
Appeal Decision

Site visit made on 24 April 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 17 May 2017

Appeal Ref: APP/D3125/W/17/3168524

Quarry Dene, Burford Road, Brize Norton, Carterton, Oxfordshire OX18 3NN

- 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 Terry Hinchly against the decision of West Oxfordshire District Council.
 - The application Ref 16/02949/OUT, dated 20 August 2016, was refused by notice dated 15 November 2016.
 - The development proposed is erection of four bedroom detached dwelling with access adjacent to existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form indicates that the proposal was submitted in outline with approval being sought for access, appearance, landscaping, layout and scale. However, the Design and Access Statement explains that the elevations and site plan are only illustrative. I have determined the appeal on this basis.
3. The decision notice makes reference to a number of policies from the emerging West Oxfordshire Local Plan 2031 (eWOLP). Although at an advanced stage of preparation, this document has not yet completed examination. Given the uncertainties regarding the outcome of that process, I have given the eWOLP limited weight in my assessment.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. Quarry Dene lies within a ribbon of housing development extending into open countryside on the fringes of Brize Norton. The properties along this particular stretch of Burford Road are varied but they are predominantly detached with generous rear gardens.
 6. The appeal site is located directly behind Quarry Dene and is accessed via a driveway down the side of the existing dwelling. The present lawful use of the land is unclear, but information suggests that it was formerly a quarry, following which planning permission was granted for a builder's yard. Mineral extraction
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has long since ceased and there is no evidence to show that the subsequent permission was implemented. The area has been restored to grass which is well-tended. In my opinion, the site does not qualify as previously developed land for the purposes of the National Planning Policy Framework (the Framework).

7. Saved Policy H5 of the adopted West Oxfordshire Local Plan 2011 (WOLP) restricts residential development within Brize Norton to conversions and infilling. The latter is defined in Policy H7 as 'the filling of a small gap in an otherwise continuous built up frontage'. The proposed siting of the dwelling to the rear of existing housing dictates that this is not an infill plot within the meaning of development plan policy.
8. The appellants contend that the precedent for development in depth has already been set. I am referred to several examples whereby dwellings have been constructed behind the street frontage. The majority of these 'backland' properties lie further to the east, with a particular cluster in the vicinity of the Masons Arms. The character at the western end of the ribbon is altogether different, with the large tracts of land behind dwellings being undeveloped. Chelford House and Chamoson are both sited away from the street but these anomalies are at odds with the prevailing pattern of development.
9. Notwithstanding their former quarry use, the appeal site and neighbouring parcels of land have a tranquil, quintessentially rural feel. The proposal would urbanise the site and extend the built form towards the countryside to the north. I recognise that the site is secluded with no views from the public domain. Nonetheless, the development would be visible from adjoining land and from here it would detract from the character and appearance of the area.
10. I am mindful that previous Inspectors have reached similar findings in relation to proposals for residential development on land to the rear of Quarry Dene¹, St Ives², Brock Cottage³ and the Malt House⁴. These decisions are a material consideration and I attach them significant weight, especially the decision relating to the appeal site itself which is fairly recent and determined under current development plan policies. It seems to me that my colleagues' conclusions regarding the visual impact of development at the rear of the residential frontage are as relevant today as they were then.
11. Core to the appellants' case is the fact that a major mixed use development, including up to 700 homes, is being planned on land to the south of Burford Road. That proposal has a resolution to grant planning permission subject to completion of a S106 legal agreement. Whilst the development would bring the built-up area of Carterton closer to Burford Road, the two would be separated by a substantial landscape buffer and this would go some way to maintaining the rural character of the area. In my opinion this argument does not justify the harm arising from the appeal proposal.
12. I have considered the Council's argument that the proposal would set an undesirable precedent for similar developments on surrounding sites. Whilst each case must be treated on its individual merits, I can appreciate the concern that approval of this scheme could be used in support of other schemes. Previous proposals on nearby plots of land demonstrate that this is not a

¹ APP/D3125/A/12/2185848

² APP/D3125/A/12/2184939

³ APP/D3125/A/08/2079575

⁴ APP/D3125/A/09/2112011

generalised fear of precedent, but a realistic and specific concern. Allowing this appeal would make it more difficult to resist further planning applications for similar backland developments, the cumulative effect of which would exacerbate the harm which I have described above.

13. Accordingly, I conclude that the proposal would cause material harm to the character and appearance of the area. The scheme would be in conflict with saved Policies BE2, H2 and H5 of the WOLP. These policies are consistent with the Framework insofar as they seek to ensure that new development respects the scale, pattern and character of the surrounding area.

Other Matters

14. The appellants contend that the Council is unable to demonstrate a five-year supply of deliverable housing sites. No substantive evidence has been put forward in support of this argument. Even if I were to agree, the harm identified above would significantly and demonstrably outweigh the very modest benefits arising from a single dwelling. For this reason, the proposal would not constitute sustainable development in terms of paragraph 14 of the Framework.
15. It is suggested that the Council's decision to refuse permission is inconsistent with other decisions it has made elsewhere in the district. Although a number of specific examples are cited insufficient details have been provided. I am therefore unable to establish whether there are any parallels with the current appeal. I have thus considered the case on its own merits, as I am required to do.
16. It is put to me that the proposal would cause no harm to the living conditions of adjoining occupiers and that there would be no adverse effect on landscape designations or heritage assets. However, the absence of harm is neutral in the overall planning balance and consequently these factors carry limited weight.
17. I have taken into account the other arguments made in support of the scheme, including the potential for self-build, the proximity of bus stops and facilities and the more flexible approach being taken towards new housing in villages in the emerging local plan. I have also noted the absence of objection from Brize Norton Parish Council and residents of the area. However, these matters do not alter my findings on the main issue.
18. Whilst I have considered the somewhat open suggestion that conditions or planning obligations may make the scheme acceptable, I fail to see how the harmful effects of a backland dwelling in this location might be satisfactorily mitigated.

Conclusion

19. In light of my reasons above, I conclude that the proposal does not comply with the development plan taken as a whole and does not represent sustainable development. Accordingly, I find that there are no material considerations which would warrant a decision other than in accordance with the development plan.
20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR