The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 7 April 2017

Appeal Ref: APP/Q3115/W/16/3164284
Land to west of Chinnor Road, Chinnor Road, Towersey, Thame OX9 3QY

- 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 and Mrs S and J Horne against the decision of South Oxfordshire District Council.
- The application Ref P16/S2212/O, dated 24 June 2016, was refused by notice dated 21 October 2016.
- The development proposed is described as: "Erection of 4 dwellings and the provision of a new access to the paddock land to the west."

Decision

1. The appeal is allowed and planning permission is granted for the "erection of 4 dwellings and the provision of a new access to the paddock land to the west" at land to west of Chinnor Road, Chinnor Road, Towersey, Thame OX9 3QY in accordance with the terms of the application, Ref P16/S2212/O, dated 24 June 2016, subject to the conditions attached in the schedule to this Decision.

Procedural Matter

2. The application was submitted in outline with matters of appearance, landscaping and scale reserved for subsequent approval. Consequently, I have treated the street elevation, Ref 16069-P02C, as indicative.

Main Issue

3. The main issue is whether the proposal would be a suitable form of development in this location, having regard to the character and appearance of the area.

Reasons

4. The development strategy for the district, as set out in Policy CSS1 of the South Oxfordshire Core Strategy,[1] seeks to direct housing to the most sustainable locations in the district, based on a settlement hierarchy and sustainability criteria. The site is located at the edge of Towersey, which is listed as a 'smaller village' in the Core Strategy.

5. Policy CSR1 of the Core Strategy allows for infill housing development on sites of up to 0.2 hectares. Infill is defined in the supporting text as "the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings". The site has an area of approximately 0.25 hectares and is located on the southern edge of the

[1] South Oxfordshire Core Strategy, adopted December 2012

settlement. Although the site adjoins residential development to the north, it is bounded by open fields to the south and west, and there is open land opposite. Consequently, the development would not fall within the policy definition of infill. The proposal would, therefore, be in conflict with Policy CSR1. Policy G4 of the Local Plan[2] is a restrictive policy that seeks to restrict new built development in the countryside. The proposal would also be in conflict with this policy due to its edge of settlement location.

6. The Council has acknowledged that it is unable to demonstrate a five-year supply of deliverable housing sites and consequently, the relevant housing supply policies CSS1, CSR1 and G4 are not considered up-to-date. I have therefore determined the appeal in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework) and Policy CS1 of the Core Strategy.

7. The settlement comprises a predominantly linear form of development. Chinnor Road extends from the crossroads at the centre of the village in a southerly direction towards the junction with the B4445. There is residential development either side of the road, and the majority of houses are detached and set back in relatively spacious plots. There are no footways and the road has a semi-rural character and appearance. The paddocks surrounding the village are partly used for the grazing of horses which contributes to the character of the area. The wider landscape is described in the Landscape Assessment[3] as a gently rolling or undulating landform with a typical pattern of medium to large-scale fields bounded by regular hedgerows.

8. The appeal site is an open paddock which is bounded to south and east by hedgerows and scattered trees. It lies just beyond the extent of built development. Consequently, the development would extend the linear form of development into the adjoining open land. However, the settlement boundary is not well defined in this location. Whilst the built development comes to an end, there is no distinct change in character at this point. There are no boundary features to mark the edge of the settlement. The road and grass verges are consistent with that further north. The only discernible difference in character is the front boundary hedge, which is more overgrown than other hedges within the village. Part of this would be removed to allow access to the paddock to the west, and it is likely that the remainder would need to be removed to create the required visibility splays. This would affect the semi-rural character of the area, but the impact could be mitigated by re-planting the hedge behind the visibility splay with native species.

9. I appreciate that the landscape at the fringes of settlements is more vulnerable to development that could have an urbanising effect on the adjacent countryside. However, as explained above, there is no existing 'strong' edge to the village. The site is a moderately sized paddock that is defined to the south by an established hedgerow. This could be supplemented to provide definition to the village boundary in this location. A suitable and well–designed landscaping scheme would be important to soften the development in views from the south and east, but this could be secured by a planning condition.

10. The indicative elevations show that the houses could be designed to reflect the adjoining development and reinforce the local distinctiveness of the village. The

[2] South Oxfordshire Local Plan 2011
[3] South Oxfordshire Landscape Assessment, adopted July 2003

proposed layout would be consistent with the predominant development pattern of the village. Also, a suitable landscaping scheme would ensure the development would integrate with its surroundings. Consequently, I am satisfied that the development would not be incongruous or out-of-keeping with the surroundings, and the local character of the village would be protected. I note that the Council has agreed that the wider landscape would not be significantly affected by the development.

11. The Council is concerned that the site forms part of an important gap between the village and the Phoenix Trail embankment, which should be retained to prevent coalescence. However, if the site were to be developed, there would still be adequate open land between the site and other development to the south, and the setting of the village would be protected.

12. The Council is also concerned about further incremental development along Chinnor Road. However, every case is determined on the basis of its own site specific merits and this consideration carries little weight.

13. To conclude on this issue, I find that the development would not have a material adverse effect on the character and appearance of the area. It would, therefore, meet the aims of Policies CSQ3 and CSEN1 of the Core Strategy, which seek to secure high quality development to protect the district's distinct landscape character and key features. The development would meet the aims of Policies C4, D1 and G2 of the Local Plan which seek to protect the landscape setting of the settlements, promote good design and reinforce local distinctiveness.

Other Matters

14. Interested parties have expressed concerns that the development is premature. The Council advises that a Neighbourhood Plan is being prepared, however, the plan has not yet been made or brought into force. Whilst there may be other sites more appropriate for residential development within the village, I am not aware that any sites have been identified. Consequently, the development must be considered in the context of sustainable development as set out above.

15. Concerns have been expressed about flooding. However, I agree with the Council's Drainage Engineer that a condition requiring an appropriate drainage scheme would address this issue.

16. I have considered the highway safety concerns, including the suitability of the proposed field access. I note that the local highway authority has concluded that the proposal is unlikely to have a significant adverse impact on the highway network. On this basis I am satisfied that any matters in relation to highway safety, including during construction, can be addressed through the use of appropriate conditions.

17. I have considered the effect of the development on the living conditions of neighbouring occupiers. These matters can be addressed through the submission of reserved matters.

18. I have also taken into account concerns about the loss of a pond. However, there is no evidence that protected species would be affected by the development.

Conditions

19. In addition to the standard time limit conditions, I have specific the approved plans as this provides certainty. I have imposed conditions requiring samples of materials and a landscaping scheme to ensure the development integrates with its surroundings.

20. Conditions to ensure that the vehicular accesses, parking and turning areas are provided are necessary in the interests of highway safety. Conditions are imposed to ensure an appropriate foul and surface water drainage scheme is provided. I have also imposed a condition requiring a construction method statement to protect the living conditions of neighbours, and the safety of road users during construction.

21. I have not imposed the Council's suggested conditions relating to an appropriate mix of housing and the removal of permitted development rights, as it has not been demonstrated that these conditions are necessary.

Conclusion

22. The proposed development would be contrary to the specific terms of policies CSS1, CSR1 of the Core Strategy and G4 of the Local Plan. However, these policies are out-of-date and carry limited weight. Therefore, I am required to consider the proposal in the context of the presumption in favour of sustainable development.

23. The settlement of Towersey has facilities within walking and cycling distance that could support new residential development, including a pub, public open space and a community hall. Also, I understand that Thame, one of four towns in the District, is approximately two miles from the site and accessible via the Phoenix Trail footpath and cycle route, which passes within 100m of the site. There is a local bus service which provides a limited service to Thame and High Wycombe. Overall, I consider the site to be reasonably well located in relation to access to goods and services. Moreover, the development would make a small contribution to the local housing supply.

24. The Council accepts that there would be limited social and economic benefits derived from local spend, construction jobs and support for some rural services and facilities.

25. I have found that the development would not have a material adverse effect on the character and appearance of the area, as set out above. Although the development would be in conflict with the development plan, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits when assessed against the policies of the Framework taken as a whole. It would therefore meet the aims of Policy CS1 of the Core Strategy and the principles of sustainable development as set out in the Framework. Consequently, the appeal is allowed.

Debbie Moore

Inspector

Conditions

1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, reference 16069-L01; and Block Plan, reference 16069-P01.

5) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
   i) earthworks showing existing and proposed finished levels or contours;
   ii) boundary treatments;
   iii) access road and vehicle parking layouts;
   iv) hard surfacing materials;
   v) details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.

   The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, unless condition 7 applies.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8) Development shall not take place until details of the junction between the proposed access road and the highway, including visibility splays, have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction and visibility splays has been constructed in accordance with the approved details. The junction and visibility splays shall thereafter be retained.

9) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
   i) the parking of vehicles of site operatives and visitors;
   ii) loading and unloading of plant and materials;
   iii) storage of plant and materials used in constructing the development;
   iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
   v) wheel washing facilities;
   vi) measures to control the emission of dust and dirt during construction;
   vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
   viii) delivery, demolition and construction working hours.

   The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

10) No dwelling shall be occupied until space has been laid out within the site [in accordance with drawing no. 16069-P01] for eight cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

11) None of the dwellings hereby permitted shall be occupied until works for the disposal of foul drainage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

12) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
   i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
   ii) include a timetable for its implementation; and,
   iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

[end]