
Appeal Decision

Hearing Held on 22 October 2019

Site visit made on 22 October 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/D3125/W/18/3219269

Land South of Standlake Road, Ducklington, Witney OX29 7UY

- 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 D Hatcher of Rosconn Strategic Land against the decision of West Oxfordshire District Council.
 - The application Ref 18/02260/OUT, dated 24 July 2018, was refused by notice dated 9 November 2018.
 - The development proposed is described as the erection of up to 20 dwellings with associated vehicular access, pedestrian connection point with Standlake Road, public open space and landscaping (all matters reserved except for access).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved except for access. The details submitted with the application include reference to layout. Whilst not formally part of the scheme, I have nevertheless treated these details as a useful guide as to how the site might be developed. I have determined the appeal on this basis.

Main Issues

3. During the course of the appeal, signed and dated Planning Obligation Deeds were provided by the Appellant. In light of these submissions, the Council has withdrawn its objections in relation to the absence of a signed legal agreements which secure affordable housing requirements and financial contributions towards sports and leisure, public transport, education and the Lower Windrush Valley Project.
4. Consequently, the main issues in this appeal are:
 - Whether the proposed development would constitute an appropriate form of development with particular regard to the provisions of local and national policy in respect of the location of the development; and,
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. It is agreed between the main parties that Ducklington constitutes a 'village' within the context of the development plan and that the appeal site comprises undeveloped land. Policy H2 of the West Oxfordshire Local Plan 2031¹ (the Local Plan) provides confirmation of those circumstances in which new dwellings will be permitted within or adjoining the built up area of a 'village' as being distinct from those circumstances in which new dwellings would be permitted within 'small villages, hamlets and open countryside'.
6. The appeal site comprises a parcel of relatively level land which the evidence indicates is currently used for the grazing of sheep. The site is located southeast and outside of the Ducklington Conservation Area and is bounded to the north by Standlake Road and to the south by the A415. To the west of the site and beyond an unmade footpath, a sports club and field and playing fields associated with Ducklington Primary School are located, with the eastern boundary of the appeal site adjoining an agricultural field.
7. The main parties disagree as to whether the appeal site should be considered to be within or adjoining the built up area of the village, or whether the site comprises land within the open countryside.
8. In this regard, the appellant maintains that the site is within or adjoining the settlement by reason of the existence of development which is located on the northern side of Standlake Road and which comprises a mix of commercial and residential uses. Furthermore, the appellant contends that the presence of residential development on the southern side of Standlake Road and east of the site, demonstrates that the site should be considered to be within or adjoining the settlement.
9. However, by reason of the location of the appeal site which, as described above, is separated from the historic core of the village by the open sports and playing fields, and due to the relatively undeveloped nature of the land which is located on the southern side of Standlake Road and east of the site, I conclude that the appeal site is not located within or adjoining the built up area of Ducklington.
10. Whilst I acknowledge the appellant's submissions with regards to the forms of development which are located close to the appeal site and within Standlake Road, I conclude that due to the space and presence of undeveloped land which separates those residential and commercial buildings from the nearest buildings within Ducklington, that those areas are wholly divorced from the main part of the village and plays no part in defining its character or extent. The developments which are cited by the appellant are, in my view, outlying development which do not form part of the village and therefore is also development within the countryside.
11. For the reasons above, I find that the site is located in the open countryside within the context of Policy H2 of the Local Plan. The proposal would not accord with the requirements of this policy in that the development would not be for an essential or other specific local need, would not be ancillary to existing dwellings and would not re-use or replace existing buildings. Furthermore, the main parties agree that the appeal site has not been allocated for housing

