
Appeal Decision

Site visit made on 27 June 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/Q3115/W/17/3172311

Land off Caps Lane, Cholsey, Oxon, OX10 9HF.

- 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 P Hawkins against the decision of South Oxfordshire District Council.
 - The application Ref. P16/S3645/O, dated 1 November 2016, was refused by notice dated 20 February 2017.
 - The development proposed is the construction of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is in outline format with all detailed matters, other than the access to the site, reserved for subsequent consideration.

Main Issue

3. The main issues are whether the proposal:
 - Accords with the strategy in the development plan;
 - Would otherwise be an acceptable form of 'infilling';
 - Would be sustainable development.

Reasons

Background

4. The appeal site comprises a rectangular area of land which lies in an enclave of a few houses generally sited in open countryside. The site fronts a track which leads off the narrow Caps Lane and is located between the properties of 'Gables End' and 'Millbrook House'. At the time of my visit the site was overgrown with brambles. The site and surrounding land have no special landscape or other designation.
5. It is proposed to erect a detached dwelling. The illustrative block plan shows the footprint of the detached dwelling sited relatively close to the north-eastern boundary of the site; that is the party boundary with Millbrook House.

Policy Context

6. The development plan for the area includes the Council's Core Strategy adopted in December 2012 and saved policies in the South Oxfordshire Local Plan 2011. The Core Strategy appears to have been prepared prior to the issue of the National Planning Policy Framework (the Framework) but the policies therein, together with those of the Local Plan, can be given some weight depending on their degree of consistency with the Framework
7. The Council appears to accept that at the moment it cannot demonstrate a five year supply of new housing sites in accordance with paragraph 47 of the Framework. Therefore, the provisions of paragraph 49 and the last bullet point of paragraph 14 of the Framework are engaged in this case, and policies which restrict the supply of housing land should be treated as out of date and given less weight.

Accord with development strategy

8. The strategy set out in Policy CSS1 of the Core Strategy seeks to focus new development in designated growth points, larger towns, and by supporting and enhancing the larger villages, including Cholsey. This settlement is also recognised as a 'larger village' in policy CSR1 where it is indicated that housing allocations; 'infill' development; and rural exception sites (if a need is shown) will be accepted in principle. Policy H4 sets out general criteria for acceptable development on sites within settlements.
9. However the appeal site lies about 1.5km away from the centre of the village and in a small enclave of houses. The intervening land is mostly open fields although there is a small straggle of ribbon development as shown in the extract from an aerial photograph included with the appellant's agent's statement.
10. In my view the appeal site is visually and physically separate from the village and lies well outside the defined settlement boundary and it is in the countryside. Accordingly, part (v) of Policy CSS1 applies and this indicates that new development will be limited to very specific needs, such as those of the agricultural industry or the enhancement of the environment. The proposal is not of this nature as it is for an open market house with no special rural based justification.
11. Therefore, the proposal is in conflict with the strategy set out in the development plan. Moderate weight can be given to the strategy as it seeks to facilitate sustainable development yet protect the character of the countryside, which is a core principle of the Framework, although the policies also have the effect of restricting housing supply.

Whether 'infilling' and sustainable development

12. The Framework encourages sustainable development, however, paragraph 55 makes clear that new houses that are isolated in the countryside should be avoided unless there are special circumstances to justify a location in the countryside and such justification is not put forward in this case. Further, I do not consider that the proposal would result in an acceptable form of 'infilling' as the site is not a remaining gap in an otherwise built-up frontage. I have also had regard to the location of the site in relation to its accessibility to means of travel other than by car. I noted the location of the bus stop at the edge of

the village at my site visit but it seemed to me that the site is isolated from this facility and it would not be readily convenient for the subsequent occupiers of the proposed property. The site's location is therefore at odds with the core principle in the Framework to focus new development in areas that are less reliant on the use of the car. Overall on this issue I am not satisfied that the proposal amounts to sustainable development within the context of the Framework.

13. Further, the position of the detached dwelling shown on the site plan, which would be relatively fixed by the position of the access, which is for consideration at this stage, would result in the property appearing squeezed in with the siting of the adjacent property, one of the wings to Millbrook House. This elevation of the property has windows to habitable rooms which look south-west towards the party boundary and an intervening hedge, which appears to have been reduced in height recently. Although the detailed siting of the new dwelling is not for consideration at the moment, the position of the access proposed would be likely to result in the siting of the 'footprint' of the new dwelling in a position which would take light and aspect away from these neighbouring windows and this adds to my concern about the proposal.

Planning Balance

14. Bringing together my conclusions on the main issues, I have found the proposal for a new open market house in this location would be contrary to the strategy set out in the development plan. The site and the new house would be visually and physically isolated from the village of Cholsey and would add to the undesirable spread of development in the countryside.
15. The government seeks to boost significantly the supply of housing, but the proposal would make a very small contribution towards the local provision, and even though the policy carries less weight, because it in part restricts the supply of housing, the environmental harm caused by the site's isolated nature means that it cannot be regarded as sustainable development as it does not fulfil the environmental role. Overall, I find that the harm that would be caused constitutes a significant adverse effect and this outweighs the benefits of the proposal.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR