



Appeal Decision

Site visit made on 30 July 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/Q3115/W/19/3228497

Land West of Thame Road, Chinnor

- 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 J Curtis (JFC Developments Ltd) against the decision of South Oxfordshire District Council.
 - The application Ref P18/S1759/FUL, dated 22 May 2018, was refused by notice dated 11 March 2019.
 - The development proposed is the erection of 9 dwellings and re-siting of employment use on site.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted a revised proposed site layout plan (drawing no. 485/10F) as part of the initial submission of appeal documents received 10 May 2019. The revised plan shows parking bays with the sizes increased to meet the Council's required dimensions. The plan also shows the indicative location for a pedestrian crossing over Thame Road. The Council and other interested parties have had the opportunity to provide any comments on this revised plan during the appeal process. Given the small-scale nature of the amendments, and the early stage in the appeal process the revised plan was submitted, I consider that no interested persons would be prejudiced by the plan being considered in my decision. Consequently, I have assessed this appeal based on the revised plan.

Main Issues

3. The main issues are:
 - Whether the location of the proposed development would be consistent with the strategy for development set out within the development plan;
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location of development

4. The appeal site is located at the northern edge of Chinnor and is accessed off the south-western side of Thame Road. The south-eastern part of the site is an undeveloped and overgrown field. Further north within the site, two buildings

are located close to the south-western boundary. These buildings include, a motor vehicle repair workshop within a pitched roofed, metal sheet covered, former agricultural building; and an open fronted Dutch barn used for agricultural purposes. The site wraps around the non-highway facing boundaries of a dwelling (Mill Barn), a converted barn, with which the site shares its vehicular access onto Thame Road. Mature trees and hedges form much of the site's boundaries, including to Thame Road.

5. An arable field immediately adjoins the site to the south-west and north-west. Immediately to the north of the site stands a prominent electricity pylon. Open arable fields then stretch across the landscape to the north-west and north-east of the site, bisected by the Thame road and the tall roadside hedgerows. A residential development (Mill Lane), at the time of my site visit, was currently under construction adjoining the south-western boundary of the site. Further residential development is located across Thame Road, to the east of the site.
6. The development plan includes the South Oxfordshire Core Strategy (CS), 2012, the saved policies of the South Oxfordshire Local Plan (LP), 2006, and the Chinnor Neighbourhood Plan (CNP), made 2017.
7. Chinnor is defined as a Large Village (LV) within the CS. Policy CSR1 of the CS provides where housing will be acceptable in rural communities and this forms part of the wider overall strategy set out in Policy CSS1 of the CS. Within LVs, Policy CSR1 states housing will be allowed through allocations, infill, a rural exception site, or potentially a redevelopment. The explanatory text for Policy CSR1 defines infill 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'. Policy CSR1 is consistent with the objectives of the National Planning Policy Framework (the Framework) in so far as it seeks to control the level of growth at settlements commensurate with the services and facilities they provide.
8. The CNP was made in October 2017 and it forms the most up to date part of the development plan. CNP Policy CH H1 states that infill development within the existing built-up form of Chinnor will be supported subject to a range of criteria. Policy CH H1 does not define infill development.
9. It is a matter of disagreement between the Council and the appellant as to whether the proposal represents infill development. Chinnor does not have a defined settlement boundary. As such, it is a matter of judgement whether the site is within either the settlement or built-up form of Chinnor.
10. The current construction of the Mill Lane residential development, to the south-west of the site, has extended the built form of Chinnor significantly towards the appeal site. It is the open field section of the appeal site that adjoins the Mill Lane development. This field provides a significant, and undeveloped, gap between the nearest dwellings on the Mill Lane development and the existing loosely arranged buildings on the appeal site and at Mill Barn.
11. The dwellings on the Mill Lane development are significantly set back from Thame Road. This set back increases towards the appeal site, where an area of open landscaping forms the north-eastern corner of the Mill Lane development. Given the set back of the buildings on the Mill Lane development, and the retention of the mature hedgerow along the Thame Road boundary, the

- frontage adjacent to the appeal site is not built-up. Consequently, the proposed development would not fill a small gap in an otherwise built-up frontage.
12. These factors result in a clear distinction between the built-up form of Chinnor, on the south-western side of Thame Road, and the land to the north-west, including the appeal site and Mill Barn. Furthermore, whilst there has been recent residential development on the north-eastern side of Thame Road, across from the appeal site, this strengthens the visual and landscape distinction between the predominantly open character of the appeal site and the built-up form of Chinnor.
 13. It is noted that the CNP is currently subject to a review, and that the draft version of this reviewed CNP includes a development boundary that excludes the appeal site. Given the early stage of the review process, very limited weight is given to the draft version of the reviewed CNP.
 14. Drawing together this main issue, whilst recent residential developments have extended the built-up form of Chinnor towards the appeal site, the predominantly open character of the appeal site demarcates it as outside the built-up limits of the settlement of Chinnor. The loosely arranged buildings, on the appeal site and at Mill Barn, are clearly separate to the built-up form of the village. The proposed development is not, therefore, infill within the built-up form of the village and conflicts with Policy CH H1 of CNP. The proposal does not, therefore, fall within any category of acceptable development in the context of Policy CSR1 of the CS and is contrary to the housing distribution strategy set out in Policy CSH1 of the CS. In addition, as the proposal is located in the open countryside and not located within a built-up area of a larger village, it would not be supported by saved Policies H4 or G4 of the LP. This is a fundamental conflict with the development plan and its housing strategy for rural communities.

Character and appearance

15. There are no landscape designations that apply to the application site. As noted above, the site is predominantly undeveloped and is bounded by mature hedges and trees. The proposed dwellings are two-storey in scale, pitched roofed, and a mix of detached and semi-detached. They are arranged around a cul-de-sac, with design details including, inset dormers, brick headers and chimneys.
16. The Council does not appear to object to the design details, but rather to the encroachment and urbanising impact of the proposal. The appellant's Landscape and Visual Impact Assessment (LVIA) notes that, by removing the existing barns and then building new dwellings on the site, the use and internal character of the site will change from one of more rural farmstead to primarily residential. The LVIA goes on to conclude that, the proposal would have a low visual impact on the locality due to the high degree of visual screening offered by the trees and hedgerows surrounding the site, the local topography and the proposed additional landscaping.
17. The proposed housing element of the proposals would be suburban in character and would encroach into what is an undeveloped open field beyond the built-up village edge. Whilst it would be largely screened from views, it would, nevertheless constitute an erosion of the countryside, thereby diminishing the rural landscape surrounding Chinnor.

18. The addition of a footway along the south western side of Thame Road and the provision of a pedestrian crossing would require some loss of, and the significant cutting back of, the existing mature high hedge that currently abuts the highway. This would urbanise the street scene and harm the existing rural fringe character of the area. The extent of development on the north-eastern side of Thame Road does not provide justification for the same extent of urbanisation on the other side, particularly given the character of Thame Road at this point.
19. In view of the above, the development would be harmful to the character and appearance of the area. The proposal would, as a consequence, not accord with Policy CH C1 of the CNP, Policies CSQ3 and CSR1 of the CS, and Policies D1, G4, C4 and H4 of the LP which collectively seek, amongst other things, to ensure that new development responds positively to and respects the character of the site and its surroundings. Furthermore, the proposal would not accord with chapter twelve of the Framework which seeks well designed places and to deliver good design that is sympathetic to the local character.

Other Matters

20. The Council's second reason for refusal in its decision notice relates to the proposed development failing to provide safe pedestrian access to the site, and failing to make adequate provision for parking because the car parking spaces fail to meet the required dimensions. As noted in the procedural section of this decision, the appellant has submitted, with the appeal, a plan that amends the parking provision and shows an indicative location for a pedestrian crossing. The Council is satisfied that this revised plan, in conjunction with a Grampian style planning condition to secure delivery of the pedestrian crossing, would address their policy objections set out in the second refusal reason. Based on that evidence and my observations, I have no reason to consider otherwise.
21. It is a matter of agreement between the Council and appellant that the proposal would not detrimentally impact on the Chiltern Hills AONB. Given the small scale of the proposal and the separation distance from the AONB, I find that the proposal would have a neutral impact on the AONB. It would conserve the AONB's natural beauty in accordance with paragraph 172 of the Framework.
22. The Framework seeks to significantly increase the delivery of housing and paragraph 11 footnote 7 identifies that, for housing, the most important development plan policies are deemed to be out of date where a 5 year supply of deliverable housing sites, in accordance with paragraph 73 of the Framework, cannot be demonstrated. A Written Ministerial Statement, dated 12 September 2018, has introduced a temporary change for Oxfordshire authorities, the Oxford Housing Growth Deal.¹ This sets out that, for decision making, footnote 7 only applies where a three year supply of housing sites cannot be delivered. The Council states that South Oxfordshire District Council can currently demonstrate a deliverable housing land supply in excess of 7 years. This is not disputed by the appellant. I have no substantive evidence before me to demonstrate that the policies most important for determining the appeal are out-of-date or that paragraph 11 d) of the Framework is engaged in this case.

¹ Housing Land Supply in Oxfordshire: Written Statement – HCWS955

Planning Balance

23. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise. The CNP is the most up to date part of the development plan. The Framework at paragraph 12 states that if a proposal conflicts with an up to date development plan, including any neighbourhood plan, planning permission should not usually be granted.
24. In this case, the development plan, taken as a whole, provides a clear strategy for housing in Chinnor. The issue of whether to allocate in Chinnor has been addressed by the CNP and the proposed development is contrary to the development plan strategy. I give significant weight to the identified conflict with development plan policies, both with regards to the location of housing and to the character of the area.
25. I acknowledge that the proposal would result in some economic and social benefits, including during its construction, through the continued provision of an employment use on the site, and through the support future occupiers would give to services and facilities in the area. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. Given the small scale of the development, I give this benefit moderate weight. I am also aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing.
26. Overall, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the conflict with the development plan, nor do they indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

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

S D Castle

INSPECTOR