
Appeal Decision

Site visit made on 30 March 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/C3105/W/16/3164776

Land at Hempton Lodge, Snakehill Lane, Hempton, Oxfordshire, OX15 0QL

- 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 Cre8ive Homes against the decision of Cherwell District Council.
 - The application Ref 16/00584/F, dated 24 March 2016, was refused by notice dated 17 June 2016.
 - The development proposed is a single storey dwelling.
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Decision

1. The appeal is dismissed

Preliminary Matter

2. The plans were amended during the application. For clarity the plans on which the Council's decision was made were: PL001 Rev A, PL002 Rev A, PL003 Rev B, PL004 Rev A, PL005 Rev B, PL006 Rev B, PL007 Rev B and PL012. No party would be prejudiced by my determining the appeal on the basis of the amended plans.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site has a planning history which includes two previous planning applications for detached, two storey dwellings both of which were refused (12/00299/F and 15/01563/F). The first of these was also dismissed at appeal (APP/C3105/A/12/2177557). The site is a broadly rectangular piece of land which is located between Woodbine Cottage and Hempton House and is accessed off Snakehill Lane. Woodbine Cottage is one half of a pair of traditional semi-detached properties (the other property being Hempton Lodge) and Hempton House is a much larger detached dwelling.
 5. This small group of properties are located at the very edge of the village of Hempton, beyond which is open countryside. At present they enjoy a good amount of space around them which contributes to their loose-knit layout. They have a very different character to the adjacent development to the west which has a more formal layout and is of a markedly higher density. Consequently these properties mark an area of transition between the more built up village to the west and the open countryside to the east.
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6. The appeal site is an undeveloped gap for the purposes of Policy C33 of the Cherwell Local Plan (1996) (LP) which deals with the development of such sites. This policy sets out that the Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure. The open nature of the site, albeit slightly overgrown and unkempt, nevertheless creates space between Hempton House and Woodbine Cottage. It is important in maintaining the loose-knit and spacious character of these properties described above. Whilst the proposal is for a single storey dwelling it would still introduce a significant amount of built form into this area resulting in a loss of spaciousness. It would also sit uncharacteristically close to Woodbine Cottage which would further compound this harm. As a result it would conflict with Policy C33.
7. Hempton Lodge, Woodbine Cottage and Hempton House have various outbuildings around them, both timber and stone in construction. These are clearly modest ancillary structures which sit within these properties' curtilages. Although the narrow width of the proposed dwelling, the materials proposed (timber cladding), and its single storey design seeks to imitate the appearance of adjacent outbuildings it would, however, be a far larger building with its own separate vehicular access and driveway. As such it would clearly read as a separate dwelling. With this in mind, its single storey form and the materials proposed would be at odds with the more traditionally constructed two storey properties around it. Whilst there is a mature hedge to the front of the appeal site which currently provides some screening this does not make an otherwise unacceptable development acceptable and, in any event, planting cannot be considered to be a permanent feature.
8. For the above reasons the proposed dwelling would be harmful to the character and appearance of the surrounding area. In addition to the conflict with Policy C33 identified above the proposal would also conflict with the relevant provisions of Policies C28 and C30 of the LP and Policy ESD15 of the Cherwell Local Plan Part 1 (2015) which require new housing development to be compatible with the character of the context of the development. These policies are consistent with the National Planning Policy Framework which sets out that account should be taken of the different roles and character of different areas. The presumption in favour of sustainable development does not therefore apply.
9. I have had regard to all matters raised including the modest contribution the proposal would make to local housing mix and supply but conclude in this case that the harm I have identified would outweigh this benefit. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR