
Appeal Decision

Site visit made on 2 May 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 18th May 2017

Appeal Ref: APP/Q3115/W/17/3166684

Marigold Cottage, Howe Hill, Nr Watlington, Oxon OX49 5HA

- 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 Peter Richardson against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2508/O, dated 18 July 2016, was refused by notice dated 6 October 2016.
 - The development proposed is erection of new retirement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with access for consideration at this stage. All other matters are reserved for future approval. I have dealt with the appeal on this basis and have treated the proposed siting of the dwelling on the plans as illustrative.
3. The description of development above is taken from the application form. The Council has used a different description on the decision notice but I have seen nothing to indicate that a change of wording has been agreed in writing between the parties.
4. Revised plans were submitted during the course of the application to show an adjustment to the access and driveway in order to address concerns raised in respect of a tree on neighbouring land. The Council made its decision against the amended plans and my determination of this appeal is made on the same basis.

Main Issues

5. The main issues in this case are:
 - a) whether or not the appeal site is an appropriate location for a new dwelling in terms of access to services and facilities; and
 - b) the effect of the proposal on the character and appearance of the area, having particular regard to the location of the site within the Chilterns Area of Outstanding Natural Beauty (AONB).
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Reasons

Whether or not an appropriate location

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this instance comprises the South Oxfordshire Core Strategy (2012) (SOCS) and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP).
7. The Council's overall strategy is set out in Policy CSS1 of the SOCS, with the approach towards housing in villages addressed under Policy CSR1. Howe Hill does not feature on the list of settlements where new housing will be permitted. The proposal would therefore be contrary to the development plan. A grant of planning permission could only be justified by other material considerations.
8. Despite being formally recognised as a settlement in 2013, Howe Hill does not appear in the Settlement Assessment Background Paper which was produced in 2016 to inform the preparation of the emerging Local Plan¹. The appellant has criticised this study for its desk-based approach but in my view it is a reasonable basis for establishing the relative sustainability of different settlements within the district. Notwithstanding the discrepancies highlighted in relation to other villages, the evidence fails to convince me that Howe Hill would have scored well on aggregate against the published criteria, even if it had been included within the study. Accordingly, I cannot accept the appellant's assertion that Howe Hill is a suitable location for small scale proportionate growth.
9. The Planning Practice Guidance² advises that all settlements can play a role in delivering sustainable development in rural areas. However, there is sufficient evidence to justify the general approach towards settlement hierarchy in South Oxfordshire – and more specifically the decision to preclude housing from those settlements such as Howe Hill which do not make it onto the bottom rung of the ladder.
10. Work is presently underway to prepare a neighbourhood plan for the parish of Watlington. The designated area includes Howe Hill as one of a number of outlying settlements. The draft plan, which is currently in its consultation stage, supports the addition of sustainable small-scale development in the outlying settlements in recognition of their close proximity to Watlington and the fact that the town and settlements are interdependent. Given what I have explained above, I question whether this approach would be in general conformity with the strategic policies of the development plan. Until this potential conflict has been resolved through the formal examination process I am minded to give the emerging neighbourhood plan limited weight.
11. The locational sustainability of the appeal site was scrutinised as part of an earlier appeal in relation to a substantively similar proposal³. The Inspector in that case found that Howe Hill contains few if any services and noted that Watlington is located some 2 miles away along a rural road which due to its topography and lack of lighting and footpaths is not particularly suitable for walking or cycling. This largely factual assessment is still relevant.

¹ Emerging South Oxfordshire Local Plan 2032

² Reference ID: 50-001-20160519

³ APP/Q3115/W/15/3130135

12. Since that appeal decision, the bus service to Watlington has been withdrawn. The recent installation of fast broadband would provide opportunities to work from home and access services online. Nevertheless, occupiers of the proposed development would remain heavily dependent upon the private car.
13. The appellant counters this by arguing that the drive into Watlington is relatively short at less than 5 minutes. However, the cumulative effects of multiple trips are likely to be significant. I acknowledge that car use is often unavoidable within South Oxfordshire. I also accept that Watlington is dependent in part upon its hinterland population for its social and economic well-being. However, these are not compelling reasons to permit further development in locations without easy access to services and facilities. I therefore share the view of the previous Inspector that the appeal site is not an appropriate location for a new dwelling.

