
Appeal Decision

Site visit made on 17 July 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/Q3115/W/17/3169045

Land to the East of Scotlands Ash Garage, West Hagbourne OX11 0NA

- 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 Mr R Napper against the decision of South Oxfordshire District Council.
 - The application Ref P16/S3467/FUL, dated 14 October 2016, was refused by notice dated 7 December 2016.
 - The development proposed is residential development of 4 dwellings for self-build.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of 4 dwellings for self-build at Land to the East of Scotlands Ash Garage, West Hagbourne OX11 0NA in accordance with the terms of the application, Ref P16/S3467/FUL, dated 14 October 2016, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues in this case are:
 - a) whether the scheme would include an appropriate mix of units to meet the needs of current and future households;
 - b) whether occupants of the proposed development would have reasonable access to shops and services;
 - c) the effect of the proposal on the character and appearance of the area, having particular regard to its location within the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
 - d) in light of my findings on the above issues and the housing land supply of the Council, whether the proposal would constitute sustainable development.

Reasons

Policy background

3. The Council's overall strategy for development in South Oxfordshire is set out in Policy CSS1 of the South Oxfordshire Core Strategy (2012) (SOCS). This seeks to focus major new development at the growth point of Didcot with a hierarchy of settlements beneath that. West Hagbourne lies within that tier of villages where the policy allows for limited amounts of housing.
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4. Policy CSR1 of the SOCS provides greater detail regarding housing in villages. It identifies West Hagbourne as a settlement where infill on sites of up to 0.1 ha would be acceptable. The policy text explains that this is equivalent to 2-3 houses. Infill development is defined 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.
5. The appellant concedes that the proposed development would not constitute infill. At 0.25 ha the site would exceed the maximum size threshold set out in the policy. Furthermore, the number of dwellings would be greater than that anticipated in the development plan strategy. The appeal scheme would therefore conflict with Policies CSS1 and CSR1.

Housing mix

6. The proposal would deliver four 3-bed houses. The Council argues that this would conflict with the requirement of Policy CSH4 of the SOCS for schemes to provide a mix of dwelling types and sizes to meet the needs of current and future households.
7. The Housing Needs Assessment identifies a shortfall of smaller units, especially two bedroom properties, in both market and affordable sectors. For market schemes the report suggests a target of achieving a 50/50 split between smaller (1 and 2 bedroom) units and larger (3 and 4 bedroom) properties.
8. The Strategic Housing Market Assessment uses census data and demographic projections to estimate the proportion of homes of different sizes that should be provided. This exercise suggests a housing mix biased towards 2 and 3-bed dwellings, with 43% of total units falling into the latter category.
9. Based on the evidence presented, the appeal scheme fails to provide a mix of unit sizes which reflects the needs of the local housing market. The fact that there is a proven requirement for 3-bed units does not alter my conclusion that there would be conflict with Policy CSH4 of the SOCS.

Access to shops and services

10. West Hagbourne contains a limited range of services and facilities, comprising a public house, private day nursery and vehicle repair garage, all of which are within 100 m of the appeal site. Residents of the village need to travel further afield for shopping, schooling, healthcare, employment and leisure/recreation.
11. The Council states that public transport opportunities in the vicinity are limited and have been reduced due to recent subsidy cuts. However, it was evident from my visit that a regular daily bus service (No 94) is still operating to nearby Didcot including its railway station. The nearest bus stop is located in the centre of the village, within a comfortable walking range of the appeal site.
12. Concerns have been raised regarding the lack of pavement to link the site to the rest of the village. Future occupiers of the development would need to walk a relatively short distance (circa 50 m) along the carriageway to reach the nearest section of footway outside the Horse and Harrow public house. However, this would not give rise to an unacceptable safety risk, given that the speed limit for vehicles is 30 mph at this point. Similar situations exist elsewhere in the village and there is no evidence to indicate that these have resulted in accidents.

13. I have given significant weight to the fact that the appeal site lies only 2 km from the edge of Didcot. The services and facilities within this larger settlement would be within easy cycling distance along a flat and lightly trafficked road.
14. Residents of West Hagbourne are reliant upon Didcot for certain everyday trips. However, occupants of the proposed dwellings would have a real choice about how they travel and this would include the option to use sustainable travel modes. For those preferring to drive, the journey by car would be fairly short. Accordingly, I conclude that future residents would have reasonable access to shops and services.

Character and appearance

15. There is no dispute that the proposed development would be detached from the built-up area of West Hagbourne. The pattern of development along Main Street, between its junctions with the A417 and York Road, is loose knit and sporadic with the buildings located to the south of the road. The proposed houses would occupy a parcel of land on the same side of the road, in between Scotlands Ash Garage and the Horse and Harrow public house. They would consolidate the built form at the entry to the village but I am not persuaded that this would be intrinsically harmful.
16. The land immediately adjoining and to the south of Main Street is of materially different character to the open downland to the south – due in part to the severance effect of the A417. In comparison to the wide expanses of rolling arable fields which characterise this part of the AONB, the appeal site is more enclosed due to the mature vegetation along its boundaries. It has a much closer relationship to nearby buildings than it has to the countryside surrounding it.
17. As a consequence, I do not share the Council's concern regarding encroachment into the countryside. Subject to appropriate landscaping, which should include retention or replacement of existing planting along the site frontage, the proposed development would not have an unacceptable effect on the setting of the village or the natural beauty of the AONB. I therefore conclude that there would be no material harm to the character or appearance of the area. The proposal would comply with saved Policies G2, G4, D1 and C4 of the South Oxfordshire Local Plan 2011 and Policy CSEN1 of the SOCS, insofar as they seek to protect the countryside for its own sake and the valued landscapes of the AONB.

Other Matters

18. The appellant has justified the proposal on the basis that it would provide plots for self-build properties, something which the Government is actively seeking to encourage in the interests of widening choice in the housing market. However, there is no planning obligation before me and it is unclear how certain matters relating to self-build (such as CIL¹ exemption and ownership for a period of 3 years) could be secured through a planning condition. I have therefore given the self-build argument limited weight.
19. Whilst I have noted the concerns regarding traffic, the development is unlikely to generate a significant number of additional vehicle movements. Furthermore, I can see no reason why the proposal would prejudice the future introduction of traffic calming on Main Street.

¹ Community Infrastructure Levy

20. It is contended that the proposal would have an adverse impact on the West Hagbourne Conservation Area. The appeal site lies outside of the designated boundary and in my view it would not harm the setting of this heritage asset.
21. There is no firm evidence to support the arguments that the proposal would cause flooding in the locality of the site and overload the foul drainage system. A planning condition could be used to require the submission of further details and thereby secure any necessary sewer upgrades.
22. It is put to me that the proposed gardens would be too small but I note that they would exceed the minimum sizes set out within the South Oxfordshire Design Guide. Consequently, this matter would not justify dismissing the appeal.
23. The owner of the adjacent vehicle repair garage is concerned that residents of the scheme may be affected by noise from his business. The Council has not raised this as an issue and there is no information before me regarding noise levels. However, given the separation distance and the fact that the workshops face away from the proposed development, noise nuisance is unlikely.
24. I have noted the suggestion that the proposal would affect broadband performance within the village. No substantive technical evidence has been submitted to support this claim and consequently it has carried limited weight.
25. The decision notice cites Policies CSM1 and CSI1 of the SOCS but the officer report does not explain their relevance. I have taken both policies into account but neither has had a significant bearing on my decision.

