
Appeal Decision

Site visit made on 25 June 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/D3125/W/19/3227575

Land North of Paradise Farm, Bull Lane, Aston, Bampton OX18 2DT

- 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 P West against the decision of West Oxfordshire District Council.
 - The application Ref 18/03350/FUL, dated 14 November 2018, was refused by notice dated 5 April 2019.
 - The development proposed is erection of six dwellings with associated access road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the planning application form and the Council's Notice of Decision refers to six dwellings, however the reason for refusal refers to three dwellings. The Council's submissions make it clear that their objections relate to the proposed dwellings on Plots 4, 5 and 6 of the submitted plans. I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the development of houses on Plots 4, 5 and 6 on the character and appearance of the site and the surrounding area, with particular regard to the surrounding Aston Conservation Area which is a designated heritage asset.

Reasons

4. Paradise Farm is on the southern edge of the village of Aston. The appeal site is formed of three distinct elements, the 'eastern and western paddocks', as described by the Council and part of a field which lies to the west of the farmhouse garden and an agricultural building (the western field).
5. The eastern paddock lies between the farmhouse and the boundary with Bull House and a new house which is under construction. Planning permission has been granted on this part of the appeal site for three dwellings. There are three dwellings (Plots 1, 2 and 3) shown on the submitted plans for the appeal, within the eastern paddock, however the dwelling on Plot 3 has been re-sited in comparison with the approved layout to facilitate access to Plots 4, 5 and 6.

6. The boundary between the eastern paddock and the western field is formed by a stone wall which has been breached to provide access between the two areas. There is no defined boundary separating the appeal site from the rest of the western field, but a dense conifer hedge defines one edge of the western paddock and a sporadic mixed tree hedge forms part of another. Gaps in the tree screen provide views of the western paddock from the western field.
7. The appeal site lies well within the boundary of Aston Conservation Area (the CA) which also includes the western field. The boundary of the CA includes several fields beyond the edge of the built-up nucleus of the village. This reflects the importance of the long views of the settlement and the historic patterns of enclosure.
8. Whilst the evidence provided by the appellant demonstrates that the views of the site from the public footpath are restricted by a hedgerow, at least when the plants are in leaf, this does not reduce the importance which the undeveloped nature of the western field and the western paddock makes to setting of the village.
9. The houses which are in the course of being constructed to the rear of Bull House (Council Ref 17/00411/FUL) demonstrate the impact which the introduction of buildings close to the edge of the village has on its setting. I also note that the siting of these houses was revised during the course of consideration of the planning application to move them away from the boundary with the western paddock. This was intended to protect the rural setting of Aston and the appearance and character of the CA and has been successful in that regard.
10. The appeal scheme would introduce two dwellings (Plots 5 and 6) into the western paddock. Although the boundary planting between the site and the western field could be enhanced to provide a natural boundary, this would have the effect of removing the glimpsed views and segregating the site from the surrounding open spaces. A further dwelling (Plot 4) and an extensive turning head which would provide a link between Plots 1 to 3 and Plots 4 to 6, is proposed in the corner of the western field.
11. The introduction of houses with associated car parking, boundary treatment and other domestic paraphernalia onto otherwise undeveloped land which forms part of the setting of Aston would be harmful to the character and appearance of the site and the surrounding area. Consequently, the development would neither preserve nor enhance the character or appearance of the CA as a whole.
12. The appellants consider that the use of natural materials would result in the development being of a high quality and they also refer to the use of hedges and stone walls to define boundaries. Whilst, in themselves the design of the houses and the spaces around them would reflect the appearance of existing development in the wider village, this does not outweigh the harm which I have identified in relation to the siting of the houses on Plots 4, 5 and 6 within the CA.
13. I conclude that the development of houses on Plots 4, 5 and 6 would have a harmful effect on the character and appearance of the site and the surrounding area with particular regard to the surrounding Aston Conservation Area which is a designated heritage asset. The appeal scheme is therefore contrary to

Policies OS2, H2, OS4 and EH10 of the West Oxfordshire Local Plan 2031 (2018). These policies jointly amongst other things allow for limited development in villages provided it respects the village character including on land adjoining the built up area, requires a high design quality which conserves or enhances areas of historical and environmental significance including designated heritage assets and within Conservation Areas requires that proposals are sympathetic to the pattern of development and to important green spaces such as paddocks which make a positive contribution to the character of the Conservation Area. For similar reasons the development does not accord with the National Planning Policy Framework (the Framework) in relation to achieving well-designed places and conserving and enhancing the historic environment.

14. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a result of its adverse effect on the setting of the village, the development would have a harmful effect on the CA. However, I find that the harm would be less than substantial.
15. Paragraph 196 of the revised Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. In this case I have limited evidence before me regarding the public benefits which would arise save for the appellants reference to the proposal meeting local housing needs in a village which has been identified by the Council as capable of accommodating further development.
16. The appellants have stated that three of the six houses which are proposed would be self-build projects for occupation by family members and that the sale of the land for the other three dwellings would help to fund these ventures. However, there is no mechanism before me to ensure that any of the dwellings would be occupied by those individuals or any other people who have a need for local housing. Therefore, notwithstanding the degree to which this amounts to a private as opposed to a public benefit, this argument attracts limited weight, and it would not outweigh the harm to the designated heritage asset that I have found in this instance.

Other Matters

17. The appellants have referred to other approved development within or adjoining Aston as comparable with the appeal scheme. With regard to the ongoing development on Land North of Cote Road (Council Ref. 15/01550/OUT) I note that this site is adjacent to the CA and not within its boundary therefore it is not directly comparable to the appeal scheme. I have less information regarding the other developments and on this basis, I am unable to draw direct comparisons with the proposed development at Paradise Farm.
18. I acknowledge the concerns raised by local residents, in addition to those relating to the main issue that I have identified, including ground water flooding, impact on the sewage system, increased traffic on Bull Lane and the potential for further development. Given that I find the proposal to be unacceptable for other reasons, and any such concerns would have no bearing on my overall planning balance, it is not necessary for me to address these matters any further as part of this decision.

Conclusion

19. For the reasons set out above, the appeal is dismissed.

Sarah Dyer

Inspector