Category A villages [including Launton]. Sites will be identified through the Local Plan Part 2 and Neighbourhood Plans, but consideration will be given to criteria including whether the site is previously developed land or of less environmental value, whether the development would contribute to enhancing the built environment, and whether significant adverse landscaping impacts could be avoided. The supporting text notes that the policy aims to enable the development of new sites for 10 or more dwellings. Whilst the site would fall within this category, for the reasons given above I do not consider that the scheme, when taken as a whole, would comply with the criteria within this policy.

² The Cherwell Local Plan 2011-2031, July 2015

15. The proposal when read together would also be contrary to policies ESD13 and ESD15 of the Local Plan, as well as policies H18, C28 and C30 of the old Local Plan³, which when taken together state that proposals for residential development will not be permitted where they would be inconsistent with local character or beyond the built up limits of settlements, and that development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. In this respect, whilst I note the age of the old Local Plan, I consider the policies referred to in this case remain generally consistent with the National Planning Policy Framework (the Framework), and as such, I accord them significant weight. Whilst I accept that Policy H18 of the old Local Plan may in certain circumstances potentially conflict with Policy Villages 2 of the Local Plan, in this instance I do not consider that it does.
16. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the surrounding area. The proposal would be contrary to the development plan, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would also be contrary to the Framework, which states that planning should take account of the different roles and character of different areas and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In such a way I do not consider that the proposal would constitute sustainable development and would not therefore comply with paragraph 55 of the Framework, which seeks to promote sustainable development in rural areas.

Other Matters

17. I noted that the village provides a reasonably sustainable location for development, and that the site would be in walking distance of the services and facilities that the village has to offer, and also that in a limited way the scheme would assist in maintaining the vitality of such services. I also note that previous highway concerns have been resolved and I agree that the scheme, subject to conditions, would not have an adverse effect on highway safety. The scheme would also produce economic and social benefits through the development of the housing. However, I do not consider that such matters outweigh the adverse effects of the proposal on the character and appearance of the area.
18. A unilateral undertaking has been submitted. This covers the payments of various sums towards primary education and public transport for the improvement of services within the village. The Council are of the opinion that affordable housing contributions should be secured through the scheme and that payments would be required to ensure the future maintenance of the play area is carried out. However, given that I am dismissing the appeal on other grounds I have not considered such matters further.
19. The appellant raises concerns over the Council's handling of the planning application, including the time taken to consider the scheme, administrative errors and lack of communication, which led to the appeal against non-determination. Whilst I note such matters, I have considered the appeal on its

³ Cherwell Local Plan November 1996

own planning merits. Concerns over the Council's handling of the application should be made in the first instance through the Council's own complaints procedure.

20. For the reasons given above I conclude that the appeal should be dismissed and planning permission refused.

Jon Hockley

INSPECTOR