



Appeal Decision

Site visit made on 7 November 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 27TH November 2017

Appeal Ref: APP/D3125/W/17/3181826

Land between Fiddlers Cottage and Meadowview Cottage, Shipton-under-Wychwood, Oxfordshire, OX7 6DP.

- 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 Ms S Dore against the decision of West Oxfordshire District Council.
 - The application Ref. 16/04169/OUT, dated 6 December 2016, was refused by notice dated 22 February 2017.
 - The development proposed is the construction of a single detached cottage and associated infrastructure
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application is in outline format with all detailed matters reserved for subsequent approval. Within this I have used the appellant's description of the development proposed as opposed to the revision drafted by the Council.

Main Issue

3. The main issue is whether the development proposed would protect or enhance the character or appearance of the Shipton-under-Wychwood Conservation Area.

Reasons

Background

4. The appeal site comprises part of an open field which lies on the southern edge of the village of Shipton-under-Wychwood. To the east and west of the site along Upper End there are other houses with the neighbouring properties being Fiddlers Cottage and Meadowview. Opposite the site on the southern side of Upper End are open fields. The site lies in the Shipton-under-Wychwood Conservation Area, the boundary of which is drawn widely around most of the built up part of the village and includes some open land around it. Further, all of the land in the village forms part of the Cotswold Area of Outstanding Natural Beauty (AONB). The Council describes the surrounding land as 'open valley side farmland'.
5. It is proposed to erect a detached cottage and the indicative plan submitted shows potential elevations of a two storey property of a single gable width and

rear conservatory, similar to the height and form of the neighbouring property Meadowview Cottage.

Policy context and housing land supply (HLS)

6. The development plan includes the West Oxfordshire Local Plan adopted in 2006 (referred to as the WOLP) and the emerging West Oxfordshire Local Plan 2011 -2031 (referred to as the eLP). In terms of the latter plan, sessions into its Examination were held in 2015 and late in 2017. Given that the plan is still at the Examination stage, the provisions of the plan can only be given very limited weight at the moment.
7. From the evidence submitted by the parties, it appears to me that in terms of general principles there is no policy objection in the development plan to the construction of a new dwelling in the village, which has reasonable accessibility, subject to site specific considerations.
8. The appellant queries the Council's ability to demonstrate an adequate housing land supply in accordance with paragraph 47 of the National Planning Policy Framework (the Framework). The Council says that while it has accepted in the last year that it could not demonstrate a five year supply, it did submit at the recent Examination into the emerging local plan that it can currently do so 'using an appropriate methodology'. In terms of published data, the HLS position as at May 2017 relating to the five year period commencing on the 1st April 2017, concludes that the Council has a 5.85 or 5.12 year supply depending on whether a 5% or 20% buffer is applied. However, I note that the calculation in the position statement is dependent on the supply of housing that is suggested will come forward from the draft eLP housing allocations, but as this plan has not been found sound and its overall strategy and allocations may change, the Council's claimed position has to be treated cautiously.
9. Notwithstanding this wider policy context, the Council says in its lengthy submissions on this case that it wishes to rely solely on the balance set out in paragraph 134 of the Framework. That is where a development proposed would lead to less than substantial harm to the significance of the designated heritage asset (that is the Conservation Area in this case), this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. I will therefore focus on this aspect but I will bear in mind saved Policy BE5 of the WOLP.

Effect on the Conservation Area.

10. The heritage asset is the Shipton-under-Wychwood Conservation Area. In assessing the significance of this the Council does not refer to any formal conservation area character appraisal but refers to the assessment made by the Conservation Architect. The Council refers to the West Oxfordshire Design Guide (2016) but that appears to me to be general in nature and not specific to the qualities of this village.
11. In summary, the Conservation Architect describes the village as having a loose-knit settlement pattern comprising distinctive islands of lane-side development with significant gaps between allowing for long views into and across the open landscape beyond and contributing to the conspicuously rural character of the settlement. These gaps are said to make a fundamental contribution to the character and appearance of this part of the Conservation

Area and the wider AONB. I have also had regard to the village and conservation area appraisal submitted by the appellant's team.

