
Appeal Decision

Site visit made on 29 May 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/D3125/W/18/3218392

Land west of Dormer House, Aston Road, Brighthampton OX29 7QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Land Economics Ltd against the decision of West Oxfordshire District Council.
 - The application Ref 18/02295/PIP, dated 26 July 2018, was refused by notice dated 5 September 2018.
 - The development proposed is residential development of a minimum of 2 dwellings and a maximum of 4 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since planning permission was refused, the Council formally adopted the West Oxfordshire Local Plan 2031 (September 2018) (WOLP). This supersedes the West Oxfordshire Local Plan 2006-2011 which was referenced in the Council's refusal notice. The appellant has had opportunity to comment on the updated Development Plan framework as it affects the proposed development and I am satisfied that no prejudice arises from my having regard to the WOLP in determining the appeal.
3. The application was for Permission in Principle (PiP), the scope of which is limited to location, land use and amount of development. Issues relating to these 'in principles' matters should be considered at the PiP stage, with other matters to be considered at the technical details consent stage. I have determined the appeal on that basis.
4. The original PiP application described the proposed development as 'erection of up to 4 dwellings'. However, both the Council's refusal notice and the appellant's evidence refer to the proposal as being for a range of between 2 and 4 dwellings. As there is no dispute between the main parties in this respect and the application was determined using that description, I consider no party would be prejudiced by the appeal being determined on that basis and I have done so. This is reflected in the banner heading above.

Main Issues

5. The main issues are:

- whether the appeal site would be suitable having regard to national and local planning policies on the location of residential development; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of the location

6. The appeal site occupies an undeveloped field behind existing dwellings fronting the B4449 Aston Road on the western edge of Brighthampton.
7. Applications for planning permission are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
8. WOLP Policy OS2 sets out a strategy for the location of development in West Oxfordshire based on an approach aimed at securing accessibility to services and facilities by a choice of modes of transport. It also aims to reduce pressures on sensitive Green Belt and Area of Outstanding Natural Beauty locations, respect the character of villages and local distinctiveness and maintain the vitality of local communities. In this context, Policies OS2 and H2 set out a hierarchy of settlements to which an appropriate scale of development is promoted commensurate with their size and role.
9. Outside of the main service centres of Witney, Carterton and Chipping Norton and a number of Rural Service Centres, new dwellings are permitted in "villages" amongst other circumstances on land adjoining the built-up area, where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs. In all other locations, new dwellings are only permitted in a finite set of circumstances, none of which apply to the appeal proposal.
10. A key area of dispute between the main parties is whether Brighthampton should, in this context, be regarded as a "village". As a matter of fact, it is not identified as a named village in the settlement hierarchy. However, development has taken place over time such that it is physically contiguous in places with Standlake to the south east, through linear development.
11. The appellant has drawn my attention to an appeal decision in relation to land south east of Lancott Lane, Brighthampton¹ issued in June 2018 (the previous appeal). I note that the Inspector in that case had reasoned that whilst originally two distinct settlement, over time the villages have become increasingly blurred as the historic gaps along the Abingdon Road have been infilled with development.
12. However, that Inspector's observation was made in the context of a discussion of the effect of that proposal on the character and appearance of the area. Furthermore, as noted above, the WOLP has subsequently been formally adopted as a Development Plan Document and, in this regard, I note the