¹ Adopted September 2018

- within an adopted neighbourhood plan. As confirmed at the hearing, the appellant does not seek to advance any argument that planning permission be granted if it was determined that the appeal site comprised land in the open countryside.
12. For the above reasons, the proposed development would conflict with Policy H2 of the Local Plan which seeks to restrict development within the countryside. Furthermore, and for the same reasons, the proposal would not accord with paragraphs 127 and 170 of the Framework which, amongst other matters, seek to ensure that development is well related to the existing surrounding rural environment and respects the intrinsic character and beauty of the countryside.
 13. However, even in the event that the appeal site was found to be located adjoining the built up area of Ducklington, Policy H2 of the Local Plan confirms that convincing evidence must be provided which demonstrates the proposal would be required to meet identified housing needs and, furthermore, that proposals for new dwellings must accord with other policies within the development plan with particular reference to the general principles of Policy OS2 of the Local Plan.
 14. Subject to the application of the general principles referred to above, Policy OS2 of the Local Plan confirms that villages such as Ducklington are suitable for limited development which respects the village character and local distinctiveness, and which helps maintain the vitality of such communities.
 15. Notwithstanding the requirement that proposals must meet identified housing needs, by reason of the location of the site in relation to the main part of the village, in my view the proposal would introduce a separate housing estate at the very edge of the village and in combination with the proposed removal of a section of hedgerow which makes a positive contribution to the character and appearance of the area, would appear as an urban feature which extends into the countryside. The more open character to the southeast of the village would be compromised by the depth and spread of the proposed development which would not reflect the linear nature of the four outlying dwellings that are located adjacent to the north eastern section of the appeal site.
 16. In light of the above, I conclude that, even if the site was determined to be located adjoining the built up area of Ducklington, the proposal would not accord with the provisions of Policy OS2 of the Local Plan with regards to matters of character and appearance. Furthermore, the appeal scheme would conflict with Policies OS4 and EH2 of the Local Plan which, amongst other things, requires that development be of high quality design which contributes to local distinctiveness and conserves natural features such as hedgerows.
 17. Notwithstanding the above, whilst the appellant does not seek to advance a case that planning permission should be granted on the basis that material considerations outweigh any conflict with the development plan, it is appropriate that the potential benefits of the scheme are considered under this appeal.
 18. In this respect, the appeal scheme would provide some economic benefits in terms of employment during the construction phase and by reason of the potential contribution new households could make to the vitality of Ducklington or other nearby settlements. I attach moderate weight to these considerations

in the determination of this appeal due to the relatively limited scale of the proposed development.

19. Furthermore, the proposal would provide a contribution towards housing supply, including the supply of eight affordable housing units, and would make a financial contribution towards infrastructure and services. I attach moderate weight to these considerations in the determination of this appeal as the Council is able to demonstrate a robust housing land supply across the district and by reason of the scale of the proposed development.
20. Finally, in this regard, whilst I acknowledge that the scheme would seek to incorporate additional hedges and soft landscaping within the proposed development, the proposal would require the removal of a substantial section of hedge which forms the boundary between the appeal site and Standlake Road. Consequently, in my view the provision of additional hedges and planting which would require time to be fully established, would be offset by the removal of the section of hedgerow and I therefore attach very limited weight to this potential benefit in the determination of this appeal.
21. In summary of the above, the proposal's conflict with the development plan when taken as a whole, weighs significantly against the appeal scheme. For the reasons given, I conclude that the potential benefits described above, either individually or in combination, would attract no more than moderate weight and, consequently, would not outweigh the harm identified in relation to the development plan conflict. Consequently, the appeal scheme would not accord with the aims and objectives of the Framework with regards to sustainable development.

Conclusions

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

A Spencer-Peet

INSPECTOR

APPEARANCES

FOR THE APPELLANT

P Frampton	Frampton Town Planning Ltd
D Hatcher	Rosconn Strategic Land
J Evans	FPCR Environment & Design Ltd

FOR THE LOCAL AUTHORITY

C Wood	West Oxfordshire District Council
M Burnett	West Oxfordshire District Council

INTERESTED PERSONS

1. M Morris
2. R Cole
3. R Bbosa
4. R Oliver

DOCUMENTS SUBMITTED AT HEARING

1. Letters of Notification dated 10 September 2019.
2. Signed Statement of Common Ground with Appendices dated 18 October 2019.
3. Local Planning Authority's Revised Suggested Conditions.
4. Copy of signed Planning Obligations Deed between the Trustees of the R J Feilden Will Trust and West Oxfordshire District Council dated 21 October 2019.
5. Copy of signed Planning Obligations Deed between the Trustees of the R J Feilden Will Trust and Oxfordshire County Council dated 22 October 2019.
6. Copies of emails from Affordable Housing Registered Providers.