12. At my site visit I considered the nature of the village particularly around the southern element. Although there are small clusters and short frontages of development at Fiddlers End and along Upper End, Trot's Lane, Simmons Lane and Chapel Lane, the attractive character of the area also derives from the balance and quality of open land that remains within the frontages of these lanes and to the rear of them. I agree with the general description put forward by the Conservation Architect above and I consider that the extent of undeveloped and open areas within and on the fringe of the village results in a clear form of distinctiveness consistent with the wider landscape setting of the Cotswold AONB. Nevertheless, I recognise that while these areas of undeveloped land are considered to be important on the ground, this assessment is not supported by any formal designation, apart from the general AONB.
13. Turning to the appeal site itself, because of the nature of the existing houses adjoining the site, the presence of the open area of hinterland and the gap in the frontage is not apparent in views approaching from either the east or the west along Upper End and the stone cottages that front the lane dominate the street scene. However, in the vicinity of the appeal site itself, the gap in the frontage is readily apparent. Visually and physically the appeal site forms part of a larger open field and from the lane between Meadowview Cottage and Fiddlers Cottage there are long distance views over this land to a wider landscape and the rooftops of other houses in the village some distance to the north. In my view the view of the field through the gap makes a positive and substantial contribution to the character and quality of the conservation area.
14. Although the appeal site is only a small proportion of the overall field which stretches between the A361 and Simons Lane, the construction of a dwelling and adjoining parking spaces on the frontage would substantially fill-in this gap and result in the loss of the views that exist from Upper End. It is not accepted that there would remain a sizeable gap in the frontage as the appellant's agent contends. I acknowledge that a new stone dwelling could be designed to largely replicate Meadowview Cottage, as shown on the indicative proposed elevations, but while such new development would fit in with a traditional style of building, it would not preserve or enhance the open character of the land that exists.
15. Overall, I find that the proposal would in visual terms result in the loss of part of an open field which makes a positive contribution to the character and appearance of the Conservation Area and the loss of this open gap in the frontage, and the wider views of the village and landscape that it affords, would neither preserve or enhance the special character or appearance of the Conservation Area and the setting of the village in the Cotswold AONB.

Paragraph 134 balance

16. When considered in respect of the Conservation Area as a whole, this harm amounts to 'less than substantial harm' in the context of paragraph 134 of the Framework and it has to be balanced against the public benefits of the proposal and securing the optimum viable use of the land.
17. In terms of public benefits, the appellant highlights the contribution that the proposed dwelling would make to the supply of housing in a sustainable

location, where the actual overall supply is uncertain, and to a thriving local community. However, the actual contribution made would not be great in terms of the identified need, and I observed at my visit that other new houses were being built locally in the village. Neither is evidence presented to show that the proposal is necessary to secure the optimum viable use of the appeal site. I could not see any reason at my site visit to suggest that the land could not be used for animal grazing in conjunction with the larger open field.

18. I conclude that the public benefits put forward in favour of the appeal scheme do not outweigh the harm to the heritage asset that I have concluded would be caused.

Overall balance

19. In relation to the relevant provisions of the development plan, I find that the proposal would conflict with saved Policy BE5 of the WOLD as the proposal would not preserve or enhance the character or appearance of the Shipton-under-Wychwood Conservation Area.
20. Assessed against the Framework, even if I were to conclude that paragraph 49 of the Framework is engaged because of the Council's current position on housing land supply, footnote No.9 in relation to the operation of paragraph 14 indicates that where there are specific policies which indicate that development should be restricted, including those related to designated heritage assets, the 'tilted balance' put forward in the final bullet point should not apply. Given my conclusion above in respect to the balance under paragraph 134, I find that the proposal does not accord with the Framework when this is read as a whole.
21. I conclude that the other considerations which arise in this case do not outweigh the conflict with the development plan and the harm that I have concluded would arise. I will therefore not grant outline planning permission for the development proposed.

Conclusion

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

David Murray

INSPECTOR