¹ APP/D3125/W/17/3182864

- previous appeal Inspector attached only limited weight to the then emerging local plan policies.
13. In this context, whilst the Inspector commented on the physical relationship between Brighthampton and Standlake, no conclusion was reached on whether they formed two separate settlements for the purposes of the locational strategy policies of the Development Plan.
 14. Based on the submitted evidence and my own observations, it appears to me that Brighthampton and Standlake are distinct settlements with separate identities, albeit ones whose linear peripheral extensions have physically conjoined to a large extent over time. It does not follow, however, that they should be treated as being a single settlement for the purposes of Policy OS2 and Policy H2 of the WOLP. In this respect that the Development Plan identifies only Standlake as a 'Village' and no suggestion is given in the Plan that this should also include Brighthampton.
 15. I therefore regard the appeal site as lying on the edge of a small village in the countryside. As such, the proposed development would not accord with the locational strategy set out in the WOLP Policies OS2 and H2.
 16. Furthermore, even if I had concluded that the appeal site falls to be considered as part of the village of Standlake, the application has not been accompanied by any evidence of an identified housing need, as required by WOLP Policy H2.
 17. In this context, the type of housing proposed is not being promoted to meet a specific need arising in this location. More generally, I note that the Council's latest monitoring report indicates a housing supply of 6.7 years. Furthermore, the District is required in any event to maintain a reduced 3-year supply, in line with a Written Ministerial statement², until such time as a joint spatial plan for Oxfordshire is adopted.
 18. I appreciate the Council's housing requirement relies, in part, on windfall developments being delivered in rural areas and these are expressed as minima. Such development on small and medium sized sites is also encouraged by the National Planning Policy Framework (the Framework). However, I have seen no evidence to suggest that sufficient windfall opportunities would fail to materialise such that the release of sites which would otherwise conflict with Development Plan policies would be necessary. Furthermore, whilst there will be an ongoing housing need in the district up to 2050, that is a matter which is expressly intended to be addressed in the forthcoming joint Development Plan review.
 19. I therefore consider that no unmet housing need has been demonstrated. As a site adjoining the built-up area of a small village, the proposal would fail to accord with the relevant Development Plan Policies referred to above. Those policies were recently adopted and are up-to-date and should not be set aside during the course of an appeal without good justification.
 20. In this regard, the appellant has also drawn my attention to paragraph 84 of the Framework which encourages the development of sites that are physically well-related to existing settlements. However, that Policy relates to proposals to meet local business and community needs and is therefore not relevant to the consideration of this proposal for residential development.

² Issued on 12 September 2018

21. Turning to accessibility, whilst Brighthampton is served by a bus service, it is otherwise lacking in day-to-day services and facilities. I am aware that the previous Inspector noted that although neighbouring Standlake has few services and facilities, it nonetheless represents one of the more sustainable settlements in West Oxfordshire in the context of being a rural area. I have not been provided with the evidence base which informed that conclusion, but see no good reason to disagree.
22. Nevertheless, the appeal site lies further away from the post office, public house, schools and other services and facilities in Standlake than the previous appeal site and I note that that proposal would have, if granted permission, made provision for enhanced footpath and public transport connectivity. Understandably, given its limited scale, no such improvements are proposed in the appeal scheme before me.
23. Moreover, I observed that pedestrians from the currently proposed dwellings would be required to cross the Aston Road onto a grass verge before being able to join a footpath on Abingdon Road. This would not be a particularly convenient arrangement in encouraging pedestrian movements.
24. Whilst I accept it would be possible to walk or cycle to access the nearest services and facilities, and that bus services roughly every 2 hours exist which also offer connectivity to Witney and Carterton, I saw that Abingdon Road is fairly busy and carries some fast-moving traffic. Whilst not necessarily representative of road conditions at all times, it would nonetheless not be likely to be a particularly conducive route for cycling.
25. According to the Council's evidence, future occupiers would be required to walk a distance of 1.5 – 2km to reach the facilities, a distance I regard as being unlikely to be undertaken routinely, especially in poor weather or in hours of darkness. I therefore consider that there would be poor non-car accessibility even to the nearest local services and facilities.
26. Greater reliance on the private car is to be expected in rural areas. However, whilst this limits the harm I attach to the restricted availability of services and facilities, this is not a positive consideration in favour of the scheme. It would not therefore outweigh the harm to the overall spatial strategy of the Development Plan I have already found above.
27. In the light of the above, I conclude that the site would not be an acceptable location for the proposed development as it would not accord with the spatial strategy of the Development Plan and its limited accessibility to day-to-day services and facilities would not outweigh the harm. The proposed development would therefore conflict with WOLP Policies OS2 and H2.

