
Appeal Decision

Site visit made on 25 July 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 22 August 2017

Appeal Ref: APP/Q3115/W/17/3173905

**The Potting Shed, Wholesale Plants Ltd, Ascott Lane, Stadhampton
OX44 7UH**

- 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 and Mrs Steven and Anne Hendry against the decision of South Oxfordshire District Council.
 - The application Ref P16/S3513/FUL, dated 20 October 2016, was refused by notice dated 23 February 2017.
 - The development proposed is change of use of an agricultural building to form a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the location of the site is appropriate for the proposed residential use having regard to the Council's spatial strategy and access to services and facilities,
 - ii) Whether the proposal satisfactorily eliminates the possibility of other alternative non-residential uses,
 - iii) The effect of the proposed development upon highway safety.

Reasons

Location and accessibility of the site

3. Policy CSS1 of the South Oxfordshire Core Strategy 2012 ('Core Strategy') sets out the overall development strategy for the district. Whilst seeking to support other villages by allowing for limited amounts of housing, it makes clear that outside of towns and villages development should be related to very specific needs such as those for agriculture, industry or enhancement of the environment.
4. Although the case is made by the appellant, I do not consider that the fourth criteria of policy CSS1 supports modest housing growth outside of towns and villages as this would be contrary to the fifth criterion which limits development outside of the towns and villages other than that for the very specific needs set out above.

5. Policy CSR1 of the Core Strategy, relating to housing in villages, includes provision for small amounts of infill housing. However, in this case the appeal site is outside of and clearly detached from the village settlement of Stadhampton. Furthermore, whilst there are other buildings including residential buildings located in the vicinity of the site, the area is generally open with considerable distances between pockets of buildings. The proposal could not therefore be considered as infill development.
6. Whilst the proposal would not affect the Green Belt or an Area of Outstanding Natural Beauty, the site is located within the open countryside, outside of the village settlement.
7. Paragraph 55 of the National Planning Policy Framework ('the Framework'), in promoting sustainable development in rural areas, seeks to locate housing where it will enhance or maintain the vitality of rural communities. It goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. One of these special circumstances is where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.
8. Whilst located within a small cluster of buildings, including an adjacent dwelling, the appeal site is located a considerable distance from the village of Stadhampton and is predominantly surrounded by open fields. Whilst I noted from my site visit that there are other clusters of buildings in the area, the prevailing character of the area around the site is one of openness and there is a very clear and distinct separation between the site and buildings on the edge of Stadhampton.
9. In terms of accessibility, taking account of the distance to Stadhampton along with the lack of a footpath, cycle path or street lighting on the connecting main road, I do not consider it to be a particularly attractive or convenient route for either walking or cycling. There is also a separate public footpath but this is not lit, still involves a 20 minute walk and is not therefore likely to be a year round option for residents to access Stadhampton by means other than the private car. Whilst it would be possible to cycle (despite the limitations described above) and noting the bus service which operates on Mondays to Saturdays but not Sundays, I consider that it is still likely that future occupiers of the dwelling would be heavily reliant upon the use of the private car. The use of the bus service would be constrained by the need for residents to walk down the lengthy unlit access track leading from the B480 to the appeal site. This would be likely to deter occupiers of the proposed dwellinghouse from using public transport.
10. Although the appellant refers to the many existing dwellings that rely on short car journeys, I do not consider that this provides justification to introduce a further dwelling, the location of which would not encourage travel by alternative means of transport.
11. The limited number of facilities and services within Stadhampton would also result in the likelihood of residents of the new dwelling, once in their car, driving further afield to larger settlements for some of their requirements. Given the location of the proposal which would not encourage alternative methods of transport to the private car, this significantly limits the weight I give to the proposal's ability to enhance or maintain the vitality of the rural community.

12. Taking account of the location and accessibility of the site, I therefore consider that the site is an isolated one within the countryside in the context of paragraph 55 of the Framework.
13. From the information provided by the appellant, the building appears to be no longer required for its intended horticultural use. The very limited external alterations required to the building would not enhance its appearance. The appellant argues that an enhancement of the site would result from new landscaping and a reduction in business related activity. Nevertheless, there are no detailed landscaping proposals before me which would demonstrate an enhancement of the building's setting, nor is there any substantiated evidence to demonstrate that any reduction in business activity would provide for such an enhancement.
14. I note the proposed strategic allocation of 3500 homes at Chalgrove Airfield, part of the emerging Local Plan 2032 which is less than a mile from the appeal site and would provide for services, facilities, transport and infrastructure upgrades. However, the emerging Local Plan is at an early stage of preparation, the proposals for Chalgrove are still evolving and therefore this only carries limited weight at this time.
15. I therefore find that the proposed development would not accord with the relevant strategic and accessibility aims of policies CSS1 and CSR1 of the Core Strategy and paragraph 55 of the Framework. I also find harm in relation to the accessibility criteria 'ii' and 'iii' of policy T1 of the South Oxfordshire Local Plan 2011 ('Local Plan').