Planning balance and whether sustainable development

26. The Council concedes that it cannot demonstrate a five-year supply of housing. Its latest assessment dated May 2017 concludes that there is a 4.1 year supply of deliverable sites within the district, representing a shortfall of more than a thousand units. 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. Policies CSS, CSR1 and CSH4 of the SOCS, which all have a direct influence on the location and mix of new housing schemes, would fall into this category.
27. Paragraph 14 of the Framework states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
28. The appeal proposal would make a modest contribution to addressing the Council's shortfall of housing, against the background of national policy to boost significantly the supply of new homes. Given the scale of the housing deficit within South Oxfordshire, this social benefit carries considerable weight in favour of the scheme.
29. Economically, the scheme would support employment for sub-contractors and others in the material supply chain during the construction phase. Over the longer term it would help to support the village public house and other local businesses such as the adjacent vehicle repair garage and children's day nursery. I have attached these factors modest weight.

30. The proposal would not result in any significant environmental harm. There would be no adverse impact on the AONB and although some residents may choose to drive the short distance to Didcot there would also be the option of using sustainable travel modes. This would help to minimise carbon emissions. In considering this issue I have given substantial weight to the fact that the number of units being proposed is not significantly greater than that which would be acceptable in principle on an infill site under the Council's overall strategy.
31. The main adverse impact is the failure of the scheme to include a mix of unit sizes. However, the proposal would deliver dwellings for which there is a proven requirement and therefore in my judgement this matter does not significantly and demonstrably outweigh the benefits of the scheme, even taking into account the lack of any mechanism to secure self-build. I therefore find that the proposal constitutes sustainable development for which the Framework provides a presumption in favour. This material consideration is sufficient to outweigh the conflict with the development plan.

Conditions

32. I have considered the Council's suggested conditions against the six tests set out in paragraph 206 of the Framework and advice contained within the Planning Practice Guidance. Where necessary I have adjusted the wording to improve precision and enforceability.
33. In addition to the standard commencement condition, it is necessary to attach a condition to define the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. Conditions are also required to secure samples of external materials and a landscaping scheme, in the interests of the character and appearance of the area.
34. I have attached conditions relating to contamination land remediation, to protect the health of future residents, and a further condition to require submission of a drainage strategy, to prevent flooding and ensure adequate foul drainage.
35. For reasons of highway safety and to ensure satisfactory parking provision, conditions are necessary in connection with the laying out of the access and parking areas, and to ensure that no surface water drains onto the public highway.
36. The Council's suggested condition in relation to self-build is insufficiently precise or enforceable. More importantly, the condition is not necessary in order to grant planning permission. It therefore fails the relevant tests and thus cannot be imposed.

Conclusion

37. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos 3098.100, 3098.101, 3098.102, 3098.103, 3098.104, 3098.105, 3098.107 and 2957.107 Revision C.
- 3) Prior to the commencement of development on the relevant plot, samples of all materials to be used in the external construction and finishes of that dwelling and garage shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until a drainage strategy detailing on-site and/or off-site drainage works, including an associated management and maintenance plan for the lifetime of the development, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No dwelling shall be occupied and no discharge of foul or surface water from the site shall be accepted into the public system until the agreed strategy has been implemented in full.
- 5) No development shall commence until a scheme for the landscaping of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in the first planting season following the completion or first occupation of the development, whichever is the sooner. In the event of any of the trees or shrubs dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the local planning authority, shall be planted in a position or positions first approved in writing by the local planning authority.
- 6) No development shall commence until a phased contaminated land risk assessment has been carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the local planning authority. Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken. Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy. Phase 3 requires that a remediation strategy be submitted to and approved by the local planning authority to ensure the site will be rendered suitable for its proposed use.

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- 7) The development shall not be occupied until any previously approved remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the local planning authority.
- 8) No dwelling shall be occupied until the means of access onto the road for that plot has been provided in accordance with details which shall be first submitted to and approved in writing by the local planning authority.
- 9) No dwelling shall be occupied until the parking and turning area serving it has been laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles. These areas shall be retained unobstructed at all times except for the parking of vehicles associated with the development.
- 10) No surface water from the development shall be discharged onto the adjoining public highway.

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