
Appeal Decision

Site visit made on 13 June 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 4th July 2017

Appeal Ref: APP/Q3115/W/17/3171839

Moulsford Manor, Willow Court Lane, Moulsford, Wallingford OX10 9HU

- 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 Lady Theresa Hamer against the decision of South Oxfordshire District Council.
 - The application Ref P16/S1641/FUL, dated 13 May 2016, was refused by notice dated 2 November 2016.
 - The development proposed is the erection of a detached dwelling with separate garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The second reason for refusal relates to potential harm to trees. During the course of the appeal the Council confirmed that it has received sufficient information from the Appellant to address this reason for refusal. I have therefore focused on the first reason for refusal.

Main Issue

3. The main issue is whether the proposal would be a sustainable form of development having regard to the Council's overarching housing strategy and the National Planning Policy Framework.

Reasons

4. Policy CS1 of the South Oxfordshire Core Strategy 2012 (SOCS) sets out the presumption in favour of sustainable development. The spatial strategy in Policy CSS1 establishes a settlement hierarchy where the amount and location of new housing is related to the availability of facilities and services in order to achieve a sustainable pattern of development. Moulsford is in the third tier and identified as a "smaller village" in Policy CSR1.
5. In recognition of its limited sustainability credentials, Policy CSR1 restricts development in Moulsford to infilling sites of up to 0.2ha. Infill development is defined in the supporting text to the policy 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.
6. The appeal site is just under one hectare in size. It is surrounded by buildings, however these are on relatively generous sized plots, and the separation

distances between the proposal and the surrounding properties indicate that the site is not closely surrounded by buildings. The front of the appeal site in respect of access would be onto The Street. Due to the spacious plot sizes this is not a road which is built up, and the appeal site would not fill a small gap in an otherwise built up frontage.

7. Policy CSR1 indicates that 0.2 hectares would be equivalent to 5-6 houses. However, it does not follow that this level of development would be acceptable on other land within the village as a matter of principle. It is clear that the development limitation that applies in Moultsford through the criteria in policy CSR1 is designed to achieve sustainable levels of development appropriate to its position within the settlement hierarchy. Accordingly, I find the proposal would not comply with Policies CSS1 and CSR1, of the SOCS in respect of the strategy for the delivery of housing, the size of the appeal site, or compliance with the definition of infilling.
8. The Council acknowledges in its decision notice that it is unable to demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. Therefore in these circumstances, paragraph 14 of the Framework, which establishes the presumption in favour of sustainable development, should be applied as the appropriate context for decision making. Planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
9. The Framework makes clear that sustainable development comprises economic, social and environmental dimensions and that the planning system performs a number of mutually dependant roles. The appeal proposal would contribute to the housing shortfall although the benefit would be limited bearing in mind that only a single dwelling is proposed. There would also be some economic benefits provided by employment during the construction period and spending within the local economy by new occupiers thereafter. There is no dispute that the design of the dwelling would be acceptable and that the character of the area and the natural beauty of the landscape in the Area of Outstanding Natural Beauty would not be harmed.
10. On the other hand the development would be within a village where there are few facilities and access to public transport as identified in the Council's Settlement Assessment Background Paper 2016. In order to access most facilities and services it would be necessary to travel to one of the neighbouring settlements. If travelling by public transport this would be restricted as there are at present less than five inbound and outbound buses to Moultsford per day. The evidence indicates that this is likely to be further restricted and the occupants of the proposal would therefore be heavily reliant upon private transport. Whilst the SOCS does not prevent new development in villages such as Moultsford, it limits it through the application of its spatial strategy as indicated above, to deliver housing land of the right type in the right places.
11. Insofar as the planning policies relevant to this appeal restrict housing supply the conflict with them is a matter to which some weight can be attributed. Nevertheless, for the reasons given above, the lack of accessible local services and reliance on the private car is a matter of considerable importance. When

assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore the proposal would not be a sustainable form of development and the presumption in its favour would not apply. The conflict with the development plan, including Policy CS1 of the SOCS, is not outweighed by other considerations, including the Framework.

Other Matters

12. The appellant has referred to a number of planning permissions granted by the Council and has sought to demonstrate that the appeal site is in a sustainable location. Planning permission was granted by the council for a pair of dwellings at Elm Tree Farm, Moreton. This site is in a fourth tier village and its size was considerably larger than the 0.1 hectare limitation. Nevertheless it was within a built up frontage and in this respect accorded with Policy CSR1. The judgement made by the council, having regard to its housing deficit, was that the proposal would be acceptable. Planning permission was granted for a dwelling at Colereeve House, Moulsoford following an appeal dismissed for a larger scheme on the site. In that appeal decision the Inspector identified that part of the site could be considered as a built up frontage, and would therefore comply with Policy CSR1 and would be considered sustainable in that context. In the circumstances the aforementioned planning permissions have material differences to the proposal in the present appeal.
13. Although not referred to by the Council, the Appellant has indicated that Policy H4 of the South Oxfordshire Local Plan 2011 should be applied. Moulsoford is not one of the villages referred to in the supporting text and I therefore am doubtful whether this policy would be applicable in this case. Even if it is, insofar as there is conflict with the spatial strategy in the SOCS, and in particular Policy CSR1, the latter would take precedence as it was more recently adopted.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Johanna Ayres

INSPECTOR