Alternative uses and highway safety

16. Policy E8 of the Local Plan includes requirements that there are no overriding amenity, environmental or highway objections, and that in the case of proposals for residential use, other uses have been explored and found to be unacceptable.
17. The Council has raised concerns that the proposal would not provide occupants with a safe and convenient access to the highway network or access to public transport. As set out above, the distance to the bus stop as well as the lack of street lighting means that the site is not well suited to access by public transport. Public transport use would also be limited by there only being one bus service available which does not run on Sundays.
18. In terms of car use, whilst the access road is fairly narrow I noted at my site visit that there are opportunities for vehicles to pass other vehicles, albeit there are not formal hard surfaced passing places. Nevertheless, given the likely limited frequency of use of the access which only serves a small number of dwellings, I do not consider that the proposal for one additional dwelling would result in any significant highway safety risk in this respect. This does not, however, override my concerns outlined above regarding the isolated location of the site and its limited accessibility by alternative means of transport to the private car.
19. In terms of possible alternative uses, whilst I agree that the building does not appear to be suitable for some other uses, I am less convinced that it would not be suitable for a small scale B1 use. The noise levels from B1 uses need not be problematic for nearby dwellinghouses and I am not convinced from

the evidence provided that traffic movements for a modest B1 use would necessarily be greater than for a single dwellinghouse, though this would obviously depend on the nature of the B1 use. Nor would it necessarily be the case that a small scale B1 use would result in the need for articulated lorries or large trucks to access the site. There is also no persuasive evidence before me that broadband coverage need be poor in this location.

20. Given that I do not share the Council's concerns regarding highway safety, I am not satisfied that there is adequate justification in this case that the building would not be capable of being used for other uses.
21. I have found there to be no significant highway safety issues arising from the proposal and in this context the proposal would not conflict with the relevant highway safety aspects of policy T1 of the Local Plan. However, from the evidence before me, I am not satisfied that the existing building is not suitable for a B1 use. The proposal would therefore not accord with criterion (vii) of policy E8 of the Local Plan requiring that other uses have been found to be unacceptable in planning terms. Although the Framework is generally supportive of the re-use of existing rural buildings, paragraph 55 generally guards against isolated homes in the countryside, whilst paragraph 28 encourages the conversion of existing buildings but for business or enterprise use. In this case, as I am not satisfied from the evidence that the building is not capable of being used for a B1 use, this weighs against the appeal proposal.

Other Matters

22. The parties agree that the Council does not have a five year supply of housing land. The Council states that the position has increased from a 3.8 years supply in October 2016 to a 4.1 years supply in May 2017. On the other hand the appellant argues that the housing shortfall is rising. The evidence before me is not determinative in this regard but in either scenario the shortfall appears to be a significant one. In the absence of a five year supply of housing, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date. I return to the implication of this below.
23. I have taken into account the 2017 Planning White Paper and its intentions to further boost housing supply. However, this has not yet been translated into firm policy changes and therefore I have given it only limited weight. The environmental safeguards contained in the Framework are still applicable and need to be weighed against the benefits of the proposal as required by the Framework, as I have done below.
24. Whilst the proposal would only introduce one further dwellinghouse into the countryside, along with other existing developments, the approval of other such proposals could have a significant cumulative effect upon the countryside and the aims of policies to promote sustainable forms of development.
25. The appellant refers to other residential schemes that have been recently approved in the District. However, those schemes permitted under prior approval were the subject of other narrower considerations than the current proposal which, as an application for planning permission, falls to be

considered against the relevant planning policies. The appellant also refers to the inconsistency of the Council in considering other applications but this has little bearing on this appeal, which I have determined on its individual circumstances and merits. I also note that the recently constructed house close to the appeal site was approved on the basis of it being an agricultural workers dwelling and therefore as an exception to the normal policies on new houses in the countryside.

Planning Balance and Conclusion

26. As set out above, I have found that the proposed development would be contrary to the relevant strategic and accessibility aims of policies CSS1 and CSR1 of the Core Strategy, along with policies T1 and E8 of the Local Plan. As such I consider that the proposal would be contrary to the development plan when read as a whole.
27. Whilst some elements of policies CSS1 and CSR1 share the aims of the Framework in seeking to protect the countryside, supporting towns and villages and promoting accessible forms of transport, the strict application of these policies would appear to restrict the supply of housing as evidenced by the Council's current shortfall. I have therefore given significantly reduced weight to the conflict with them. I consider that Policies T1 and E8 are likely to have a lesser effect on restricting the overall supply of housing and I therefore give them significant weight.
28. The proposal would provide a modest economic and social benefit from the provision of one new dwelling towards the supply of housing. However, this would make only a minimal impact on reducing the deficit. Acknowledging the role that small sites can have to play in the overall supply of housing I have given this moderate weight. Limited short term economic benefits would result from the construction work required to convert the building. I have also given limited weight to the low carbon proposals for the dwellinghouse although details of these are limited. I also acknowledge that the proposal avoids localised adverse impacts such as overlooking and visual impacts. However the avoidance of impacts does not create any benefits and therefore such matters are neutral in the balancing exercise. The appellant also refers to enhancing habitats but I have no specific details of how this would occur so I have given it very limited weight.
29. The limited environmental benefits would be offset by the considerable adverse effects arising from the limited access to services and facilities by alternative methods of transport to the private car. This would be contrary to the Framework's aims set out in paragraph 17 of the Framework to support the transition to a low carbon future to adapt to climate change and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. It would also be contrary to the aim of paragraph 55 of the Framework to generally avoid new isolated homes in the countryside.
30. Whilst it is a material consideration of considerable weight, the lack of a five year supply of housing land does not automatically lead to a grant of planning permission. I conclude in this case that the adverse impacts that would arise from the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Therefore, the proposal would not represent sustainable development. It would also therefore not accord with policy CS1 of the Core Strategy.

31. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR