



Appeal Decision

Site visit made on 19 November 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/V3120/W/19/3235719

Common Farm, Lower Common, Uffington, Faringdon SN7 7SQ

- 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 T J Matthews against the decision of Vale of White Horse District Council.
 - The application Ref P18/V2990/FUL, dated 29 November 2018, was refused by notice dated 28 February 2019.
 - The development proposed is the erection of 3 dwellings and associated works including new access onto Lower Common.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 dwellings and associated works including new access onto Lower Common at Common Farm, Lower Common, Uffington, Faringdon SN7 7SQ in accordance with the terms of the application, Ref P18/V2990/FUL, dated 29 November 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Vale of White Horse Local Plan 2031 Part 2 (Detailed Policies and Additional Sites) (LP Part 2) was adopted on 9 October 2019 and now forms part of the development plan. Policies DP36, DP37 and DP38 of the LP Part 2 supersede saved policies HE1 and HE4 Vale of White Horse Local Plan 2011 in relation to proposals that affect the historic environment. In this regard, I consider that the most relevant policies in the recently adopted development plan have broadly similar objectives to those replaced and as such there have been no fundamental changes insofar as is relevant to the circumstances of this appeal decision. In addition, since the Council made its determination the Uffington and Baulking Neighbourhood Plan 2011-2031, July 2019 (NP) has been made, and therefore, also forms part of the development plan. Both parties referred to these plans in their statements and as a result, will not be prejudiced by my consideration of them in my determination.

Main Issues

3. The main issues are:
 - Whether the site is suitably located for new housing development, having regard to local and national policies, and;
 - The effect of the proposal on the significance of designated heritage assets, with particular regards to whether it preserves or enhances the

character or appearance of Uffington Conservation Area and the setting of Chalkstone Cottage, a Grade II listed building.

Reasons

Location of development

4. As part of the overall housing strategy in the district, Policy CP3 of the Vale of White Horse Local Plan 2031, Part 1 Strategic Sites and Policies, December 2016 (LP Part 1) sets out a settlement hierarchy detailing the nature of residential development that will be permitted. Uffington is identified as a third tier, larger village in the hierarchy whereby, in recognition of the available facilities, residential development to provide for local needs will be permitted. Policy CP4 of the LP Part 1 in relation to larger villages supports development within the existing built area stipulating that development outside of this area will only be permitted where it is allocated in the LP Part 2 or in a neighbourhood development plan.
5. Similarly, policy H2A of the NP supports housing development within the built area of Uffington subject to criteria in order to retain an identifiable village 'core' of houses, maintain easy pedestrian and cycling access to the majority of village facilities and to prevent ribbon development along the arterial roads towards other villages. Outside of the built area only the exceptions listed in policy H2B would be supported. This broadly accords with the housing policies in the National Planning Policy Framework (the Framework).
6. The parties disagree as to whether the appeal site is within the existing built area of Uffington, and therefore, whether or not it accords with the housing strategy in the LP Part 1 and the NP. There is no definition of what constitutes a built area in the Framework, but Paragraph 4.8.2 of the NP provides a definition which is relevant in making this assessment. 'Built areas' are defined as a group of existing, non-agricultural buildings of a permanent nature, together with their immediate surroundings. Amongst the circumstances specifically excluded from the definition are (i) individual buildings and groups of dispersed or intermittent buildings which are clearly detached from the continuous built areas of the settlement and (ii) gardens, paddocks and other undeveloped land in the curtilage of buildings on the edge of the settlement where they provide a transition between the surrounding countryside and the built areas of the settlement.
7. The appeal site comprises part of a paddock fronting onto Lower Common on the north eastern side of Uffington, a settlement with a fairly dispersed pattern of development. At the south western end of Lower Common there is residential development comprising mostly of terraces and semi-detached houses on both sides of the road which clearly form part of the built area of the settlement. Further to the north east there are a series of detached dwellings ending with a concentration of agricultural buildings prior to open countryside to the north. At present, the appeal site provides a gap between development on the northern side of Lower Common. However, opposite the appeal site is a recently built residential development of approximately 36 houses on Jacksmeadow which, although formerly free from built form, now forms part of the built area of the settlement and is in the immediate surroundings of the appeal site.

