
Appeal Decision

Site visit made on 17 September 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2019

Appeal Ref: APP/D3125/W/19/3231559

Land west of Witney Road, Brighthampton, OX29

- 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 Smiths and Sons (Bletchington) Ltd. against the decision of West Oxfordshire District Council.
 - The application Ref 19/00083/OUT, dated 4 January 2019, was refused by notice dated 7 March 2019.
 - The development proposed is an outline planning application (all matters reserved except for access) for the construction of 3 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline. The application form indicates that approval was sought only for the matter of access. I have determined the appeal on this basis.
3. In its appeal statement the Council have referred to Policy EH9 in addition to EH11. The appellant has had the opportunity to comment on this and as such there would be no prejudice caused in me taking into account this policy.
4. The Council have referred to the adjacent listed building as Manor Farmhouse, however the listing description refers to Florey's Farmhouse. I have therefore used this latter name in my decision below.

Main Issues

5. The main issues raised in this case are:
 - Whether the location is suitable for residential development, having regard to development plan policies, and
 - The effect of the proposal on the character and appearance of the area, including the setting of Florey's Farmhouse, a Grade II listed building.

Reasons

Policy context

6. Policy OS2 of the West Oxfordshire Local Plan 2031 (adopted 2018) (the WOLP) sets out the overall strategy for the location of development. This policy sets

out that the overall aim is to steer a significant portion of future development to areas around Witney, Carterton and Chipping Norton. This is due to these towns offering the widest range of services and facilities and to them being accessible by a choice of transport modes. The policy also recognises that there is a need to distribute development elsewhere to, amongst other things, help sustain the more rural parts of the District.

7. A settlement hierarchy is set out which establishes the scale of the settlements and the level of future development that will be appropriate in each. The hierarchy sets out the "Main Service Centres", "Rural Service Centres" and "Villages". All other villages and settlements not listed within the hierarchy are defined as small villages and hamlets. Policy OS2 establishes that proposals for residential development will be considered in accordance with Policy H2.
8. Policy H2 states that at villages, new dwellings will be permitted on undeveloped land adjoining the built-up area where, amongst other situations, evidence is presented to demonstrate that it is necessary to meet identified housing needs. This policy also sets out that within small villages, hamlets and the open countryside, that new dwellings will only be permitted in a limited number of circumstances.

Suitability of location

9. The site is located at Brighthampton. The appellant contends that despite Brighthampton not being specifically listed within the settlement hierarchy as a village, that it "reads, functions and should be considered as part of Standlake", which is a village listed within the hierarchy.
10. I have been provided with two appeal decisions¹, which have reached opposing views on this matter. In the Lancott Decision, the Inspector described Standlake and Brighthampton as two linear villages, that whilst originally distinct settlements, have overtime become "*contiguous as the boundaries between the two have become increasingly blurred*".
11. However, the Inspector in the Aston Road Decision highlights that this "*observation was made within the context of a discussion of the effect of the proposal on the character and appearance of the area*". The Inspector then comments that Brighthampton and Standlake are distinct settlements with separate identities and as such it does not follow that they should be treated as a single settlement for the purposes of Policies OS2 and H2.
12. Having reviewed both of these decisions, I am conscious that the Inspector in the Lancott Decision refers to two linear villages, clearly indicating that there is some level of separation. Furthermore, the Inspector in the Aston Road Decision finds that for the purposes of the locational strategy of the WOLP, that the villages should be treated separately. Based on my own observations and the evidence that is before me, I consider that notwithstanding that the villages may have become visually contiguous, that I too find that Brighthampton and Standlake are separate villages. The extension of each settlement to the extent that their boundaries have met is not sufficient to infer that they are one settlement for the locational strategy of the development plan. Therefore, the villages should not be considered as one for the purposes of planning policy.

¹ The "Lancott Decision" APP/D3215/W/17/3182864 and the "Aston Road Decision" APP/D3125/W/18/3218392

13. I acknowledge that the appellant has contended that for the purposes of plan making the Council has treated Standlake/Brighthampton as one settlement. However, whilst there may be reference to both in the plan's evidence base, that the settlements should be considered together, for the purposes of decision making, is not borne out in the wording of the settlement hierarchy itself. If Standlake and Brighthampton were to be considered as a single entity for the purposes of the settlement hierarchy within the development plan there would, in my view, be reference to both, as there is in the evidence base. However, only Standlake is mentioned in the hierarchy. Thus, this matter does not change my finding that the settlements should be considered separately. Therefore, Brighthampton should be considered as a small village for the purposes of Policies OS2 and H2.
14. A number of stated circumstances are set out in Policy H2 where new dwellings will be permitted in small villages, hamlets and open countryside. The proposal would not comply with any of these circumstances.
15. The site comprises a field that is undeveloped and borders the countryside to the north and west. It lies adjacent to the curtilage of built development to the south and behind an area of land which abuts the road to the east. Given its closer relationship to the surrounding countryside than to any built development, the site lies adjacent to the built-up area, not within it. As such, even if I were to find that Brighthampton was part of Standlake for the purposes of the settlement hierarchy, it would have to be established that the proposal is necessary to meet identified housing needs. There is no substantive evidence before me to show that the development of three dwellings on this greenfield site is necessary at this location.
16. The Council relies, in part, on windfall development coming forward in order to meet its housing requirement. The Council highlights that the reliance on windfall sites within its housing requirements is based on robust evidence and that the rate of granting windfall sites since March 2017 has significantly exceeded the estimated rate. As such, whilst I acknowledge that the scheme would deliver housing on a windfall site, it is located outside of the built up area and I see no evidence of there being a need to grant permission for a development which does not comply with the policies of the development plan, as I have outlined above.
17. Consequently, the location is therefore not suitable for residential development and does not accord with the strategy established by the settlement hierarchy in, and would thereby conflict with, Policies OS2 and H2 of the WOLP.

Character and appearance

18. The site lies on the western side of the B4449 Witney Road and comprises an irregularly shaped parcel of land. The site is separated from the adjacent highway by a belt of land containing a number of mature trees, which appeared to form part of a garden area associated with a nearby dwelling. On the opposite side of the road is a ribbon of dwellings, stretching northwards.
19. The proposal would be located to the rear of the belt of trees and as a result would not have a frontage to Witney Road. This would be at odds with the prevalent layout of dwellings in the immediate area, which are arranged in a linear fashion alongside the road. The depth of the development would also be greater than that of the ribbon development on the opposite side of the road

and which is prevalent in the wider area. As a consequence, it would be visible as a discordant feature, particularly when travelling southwards along Witney Road towards the appeal site, as well as from the public right of way to the north of the site. From these points it would appear as an intrusion of built form into the countryside.

20. I note that the development immediately to the south of the site has a depth greater than the nearby development, however this has little visual effect and thus is not directly comparable to the proposed development. I also note reference to the conclusions of the Lancott Inspector, however the immediate context of that site was clearly different from that which is before me. The proposed scheme would occupy an area of land that currently shares a greater affinity with the surrounding countryside than with any part of the nearby built development.
21. To the south of the site lies Florey's Farmhouse, a Grade II listed building (the LB). The significance of this designated heritage asset lies, in part, in it being an example of an early 17th century farmhouse constructed from coursed limestone rubble with squared quoins, with an undeveloped countryside aspect to the rear. Principal views of the LB are from the adjacent road, with views of the courtyard to the front. The appellant's Historic Environment Assessment highlights that the proposed development would remove part of the rural setting to the north of the building but considers that this effect could be mitigated through careful design of the scheme, which would retain the rural character of the site.
22. However, in my view, the very presence of built development on this site would diminish the rural setting of the LB. Whilst the proposed dwellings could be sympathetically designed, this would not overcome the harmful effect on the significance of the LB of removing the open character of the appeal site from its setting. Thus, the setting of the LB would not be preserved.
23. Therefore, I find that the proposal would not be consistent with the pattern of development that is prevalent in the area and thus would be harmful to the character and appearance of the area. It would also fail to preserve the setting of Florey's Farmhouse, a Grade II listed building. Thus, the development would conflict with Policies OS2, EH9 and EH11 of the WOLP, insofar as they seek to ensure development complements the character of an area and conserves heritage assets. The scheme would also conflict with the guidance of the National Planning Policy Framework (the Framework), in respect of achieving well-designed places, as well as conserving and enhancing the natural environment.
24. In failing to preserve the setting of the listed building, I find that the scheme would result in less than substantial harm to a designated heritage asset. As required by paragraph 196 of the Framework, I have had regard to the limited public benefits of the proposed development identified, particularly in this case the provision of additional housing. However, any such benefit is not sufficient to outweigh the harm that I have identified.

Other Matters

25. The appellant makes reference to the location having access to services and there being bus stops nearby. Notwithstanding the Lancott Inspector's findings, I note that the bus service itself is not frequent. Furthermore, as the Council

highlight, the nearest shop is some 2 km from the site. Whilst I appreciate that in rural areas there is a greater reliance on the private car, I agree with the Aston Road Inspector that accessibility to non-car modes of travel in Standlake is relatively poor.

26. The appellant has referred to the advice of the Framework, which recognises that development in one village may support services in a village nearby. Whilst this is noted, I do not consider this to be sufficient to outweigh the conflict with policy that I have identified above.

Conclusion

27. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR