
Appeal Decision

Site visit made on 31 October 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 12 December 2017

Appeal Ref: APP/C3105/W/17/3180173

Ridgeway House, Hogg End, Bloxham OX15 4NE

- 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 David Smith against the decision of Cherwell District Council.
 - The application Ref 16/02334/OUT, dated 18 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is the redevelopment of existing domestic tennis court, stable and land to provide new residential house and associated parking and amenity areas.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted in outline with all matters except for access reserved for subsequent approval. The appellant has confirmed that the landscaping box on the application form was ticked by mistake. The appellant submitted plans with the application illustrating how the site could be developed with a detached house. As the application is in outline he is not tied to the detail shown on the plans. As such, I have treated this plan as indicative only and have assessed the application on this basis.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details before me that the stable itself does not form part of the appeal site and would not be redeveloped. The Council dealt with it on this basis and so shall I.
4. I gave both parties the chance to comment on the Judgment¹ of 15 November 2017, concerning the interpretation of the term "isolated homes in the countryside" within paragraph 55 of the National Planning Policy Framework (the Framework).
5. It is not disputed that the Council can demonstrate a 5 year supply of housing land (HLS). In such circumstances, the Framework at paragraph 49 sets out that relevant policies for the supply of housing can be considered up-to-date and paragraph 14 of the Framework sets out a presumption in favour of sustainable development. For decision taking this means '*approving proposals which accord with the development plan without delay*'.

¹ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)

Main Issue

6. The main issue in this case is whether the site would be a suitable location for a dwelling having regard to the policies of the development plan, the Framework and any other material considerations.

Reasons

7. The appeal site comprises a tennis court and part of a paddock adjacent to a stable block. The site is bounded by fields/paddocks to the east and south and there is a gated access onto The Ridgeway which, in the vicinity of the site, is an unmade track. To the west are dwellings that front onto Hogg End and to the north on the opposite side of The Ridgeway are the games and sports facilities to a school. I noted at my site visit that there is a circular footpath adjacent to the site running towards the south.

Location and accessibility

8. The development plan includes the saved policies of the Cherwell Local Plan 1996 (CLP), the Cherwell Local Plan 2011-2031 Part 1 (LP) and the Bloxham Neighbourhood Development Plan (BNDP).
9. The intention of CLP Policy H18 is to ensure that the countryside is protected from sporadic development. New dwellings beyond the built-up limits of settlements are therefore restricted to those essential for agriculture or other existing undertakings, or rural exception sites. The site clearly lies on the edge of the village. The indicated location of the house would not extend towards the east past the existing stable block and would be on the existing tennis court.
10. The appellant has stated that the stable could be converted to a dwelling as permitted development Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, I have no evidence to indicate that the appellant has applied for prior approval for the conversion of that building or that it would be likely to be permitted development under the requirements of that class. Accordingly, I give this matter little weight as a fallback position.
11. Moreover, due to the boundary treatment between the formal garden of Ridgeway House and the stables /tennis court, the transparency of the wire mesh fencing around the tennis court and the informal appearance of the paddock the site has more visual affinity to the surrounding countryside than the dwellings on Hogg End. As such, even though settlement boundaries are not indicated within any of the development plan documents I consider that the site is beyond the built-up limits of Bloxham. Moreover, I have no evidence before me to indicate that the proposal would comply with the restrictions for new dwellings beyond the built-up limits set out in CLP Policy H18.
12. The CLP pre-dates the Framework, which requires that policies are given weight according to their degree of consistency with it (paragraph 215). Whilst CLP Policy H18 is somewhat reflective of the special circumstances set out in paragraph 55 of the Framework for 'new isolated homes in the countryside'. However, for homes that are not isolated, the Framework recognises that rural housing can contribute to sustainable development where it would enhance or maintain the vitality of rural communities. This policy does not recognise this opportunity and it is therefore more restrictive in this respect. However, as

stated above its aim is to protect the countryside which is broadly consistent with the Framework. As such, I find that the conflict with CLP Policy H18 should be given moderate weight. I have taken into account the appeal decisions² cited by the Council in this respect but the weight to be given in relation to paragraph 215 is a matter of judgement.