8. The significance of this recent major development when assessing whether the appeal site falls within the built area of Uffington is reinforced by the comments of Uffington Parish Council¹ who note that the proximity of the new houses has changed the context. The proximity of considerable residential development distinguishes the appeal site from that before the Inspector in the appeal decision² to which I am referred whereby the built form was more sporadic. Consequently, that decision attracts limited weight, and, in any event, I have determined the scheme before me on its own merits.
9. The proposal would introduce 3 dwellings in a linear formation into the modest gap that would continue and infill the established building line along Lower Common. The present space between Gate Cottage and Chalkstone Cottage is not so great that Chalkstone Cottage appears clearly detached from the continuous built area of Uffington. Although the built form is looser knit on the northern side of the road, due to the presence of the buildings further along Lower Common and opposite, the appeal site does not appear as a transition between the surrounding countryside and the built area of the settlement. As such, the appeal site would fall within the definition of the built area of Uffington in the NP.
10. I accept that Lower Common narrows beyond Gate Cottage and has no footways or lighting. However, there is no lighting or footway on Lower Common to the south west, which both parties accept falls within the built area. As such, although relevant, this factor alone is not determinative and does not outweigh the impact of the presence of the development at Jacksmeadow.
11. I therefore find that the proposal would be within the built area of Uffington and hence, the development would be consistent with policy H2A of the NP and policies CP3 and CP4 of the LP Part 1. It follows that it would not conflict with policy CP1 of the LP Part 1 which sets out a general presumption in favour of sustainable development similar to that in the Framework.

Designated heritage assets

12. The Uffington Conservation Area (CA) covers an area of the settlement some considerable distance to the south west of the appeal site³. Its significance derives primarily from the number and aesthetic quality of vernacular rural buildings and the spaces between them.
13. Chalkstone Cottage is a Grade II listed mid-late 18th century detached vernacular dwelling which lies to the north east of the appeal site. Its significance lies in part from its historic fabric and the aesthetic appearance of the principal elevation onto Lower Common in a generally rural setting. The appeal site forms part of a larger paddock that is bounded by hedgerows and therefore, contributes towards the wider rural setting to Chalkstone Cottage.
14. It is proposed to construct a pair of semi-detached dwellings and a detached dwelling as a group of buildings set back behind the existing tree and hedgerow screen. The buildings would take a traditional simple form using a vernacular

¹ Uffington Parish Council comments dated 15 January 2019, Point 1

² Reference APP/V3120/W/17/3190830 dated 23 April 2018

³ Context plan reference 3294.106, Appendix 5 Appellant's Appeal Statement

rural style and sympathetic materials and would be positioned along Lower Common in relatively large plots.

15. The considerable distance of the appeal site from the nearest part of the CA allows for intervening buildings and planting that, when combined with the modest scale of the proposal, would prevent significant inter-visibility between the appeal site and the CA. As such, I have seen little evidence to substantiate the Council's concern that the proposal would impact on important views from the CA, or towards the village such that the surroundings in which the CA is experienced would be affected.
16. In addition, given the separation distance that would remain between the built form of plot 3 and Chalkstone Cottage, most views of the principal elevation of Chalkstone Cottage from Lower Common would be unaffected by the proposal. Whilst the development would be seen with Chalkstone Cottage in wider views, given the lower density, landscape screening and vernacular rural style of the proposal, it would be seen as part of, and assimilated into the backdrop of development in the village. Furthermore, the relatively modest scale of the proposal would prevent it from harming the general rural character of the wider surroundings and open countryside would remain to the east and west of the listed building. Accordingly, it would not be harmful to the surroundings in which Chalkstone Cottage is experienced.
17. I am mindful of my statutory duties⁴ to have special regard to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest which it possesses, and in addition to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In this case, based on the evidence presented, the modest nature of the appeal proposal combined with its distance from the CA would prevent it from having any impact upon the surroundings in which the CA is experienced. The development would be within the setting of Chalkstone Cottage but taking the factors mentioned above together, the proposal would preserve the intrinsic characteristics of the rural setting of Chalkstone Cottage such that its impact would be neutral, rather than harmful or urbanising.
18. In reaching my findings I have had regard to the advice in the Vale of White Horse Design Guide, March 2015, Supplementary Planning Document, and in particular the principles in sections 2 (Responding to the site and setting), 5 (Building design) and 6 (Buildings in rural and lower density areas). However, I do not consider that the proposal would conflict with the general guidance given, which accords with the views of the Council that the development would be in keeping with the local distinctiveness of the area⁵.
19. Accordingly, I find the proposal is in-keeping with its surroundings and would preserve the character and appearance of the CA and furthermore, would have a neutral impact on the setting of Chalkstone Cottage. As such, the proposal would not result in harm to the significance of a designated heritage asset and therefore, the proposal satisfies the content of the Framework which seeks to conserve the historic environment. On that basis, it would not conflict with policy CP39 of the LP Part 1 which requires new development to conserve and where possible enhance designated heritage assets and their setting. Neither

⁴ Sections 66 and 72 Planning (Listed Building and Conservation Areas) Act 1990

⁵ Paragraph 6.10 Layout and Design, Council delegated report.

would it be contrary to policies DP36, DP37 and DP38 of the LP Part 2 or policy H4A of the NP which, amongst other matters, seek to conserve or enhance the character or appearance of conservation areas and the setting of listed buildings.