Character and appearance

28. The appeal site occupies grassy pasture land which forms part of the wider countryside to the west beyond a tree-lined hedge. As such it lies in the countryside on the edge of the settlement, albeit separated by a belt of mature trees marking the western boundary of the property.
29. It also adjoins the rear gardens of Old Manor Farm, Dormer House and other neighbouring properties from which it is separated by a post and rail fence. It is further flanked by the extensive rear gardens of other neighbouring

- residential properties to the north and south although I saw these are largely screened by substantial boundary walls and/or tree planting.
30. Notwithstanding its proximity to the rear curtilages of existing dwellings, the proposal seeks to introduce a form of development comprising up to 4 dwellings in the countryside set some distance away from the highway behind the building line of the existing properties. It would be accessed via an existing track and driveway looping around Dormer House.
31. In this regard, I saw that whilst views of the site are largely restricted, and the precise location of the dwellings is unknown at this stage, glimpses into the site are gained from Aston Road and the development would be likely to be perceptible to neighbouring occupiers.
32. The appellant submits that such in-depth development is already a common feature in the village and has cited the southern end of Aston Road, a development to the north of Abingdon Road, The Orchard and Lancott Lane as particular examples. However, I have not been provided with details of the background to those developments including the circumstances in which they may have been granted permission. I cannot therefore be certain that they are reasonably comparable to the appeal scheme.
33. In any event, I saw that a great deal of Brighthampton remains as single depth dwellings immediately adjacent to the main roads with open countryside behind; or, as in some of the examples cited by the appellant, arranged in small developments served by side roads directly off the main roads. Consequently, the development of "backland" sites in the manner currently being proposed is not a predominant characteristic feature of the village. I therefore find in this case that whilst the dwellings could be constructed to a high standard of design and use high quality materials, the scheme would be harmful to the character and appearance of the area.
34. Turning to the effects on the wider landscape, the site lies within the Western Thames Fringes Landscape Character Area (LCA) as identified in the West Oxfordshire Landscape Assessment (WOLA), in a landscape type classified as semi-enclosed flat vale farmland.
35. The Council refers to such flat agricultural landscape as being visually sensitive and also identifies a particular threat to the LCA as being the loss of pasture land. In this regard, I note the WOLA describes this landscape type as being semi-enclosed in character with moderate to low inter-visibility. It also describes the conversion of pasture to arable through agricultural intensification as a potential threat to landscape quality. Equally, however, it notes that semi-enclosed clay vale landscapes may offer limited opportunities to absorb small-scale development within a strong structure of trees and woodland or with other buildings.
36. In this case, the development would take place behind existing dwellings and related buildings and as noted above would be largely, although not entirely, screened from public views. Consequently, whilst acknowledging that the Framework recognises the intrinsic character and beauty of the countryside, I am not persuaded, based on the evidence before me and what I saw on site, that any significant harm to the landscape features which are important to the LCA would arise. Similarly, the scheme would not have an unacceptable

urbanising effect on the countryside or give rise to the loss of an important area of open space.

37. Drawing this issue together therefore, the proposal would not be significantly harmful to the landscape features of the Western Thames Fringes Landscape Character Area or the countryside. It would therefore accord with WOLP Policy EH2 which requires new development to conserve the intrinsic character, quality and distinctive natural and man-made features of the local landscape.
38. Nevertheless, it would not represent a form of development which would not be consistent with the prevailing pattern of development in the area. As such it would be harmful to the character and appearance of the area in conflict with Policy OS2 and Policy H2 of the WOLP. Together, these policies require development in small villages to form a logical complement to the existing pattern of development and/or the character of the area.

Other Matters

39. There would be economic and social benefits in terms of additional patronage of public transport and local services and facilities in Standlake. However, the weight I attach to such matters in favour of the scheme is limited by the small scale of the proposed development.
40. The site is in the lowest area of flood risk and does not lie in any designated area of formal countryside or Green Belt protection. Nevertheless, the absence of formal protection does not significantly weigh against the harm I have found.
41. The site does not lie within a conservation area but lies reasonably close to the Grade II listed Old Florey's Farmhouse. I am mindful of the statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. However, based on what I have read and observed, the appeal site would not affect the setting of this building and no harm would arise in respect of this designated heritage asset.
42. The appellant has expressed frustration that the Council, in its view, failed to adequately engage in discussion during the determination of the application. Whilst I have noted the email correspondence provided, such matters are not ones which go to the merits of the appeal and are not therefore determinative to my decision.

Conclusions

43. For the reasons given, the appeal is dismissed.

Ian Bowen

INSPECTOR