Character and appearance

14. The application is submitted in outline and consequently there is limited information upon which to make an assessment of whether the proposal would conserve or enhance the natural beauty of the AONB. Nevertheless, the plans indicate that the dwelling would fill a gap in a short ribbon of housing on the west side of the B480. In visual terms the scheme would relate more to the existing built development of Howe Hill than to the surrounding wooded countryside. No significant trees would need to be removed and the area's verdant character would be preserved. Although concerns have been raised regarding the proposed access alterations, these would be relatively minor with no material increase in hard surfacing and a section of grass verge reinstated.
15. Overall, I concur with my colleague who concluded that there was no reason in principle why a dwelling on the site should be at variance with the character and appearance of the area. The natural beauty of the Chilterns AONB would be conserved and there would be no conflict with Policy CSEN1 of the SOCS or saved Policies C9, G2, G4 and D1 of the SOLP. These policies protect the countryside from adverse developments and further seek to conserve the natural beauty, special landscape quality and distinctiveness of the AONB.

Other Matters

16. It is contended that the Council has given insufficient weight to the combined benefits of smaller housing sites, including schemes for individual dwellings. It is further suggested that a reliance on larger sites may have exacerbated the current housing shortfall. Even if this were true, I consider that the approval of single dwellings in outlying hamlets contrary to development plan policy would not be justified.
17. A significant number of appeal decisions have been put forward in support of the appeal scheme. The appellant has also supplied case officer reports for several applications decided by the local planning authority. I have had regard to these insofar as they are relevant to the matters before me. However, every case is site specific and fact sensitive with its own set of material considerations and weighting to be given to each. This makes it difficult to make direct comparisons. I have determined the appeal on its merits, as indeed I am required to do.

18. I note that a Certificate of Lawfulness has recently been issued in relation to the continued use of a building and site as a residential property at Plough Garden, Howe Hill⁴. This application was submitted under S191 of the Act. It was not a planning application and did not fall to be determined on its planning merits. The matters to be considered in that case were purely factual and whether the development had acquired immunity from enforcement action. For this reason it does not lend any weight in favour of allowing this appeal.
19. The appellant has referred to the absence of objections from the highway authority, parish council and neighbouring residents. My attention has also been drawn to the lack of any identified harm to biodiversity. However, these are all neutral factors in the overall planning balance.
20. I have given careful consideration to all other arguments tabled in support of the proposal, including those relating to the Chalgrove airfield draft strategic allocation, but none is of such substance or significance as to outweigh my findings on the main issues.

Planning balance and conclusion

21. The previous Inspector made his decision in the context of the Council being unable to demonstrate a five-year supply of deliverable housing sites. I am in the same position. Paragraph 49 of the National Planning Policy Framework (the Framework) states that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework is thus engaged. This sets out that where relevant policies of the development plan are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
22. Even taking into account the current housing shortfall within South Oxfordshire, and the need at national level to boost significantly the supply of housing⁵, I judge that the environmental harm from additional private car use would significantly and demonstrably outweigh the very modest social benefits of delivering a single self-build retirement dwelling, and the relatively small economic gains arising during construction and thereafter through additional spending in the local economy. I therefore conclude that the proposal would not constitute sustainable development of the sort envisaged by the Framework and Policy CS1 of the SOCS.
23. I find that the proposal would conflict with the development plan as a whole. There are no material considerations to outweigh this conflict and justify making a departure from adopted planning policy. For the reasons given above, I conclude that the appeal should fail.

Robert Parker

INSPECTOR

⁴ P16/S3150/LDE

⁵ Emphasised by the Government's recent housing white paper 'Fixing our broken housing market', February 2017