Other matters

20. Although not mentioned in the refusal reason on the decision notice, the Council refers to harm to the setting of Gate Cottage as a non-designated heritage asset. This thatched, detached cottage set within generous grounds certainly has aesthetic charm. Plot 1 of the proposal would be separated from Gate Cottage, which when combined with the relatively modest scale and rural character of the built proposals would not interfere with or detract from the aesthetic qualities or significance of Gate Cottage as a heritage asset.

21. I have had regard to the representations received from local residents which raised additional concerns. However, the Council did not, subject to appropriate conditions, raise concerns in relation to transportation, drainage and wildlife matters and I have not seen detailed evidence that would lead me to take a different view. The distance retained between the proposed development and the adjacent property at Gate Cottage is such that privacy would not be unreasonably compromised and therefore, the living conditions of the adjacent occupiers would not be unacceptably harmed. Moreover, given the modest scale of the proposal, I have not been provided with evidence to show that there is a policy requirement to provide affordable housing, nor that it is likely to result in an unacceptable impact upon local infrastructure that would justify refusing the development. Furthermore, the evidence suggests that the development would be liable⁶ for the Community Infrastructure Levy which would contribute towards the provision of infrastructure in the district.

Conditions

22. I have had regard to the 12 conditions suggested by the Council. In addition to the standard time limit for commencement of development, I agree it is necessary to have a condition specifying approved drawings to provide certainty. Furthermore, I accept conditions in relation to materials, boundary treatments, landscaping and the protection of trees would protect the character and appearance of the area. However, based on the information presented there is no justification for any of these to be pre-commencement conditions and I have adjusted the suggested wording to ensure the requirements are proportionate to the scale of the development proposed and, in the case of tree protection, based on the information already submitted. Furthermore, I have imposed a condition to require the development to be carried out in accordance with the recommendations in the ecological evidence provided.

23. I also accept that it is necessary to require the provision of the parking spaces, turning area and passing bay in the access lane prior to the occupation of the development in order to safeguard highway safety. I have amalgamated these requirements into one condition.

24. Paragraph 55 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning

⁶ Paragraph 6.20 Council Delegated Report

and to the development to be permitted, enforceable, precise and reasonable in all other respects. It will be seen from my comments above that I consider the proposal would be acceptable in terms of the impact on the living conditions of the occupants of Gate Cottage. It follows that a condition to require obscure glazing or prevent further windows is not necessary to make the development acceptable.

25. Although the site is within Flood Zone 1, representations received refer to instances of surface water flooding in the locality. Limited information regarding drainage has been included but refers to connection to mains drainage and soakaways. I am mindful that the Lead Local Flood Authority refers to the limited information provided and the need to incorporate sustainable drainage principles. On that basis I am satisfied that it is appropriate to require a detailed drainage scheme to be agreed prior to the commencement of development in order to maximise the opportunities to incorporate sustainable drainage principles into the construction at the earliest stages.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

Helen O'Connor

Inspector

Schedule of conditions (8 conditions)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan and location plan 3294.100 Revision D; Plots 1 & 2 plans and elevations 3294.101 Revision B; Plot 3 plans and elevations 3294.102 Revision A; Contextual elevation 3294.103 Revision B and Site plan 3294.105.
- 3) No development above ground level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) No dwelling shall be occupied until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. This shall include details of proposed boundary treatments and a timetable for implementation. Thereafter the development shall be carried out in accordance with the agreed details and timetable.
- 5) The development shall be carried out in accordance with the Arboricultural Impact Assessment report and plan prepared by Sylva Consultancy 22 November 2018 Ref 18117/AIA including the measures for ground protection during construction and no dig installation in root protection areas.
- 6) The development shall be carried out in accordance with the recommendations in Section 6 (pages 9 & 10) of the Preliminary Ecological Appraisal prepared by Windrush Ecology, October 2018.
- 7) No dwelling shall be occupied until the access with visibility splay, passing bay, turning and parking spaces have been laid out within the site in accordance with drawing no. 3294.100 Revision D. The access, passing bay, visibility splay, turning and parking space shall thereafter be kept available at all times for those purposes.
- 8) Prior to the commencement of development details of surface and foul water drainage works shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the agreed details.