13. LP Policy ESD 1 states that measures will be taken to mitigate the impact of development within the District on climate change and that at a strategic level this will include distributing growth to the most accessible locations as defined in the Local Plan. LP Policy Villages 1 identifies Bloxham as a Category A Service Village. As such it is considered to be one of the District's more accessible villages, based on a range of criteria including population, size, services and facilities, and access to public transport. This policy makes it clear that minor development, infilling and conversions will be allowed within the built-up limits of the village. I have found that the appeal site lies outside the built-up limits of Bloxham. Accordingly, the proposal would conflict with LP Policies ESD 1 and Policy Villages 1.
14. BNDP Policy BL2 is reflective of LP Policy Villages 1 as it states that conversion, infilling and minor development within the existing built up limits will be permitted. The proposal would therefore also conflict with this policy.
15. The site would be on the edge of Bloxham which is one of the more accessible villages in the district and it would be closer to the services and facilities within it than some of the existing dwellings within Bloxham. Nevertheless, the same circumstances would arise in relation to many sites which are beyond the built up limits of this and other Category A Service Villages. This factor simply indicates that the proposal would not cause significant harm in this respect. It is not a positive benefit in its favour in the light of the HLS.
16. As the dwelling would be close to existing built development I do not consider that it can be treated as an isolated location. Paragraph 55 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. However, the contribution one new dwelling would make to the vitality of the rural community would be small. Moreover, there is no evidence to suggest that the existing services and facilities within the village are under threat.

Character and appearance

17. The Ridgeway is a no through track that leads to a farm/commercial units and a sewage treatment works. Whilst, the school grounds are to the north of the track on the southern side the area between the edge of the village and the sewage treatment works is formed of fields and paddocks that are part of the surrounding countryside. The site is not within a Conservation Area or a designated landscape.
18. As stated above, the appeal site has more visual affinity with the surrounding countryside than the residential development on Hogg End. At present there are open views across the appeal site and there are no buildings within it. In its current form I consider that the site makes an important contribution to the pleasant rural setting of this part of Bloxham.

² APP/C3105/W/17/3182235, APP/C3105/16/3159913 & APP/C3105/W/16/3163712

19. Whilst, the layout of the development is a reserved matter due to the irregular shape of the appeal site it is highly likely that the dwelling would be located in a similar position to that shown on the submitted plans and would face The Ridgeway. The appellant has stated within his evidence that the building would be 2-storeys. As such, even though scale and appearance are also reserved matters the proposal would introduce a building of appreciable size onto a visibly open site that would visually intrude into the countryside.
20. The dwelling would be seen from The Ridgeway and the circular footpath that is adjacent to the site. In these views it would be seen against the backdrop of the residential development on Hogg End. However, that development all faces onto Hogg End away from the Ridgeway and the surrounding countryside. There are vehicular accesses to the dwellings on the southern side of The Ridgeway from the track but they appear to be secondary to the main accesses from Hogg End. Furthermore, the mature landscaping and boundary treatment on this side of the track reinforces that this is not the main frontage to the dwellings.
21. Consequently, even though the dwelling would be in close proximity to and be seen against the residential development of Hogg End it would appear inconsistent with the existing pattern of development of this part of the area. Moreover, it would have an inherent and urbanising impact on the countryside setting of Bloxham. The likely domestic paraphernalia associated with a residential use of the site would add to this harm. Taking into account all of the above the proposal would significantly harm this part of the character and appearance of the area.
22. I am satisfied that, subject to the control that exists at reserved matters stage, the dwelling could be designed to be in sympathy with the architectural styles and materials that are found within the surrounding area. However this would not overcome the harm that I have identified in relation to the character and appearance of the area.
23. The proposal would therefore be contrary to CLP Policies C28 and C30, LP Policies ESD13 and ESD15 and BNDP Policies BL11 and BL12 which together seek developments that, amongst other things, do not cause undue visual intrusion into the open countryside, do not harm the setting of settlements, are consistent with and respect local character and will contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.

Overall Balance and Conclusion

24. The Framework at paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. There would be limited economic benefits associated with the construction and occupation of the dwelling. Prospective occupiers would provide some support for local services. However, as stated above the contribution one new dwelling would make to the vitality of the rural community would be small. The proposal would provide a new dwelling which would make a small contribution to the housing supply. The development would therefore have some social benefits.
25. The dwelling would be energy efficient in a relatively accessible location. As the fencing to the tennis court is a permanent structure and the site is not within a built-up area the proposal would reuse land that has been previously developed. However, I have found that the proposal would significantly harm

the character and appearance of the area. Consequently, I consider that the environmental dimension of sustainable development would not be met.

26. The Framework establishes, as a core planning principle, that planning should be genuinely plan-led. The development of the appeal site beyond the built-up limits of Bloxham contrary to the development plan and in circumstances where there is an undisputed 5 year supply of housing would not accord with this core principle of the planning system. The failure to comply with the development plan leads me to conclude that the proposal would not be sustainable development and to accord substantial weight to that conflict.
27. I recognise that there are benefits, both socially and economically, associated with the proposed development. Nevertheless, there are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
28. Taking all of the above into account I consider that the site is not a suitable location for housing. Having regard to all other matters raised therefore, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR