
Appeal Decision

Site visit made on 19 November 2019

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 20th December 2019.

Appeal Ref: APP/Q3115/W/19/3236203

Brackens Farm, Land adjacent to road, accessed from Windmill Road and Risborough Road, Towersey OX9 3QH

- 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 Dennis Evans against the decision of South Oxfordshire District Council.
 - The application Ref P19/S0516/FUL, dated 13 December 2018, was refused by notice dated 26 April 2019.
 - The development proposed is erection of 3 x detached houses, with solar panels, improved access, permeable paving and hedgerow border.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by South Oxfordshire District Council against Mr Dennis Evans. This application is the subject of a separate Decision.

Procedural Matter

3. On 9 October 2019 the Secretary of State issued a holding direction under section 21A of the Planning and Compulsory Purchase Act 2004 directing the Council not to take any step in connection with the adoption of the emerging South Oxfordshire Local Plan. While the direction remains in place the emerging plan has no effect. As such, the emerging plan has had no bearing on the consideration of this appeal.

Main Issues

4. The main issues are whether the site represents an appropriate location for housing having regard to the settlement strategy and access to services and facilities; and the effect of the proposed development on the character and appearance of the area.

Reasons

5. Policy CSS1 of the South Oxfordshire Core Strategy 2012 (CS) sets out a settlement strategy to focus development in larger settlements and to allow limited amounts of housing, employment and services to support villages. Towersey is classified as a smaller village, where Policy CSR1 of the CS allows for housing only on infill and rural exception sites. Outside of villages, these policies restrict development unless for specific needs such as agriculture or

- enhancement of the environment. They are therefore consistent with the approach to rural housing in paragraphs 77 to 79 of the National Planning Policy Framework (Framework). Saved Policy H4 of the South Oxfordshire Local Plan 2011 (LP) seeks to protect the countryside for its own sake. As such it is less consistent with the Framework, so carries significant, but not full weight.
6. The appeal site is a large field in a prominent location at a road junction, bordered by a poultry farm and open fields. It is situated outside of the built-up areas of both Kingsey and Towersey, the two nearest villages. Therefore, in planning policy terms, it is in the open countryside. The site is physically separate from other built development with the nearest dwellings, The Flint House and Stone Pits Cottage, located some distance away along Windmill Road. While there are some scattered houses and other developments locally, the area has a predominantly open and rural character. The site is therefore more closely related to the surrounding countryside than to either village.
 7. Consequently, the proposed dwellings would be outside of any village and would not constitute infill development as defined in the CS¹. Although the appellant suggests that the proposed dwellings could be occupied by people working locally, there is no evidence before me that they are needed for the agricultural industry or specifically to enhance the environment.
 8. Given the physical separation from any other housing and having regard to the recent *Braintree* judgement², the proposal would result in isolated homes in the countryside. None of the circumstances in Framework paragraph 79 apply, and therefore national policy directs that such proposals should be avoided.
 9. The site falls within the Neighbourhood Area designated for the Towersey Neighbourhood Plan. The inclusion of land within the Plan area does not imply that it is an appropriate or sustainable location for development, rather it simply defines the area to which the Plan will relate, in this case the Parish boundary. The Neighbourhood Plan is still at an early stage of preparation and as such it carries minimal weight in relation to this appeal.
 10. The appellant's evidence is that Towersey is a thriving village with a vibrant property market. While the occupants of the proposed dwellings would be likely to use and support the services and facilities in the village, there is no indication that they are under threat or that, as the appellant suggests, the vitality of Towersey 'resides on the provision of new housing'. There is therefore no compelling evidence before me that the location of the proposed dwellings would enhance or maintain the vitality of this rural community having regard to Framework paragraph 78.
 11. Occupants of the proposed dwellings would be reliant to a considerable degree on services and facilities in Thame as provision in Towersey and Kingsey is limited. The evidence before me is that the bus service from Towersey to Thame is limited to a few services per day during the week. No service timetable has been provided so it is unclear whether these bus services would provide suitable times to travel to work and school. While the appellant also mentions a Hail & Stop service running twice daily and twice weekly from outside the site, I have no information on which route this serves.

¹ Paragraph 13.10: 'Infill development is defined 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.'

² *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

12. Towersey and its bus stops are approximately 0.6 miles from the site, along an unlit road with no footway and uneven verges. This would not provide a safe or attractive route for pedestrians. While both Towersey and Thame are within cycling distance of the appeal site, the unlit routes are unlikely to be attractive for use outside daylight hours. As such, although there are some options for sustainable transport modes these are limited.
13. Framework paragraph 103 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the isolated location of the appeal site significantly compromises the ability to access such modes. Future occupants of the development would therefore be largely reliant on the private motor car to access services and facilities. While this is true for existing dwellings outside of the villages, it does not make it appropriate to allow new isolated dwellings in the countryside which are reliant on the car. Consequently, the appeal site is not a sustainable location for housing.
14. Therefore, the proposal would not be an appropriate location for housing having regard to the settlement strategy and access to services and facilities. It would conflict with the planned strategy for the location of housing in Policies CSS1 and CSR1 of the CS and Saved Policy H4 of the LP and therefore with Policy CS1 of the CS, which sets out a presumption in favour of sustainable development where it accords with relevant policies in the development plan. Furthermore, it would conflict with Framework paragraphs 78 and 79.
15. The Council cites Saved Policy G3 of the LP in their reason for refusal, however given the relatively small number of dwellings proposed, the development would not be likely to result in a significant increase in traffic generation. As such, I find no conflict with that Policy.
16. The appellant seeks to rely on Framework paragraph 84, however this relates to sites to meet local business and community needs. The appeal proposal is not for a business or community facility and is not designed to meet identified needs other than for the appellant's family. Therefore paragraph 84 does not directly apply to the scheme.

Character and appearance

17. The site is part of the agricultural landscape of the area and contributes positively to its open, rural character. Although there are hedges along the road boundaries, there are views into and across the site from the two access points and from the public footpath which runs through the field. Permission was granted in 2005 for a barn elsewhere on the site³, however the evidence is that this expired. While at the time of my site visit there was a concrete slab in the field, there were no buildings on site. The commercial site referred to by the appellant is several fields away on the edge of Kingsey and is not seen together with the appeal site.
18. The proposal would introduce three dwellings of uniform design and similar site layout into this otherwise undeveloped field. The proposed dwellings would be large and of formal design, with numerous multi-paned windows in the front elevation and a sizeable entrance porch. They would be sited in a row extending into the field, creating in-depth development with a regimented

³ P05/E0688

layout. While the proposal is only for 3 dwellings and garages, it would nonetheless have a significant urbanising effect on this relatively open site. The resulting urban appearance would be highly incongruous in this agricultural setting which is largely devoid of buildings.

19. The proposed dwellings would be visible above the existing hedge and would be prominent and intrusive features that would harm the open and rural character of the landscape. The appellant contends that the massing of the three dwellings would be less than that of The Flint House and Stone Pits Cottage and its outbuildings. While those are substantial properties, they have considerable tree screening and are some distance from the appeal site, so do not justify the introduction of intrusive development into the countryside. Although additional planting is proposed along the boundaries of the site, given the scale and siting of the proposed dwellings, this would not be sufficient to mitigate the impact of the development.
20. The proposal would therefore result in significant harm to the character and appearance of the area. As such it would conflict with Policies CSQ3 and CSEN1 of the CS and Saved Policies C4, D1, G2 and H4 of the LP which, amongst other things, require high quality design that respects the character of the site and its surroundings, seek to protect landscape character and the landscape setting of settlements, resist the loss of open spaces of important environmental value, and protect the countryside from adverse developments. Furthermore, it would conflict with Framework paragraph 127 which seeks to ensure that developments add to the overall quality of the area, are visually attractive and sympathetic to local character and landscape setting.

Other Matters

21. The appellant refers to various other developments in the area which they consider do not affect its rural character and which they consider include Georgian inspired designs. These are the commercial site on the edge of Kingsey; Tythrop Park, a Grade I listed 17th century manor house; several farms; a sewage treatment works; a solar farm; various houses scattered through the area; a housing development on Risborough Road and another in Towersey. The appellant also cites developments in Thame, Haddenham and Chinnor as comparisons in terms of layout, density, luxury housing and inclusion of solar panels.
22. There are no details before me of these other developments, how recent they are, or the application process under which they were considered. Some are in another Authority and so would have been considered against different development plan policies. Others are referred to as redevelopments, suggesting that they extended or replaced existing dwellings, or are non-residential developments, where different local and national policies would have been relevant. Still others appear to be within settlements and therefore are seen in a different context to the appeal site. I therefore cannot be sure to what extent parallels can be drawn between these other schemes and the appeal proposal, which has been considered on its own merits.
23. The proposal would contribute to the supply of housing, would generate economic benefits through construction and occupation and would incorporate sustainable design measures, all of which are encouraged by the Framework. Given the modest scale of the development proposed however, in the context of the Council having a Framework compliant supply of housing land the

benefits would be commensurately modest, such that they would be comfortably outweighed by the significant harm and associated development plan conflict identified above.

24. The Council advises that parts of the appeal site are in flood zones 2 and 3 and that there is a high ground water table. In such circumstances a Flood Risk Assessment would be expected, however no such document has been submitted. However, as the appeal is being dismissed on other grounds I have not pursued this matter any further.
25. I note the appellant's stated intention is that the proposed dwellings would be occupied by family members, however no personal permission is being sought, nor have the exceptional circumstances necessary for such a restriction been demonstrated. As such, in planning terms the proposal is for unrestricted market housing. In any event, providing housing for family members would be a private benefit and would not justify the significant harm identified. Nor would the fact that the appeal site is not within a Green Belt, an Area of Outstanding Natural Beauty or on Common Land.

Conclusion

26. The proposal would result in harm to the character and appearance of the area and would conflict with the planned settlement strategy by creating isolated homes in the countryside. It would therefore conflict with the development plan as a whole and would not constitute sustainable development as defined in the Framework. There are no material considerations that would justify a decision other than in accordance with the development plan. Therefore, the appeal is dismissed.

L McKay

INSPECTOR