
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: 29 August 2017

Appeal Ref: APP/Q3115/W/17/3173879

Land adjoining 7 Emmington, Emmington, Chinnor, Oxon OX39 4AA

- 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 Michael Holland against the decision of South Oxfordshire District Council.
 - The application Ref P16/S4025/O, dated 2 December 2016, was refused by notice dated 27 January 2017.
 - The development proposed is 'revised outline application with all matters reserved for two detached dormer houses, replacing existing demolished agricultural sheds'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all detailed matters reserved for future consideration. The submitted plans include drawings showing the layout, access, scale, external appearance and landscaping of the development. I have had regard to these drawings but have treated them as being only indicative or illustrative given all such matters are reserved for future consideration.
3. I have used the site address used in the Council's decision notice and in the appeal form as this more clearly describes the location of the site than the address used in the planning application form.
4. I note that Judicial Review proceedings have commenced against a previous appeal decision¹ at this site. Notwithstanding such proceedings, I have considered the current planning appeal on its individual merits taking account of the development plan and other material considerations.

Main Issues

5. The main issues are (i) whether the site is a suitable location for the proposed development having regard to the development strategy for the area and (ii) the effect upon the character and appearance of the area.

¹ APP/Q3115/W/16/3144582

Reasons

Housing land supply

6. The main parties agree that the Council is not able to demonstrate a 5 year supply of deliverable housing sites. The appellant cites a housing supply figure of 3.8 years, referring to a previous 2016 appeal decision². Whilst that appeal decision is now over a year old the appellant argues that the Council's housing supply has decreased and the Council has not sought to refute this. From the evidence, there is therefore a significant housing shortfall in the district. The proposal would make a modest contribution to the supply of housing. I have given this medium weight and take this forward to the overall planning balance below.

Location of proposed development

7. The South Oxfordshire Core Strategy 2012 ('the Core Strategy') identifies Emmington as an 'other village'. Policy CSS1 of the Core Strategy sets out an overall development strategy for the district including supporting other villages, including allowing for limited amounts of housing. Policy CSR1 of the Core Strategy allows new infill housing on sites of up to 0.1ha and rural exceptions. 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.
8. The appeal site which has an area of 0.35 hectares, substantially exceeds the 0.1ha threshold set out in policy CSR1. Furthermore, there is open agricultural land to both the south west side and to the rear of the site, along with another area of open land between the appeal site and the building at 7 Emmington. The development could not therefore be considered as amounting to the filling in of a small gap in an otherwise built-up frontage or where the site is closely surrounded by buildings. Consequently, it would not be infill development for the purposes of policy CSR1.
9. The appellant argues that the developable area of the site could be restricted to 0.1 hectares and that the proposal should be regarded as infilling. Nevertheless, this is not what is proposed in the appeal scheme. Even if the site area were to be reduced, the proposal would still not accord with the definition of infill as set out in policy CSR1. Furthermore, whilst there are other existing buildings in the vicinity including those to the south west of the B4445, the immediate vicinity of the site is more characterised by open space rather than built development.
10. Notwithstanding its name, I consider that the Inn at Emmington is located approximately midway between the settlements of Emmington and Sydenham. The 'core' of Emmington appears to me to be located further along the road to the north east of the appeal site. My views on this matter generally accord with the conclusions of the previous appeal Inspector, in that the appeal site is not located within the middle of the village. In comparison, the recent development at Keepers Cottage in Emmington appears as being more akin to 'infill' as it is located within a small gap within an established built-up frontage. Indeed, the Council confirms that such scheme was judged as being compliant with the development plan.

² APP/Q3115/W/15/3035899

11. The settlements of Emmington and Sydenham have a very limited range of services and facilities. Chinnor has a wider selection of services, facilities and employment opportunities. Bearing in mind the lack of street lighting, the very limited footway and the speed of traffic on the connecting road, it is unlikely that occupiers of the proposed houses would be likely to wish to travel to Chinnor by bicycle or foot. However, the accessibility of the site is improved by the connecting bus service, with a bus stop located reasonably close to the appeal site providing a viable option for travelling by other means than the private car. The appellant also draws attention to the Phoenix Trail cycle route linking Thame to Princes Risborough which appears to provide some limited additional scope for journeys by bicycle. Whilst a car would be likely to be necessary for several journeys, including those at times when the bus service is not operating, the site has a moderate level of accessibility to other settlements by means other than the private car, notwithstanding the very limited range of facilities in Emmington and Sydenham.
12. The proposed development would not amount to infill development and the site area measures substantially more than 0.1 hectares. The proposal would not therefore be supported by policy CSR1 of the Core Strategy which supports the provision of housing in villages provided that certain criteria are met.
13. A previous appeal decision³ in 2015, relating to a site in Benson, states that policy CSR1 is overridden. However, that appears to relate to the particular circumstances of that case, including the silence of the development plan on the matter of housing allocations in Benson. I have considered the weight to be given to the relevant development plan policies in this case later in this decision in my planning balance.

Character and appearance

14. The appeal site is located on the northwest side of the lane which leads up to existing residential development within Emmington. A row of houses within proximity of the site is located on the same side of the lane to the north east. A further cluster of development is located on the southwest side of the B4445. However, in spite of the existing areas of development, the site is largely surrounded by open fields. Consequently, the site and its surrounds are of a rural character.
15. There are existing areas of hardstanding on the site which are understood to have been in connection with a previous agricultural use of the site. They are not, however, prominent features in views of the site. Whilst it is clear that there used to be buildings on the site, these no longer remain. The definition of *previously developed land* in Annex 2 of the National Planning Policy Framework ('the Framework') excludes land that is or has been occupied by agricultural buildings.
16. In spite of the hardstandings, the existing site contributes positively to the openness and the intrinsic rural character and beauty of the countryside. I also noted at my site visit, that new planting has taken place around the boundary of the site, supplementing the more mature existing planting.
17. The illustrative drawings show how a development of two detached dwellings might be achieved. A drawing has also been provided indicating how further

³ APP/Q3115/A/14/2222595

landscaping could be achieved on the site. Such landscaping would undoubtedly provide some screening of the proposed dwellings. Nevertheless, even with the existing and proposed screening in place, the provision of two dwellinghouses would amount to a substantial built form. Whilst the large majority of the site would remain free of buildings this does not mean that the two proposed houses would not have a significant visual impact. Along with the proposed access and the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having an urbanising effect upon it.

18. Once the new landscaping has matured, long distance views of the proposed development would be limited, though the screening would be less effective in winter. In shorter views, including from the adjacent lane, I consider that, even with the landscaping, the proposals would substantially erode the contribution the site makes to the rural character and appearance of the area. It would also add to the existing row of ribbon development along the line, reducing the separation between the existing clusters of development, to the detriment of the open countryside.
19. I therefore find that the proposed development would result in significant harm to the rural character and appearance of the area. It would be contrary to the relevant countryside and landscape protection aims of policies D1, G2 and G4 of the South Oxfordshire Local Plan 2011 ('the Local Plan'), policy CSEN1 of the Core Strategy and the Framework.
20. Notwithstanding the harm I have identified above, the proposal would not conflict with policy C9 of the Local Plan as the appellant has satisfactorily demonstrated in this case that the proposal would be able to safeguard existing trees of significance on the site. This does not, however, override the conflict with the other stated policies in respect of this issue.

Other Matters

21. The appellant draws attention to the site being previously considered as a gypsy and traveller site in a 2015 study commissioned by the Council. In response, the Council states that the information provided by the appellant in this respect relates to an interim report and that the final version of the report found the site to be wholly unacceptable for such a purpose as it would have an unacceptable impact of landscape character. Whilst the appeal scheme would be of a different form and impact to its use as a gypsy and traveller site, such findings do not alter my conclusions on the main issues set out above.
22. The appellant has drawn my attention to a recent appeal decision⁴ at Towersey and argues that it has remarkable similarities to the current case. In that case, the Inspector concluded that there would be no material adverse effect upon character and appearance. I consider there to be key difference between the respective sites, most notably that in the case of Towersey, the proposed dwellings were located immediately adjacent to a long row of existing development, the settlement along Chinnor Road in Towersey being significantly more built-up in character than the more disaggregated and loose-knit character of development in the case of the current appeal. I do not therefore consider my findings to be inconsistent with that case.

⁴ APP/Q3115/W/16/3164284

23. Both the appellant and the Council have provided me with several other previous appeal decisions for developments on different sites, some allowed and some dismissed. Each appeal has been determined on its own merits and it is apparent that each decision has been made based upon the individual circumstances of each case and the form of development proposed. I have not been provided with the details of each application and so it is difficult to draw accurate conclusions on the comparison with the current scheme before me. I have determined the appeal case on its own merits and after considering each of the appeal decisions raised, I do not find that they alter the conclusions I have reached on this appeal.
24. Whilst the Town and Country Planning (General Permitted Development) Order 2015 allows, subject to certain conditions and limitations, for the change of use of agricultural buildings to dwellinghouses, this only applies to existing buildings. I have therefore given this very minimal weight given there are no longer any existing buildings on the site.
25. I have had regard to the emerging Chinnor Neighbourhood Plan which supports infill housing on unallocated sites. This plan is yet to be the subject of a referendum and so the weight I apply to it is limited at this stage. In any case, my findings that the proposal would not amount to infill development and would be detrimental to the character and appearance of the area, mean that the proposal would conflict with the emerging Neighbourhood Plan.
26. Although the appellant draws attention to there being support from local residents, such support does not override the harm I have found to result in the context of the relevant development plan planning policies.

Planning Balance

27. 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. Paragraph 14 of the Framework states that where the development plan is out of date, 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 there are specific policies in the Framework which indicate that development should be restricted. In this case there are no specific policies in the Framework which indicate that development should be restricted.
28. In the context of the development plan I have found that the proposed development would be contrary to policies CSEN1 of the Core Strategy along with policies D1, G2 and G4 of the Local Plan. These policies are generally consistent with the aims of the Framework to protect the countryside and whilst in doing so they would restrict the supply of housing, I have given them moderate weight.
29. In the light of the significant housing shortage I give significantly reduced weight to policy CSR1 as, whilst generally supporting the provision of housing in villages, it seeks to limit the amount of new housing in certain locations. In this case, the proposal does not benefit from the general support given by this policy for development in villages as it does not meet the specific criteria laid out in the policy.

30. The proposal would provide a limited amount of short term employment through the construction of the development and some further modest economic benefits would result from the additional support for local services and facilities from the future occupiers of the two houses. The two new houses would make a modest contribution to the supply of housing and towards helping to address the Council's shortfall. However, the proposal would result in significant harm to the rural character and appearance of the area, contrary to the aim of the Framework to recognise the intrinsic character and beauty of the countryside.
31. I consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when 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.

Conclusion

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

David Cliff

INSPECTOR