



Appeal Decision

Site visit made on 3 January 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 16th January 2020

Appeal Ref: APP/C3105/ W/19/3234975

OS Parcel 6091 East Of Duiker House, Fencott OX5 2RD

- 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 Ben Ancil against the decision of Cherwell District Council.
 - The application Ref 19/00910/F, dated 15 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is erection of 1no single storey dwelling and ancillary carport/garden workshop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - whether the proposed development would be in a suitable location with particular regard to accessibility of services and facilities;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriateness

3. The site lies outside the built-up area of Fencott and within the Oxford Green Belt. It is an undeveloped field with open countryside beyond and is separated from Fencott by a bridleway.
4. Policy ESD14 of The Cherwell Local Plan 2011-2031 Part 1 Adopted July 2015 (CLP) states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the Framework and National

Planning Policy Guidance (NPPG). Paragraphs 145 and 146 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

5. From the evidence before me, the proposed development would not fall within the categories set out in the Framework and would therefore constitute inappropriate development in the Green Belt.

Openness

6. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. The site has no built development whereas the proposal would introduce a dwelling, as well as a carport/workshop and other domestic paraphernalia that would urbanise the site and adversely affect the spatial openness of the Green Belt.
8. The existing undeveloped field lies adjacent to open countryside and appears visually to be a part of that landscape. The existing views from Fencott, across the appeal site and towards the open countryside beyond would be obscured by the erection of the proposed dwelling. Therefore, while I acknowledge the siting and layout of the proposal in relation to surrounding buildings, given the footprint, height and mass of the proposed buildings, the introduction of built development on this site would lead to a loss of visual openness of the Green Belt contrary to the aims of the Green Belt policy. I note the trees and vegetation along the boundary of the site. However, these would not lessen the harm to the spatial or visual aspects of the openness of the Green Belt.
9. Consequently, the proposal would lead to a significant loss of the openness of the Green Belt and would conflict with the fundamental aim of Green Belt policy as set out in the Framework. Therefore, it would conflict with CLP Policy ESD14 which seeks to maintain the Oxford Green Belt boundaries.

Location

10. The site lies adjacent to the village of Fencott which is defined in the CLP as a Category C settlement. Therefore, given its proximity to existing dwellings, the site would not be isolated in the terms of the Framework.
11. From the evidence before me there are very limited services in Fencott and few services and facilities in the nearby settlement of Murcott such that they are insufficient to meet the day to day needs of the residents. Furthermore, the highway adjacent to the site lacks footpaths or street lights such that future occupiers of the proposed development would be reliant on the private motor car to access services and facilities for daily requirements. Consequently, there would be negative environmental effects arising from the location of the proposal.
12. I note comments regarding the field falling within the village boundary. However, even if the proposal did fall within the boundary, given its position adjacent to open countryside and that it is an undeveloped field, the proposal would not constitute conversion or infill development as required by CLP Policy Villages 1. I acknowledge that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, given the limited scale of the proposed development, this point has not altered my conclusion on this main issue.

13. Consequently, the proposed development would not be in a suitable location with particular regard to accessibility of services and facilities. Therefore, it would conflict with CLP Policies ESD1 and Policy Villages 1 which among other things promote development that seeks to reduce the need to travel and direct development towards larger settlements. It would also conflict with saved Policy H18 of the Cherwell Local Plan November 1996 (LP) which only permits new dwellings beyond built-up limits of settlements provided that the proposal would not conflict with other policies. The proposal would also conflict with the Framework in this regard.

Character and appearance

14. The appeal site is an undeveloped field that is separated from the settlement of Fencott by a bridleway and is adjacent to open countryside on two sites with open fields on the opposite side of Fencott Road. As such the site has an attractive rural open character and appearance and has a far closer relationship to the open countryside than to the settlement.
15. I note comments regarding the form, layout and linear arrangement of the proposal to reflect that of the settlement. However, the proposed dwelling and carport/workshop would introduce a substantial amount of built development and associated domestic paraphernalia on an undeveloped field that would urbanise the site and comprise an encroachment of built development into the open countryside. In addition, the form and appearance of the dwelling would not reflect the local vernacular. Therefore, the proposal would diminish the open rural nature of the site and would adversely affect the open countryside character and appearance of the area.
16. I acknowledge the proposed additional planting and landscaping as well as the proposed design of the building including the form and materials. However, given the visual intrusion into the countryside that would result from the proposal, these measures would not override the harm identified.
17. Consequently, the proposal would harm the character and appearance of the area. Therefore, it would conflict with LP Policy H18 in this respect which only permits new dwellings beyond built-up limits of settlements provided that the proposal would not conflict with other policies among other things and with LP Policy C8 which applies to all new development proposals beyond the built-up limits of settlements and resists sporadic development in the open countryside. The proposal would also conflict with LP Policy C28 and C30 which among other things require new development to be sympathetic to the character of the urban or rural context and be compatible with the character of existing dwellings in the vicinity. The proposal would also conflict with CLP Policies ESD 13 and ESD 15 which among other things resist development that would cause undue visual intrusion into the open countryside and seek development that complement and enhance the character of its context. It would also conflict with the Framework in this particular regard.
18. CLP Policy Villages 1 relates to the location of development and is not directly relevant to this main issue.

Other Considerations

19. Paragraph 144 of the Framework states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The proposal would incorporate green principles that would provide ecological and biodiversity improvements and the Council's Ecology Officer was supportive of the proposals. In addition, the provision of a dwelling would provide temporary economic benefits during the construction process and future occupiers would be likely to provide social and economic benefits through contribution to the local community and services. I also note the evidence regarding the need for one-bedroom market housing in Cherwell. However, since the proposal is for one dwelling only, I attach limited weight to these benefits.
21. I note the evidence with regard to the essential need for a rural worker to reside at the site. The Council considers that no such essential need would arise from the development and from the evidence before me I see no reason to disagree.
22. I acknowledge the innovative design of the building. However, since the proposal would introduce built development on a site that is visually part of the open countryside, it would still have an urbanising effect on the character and appearance of the area. Therefore, I attach limited weight to this point.
23. I note the comments of the Inspector for the previous appeal relating to this site¹. From the evidence before me, the proposal has not changed substantially compared with that subject of the previous appeal, as such the concerns of that Inspector have not been overcome.
24. I note local support for the proposal and that it is a self-build scheme. I also acknowledge the health issues of a potential future occupant of the proposed dwelling and the accessibility and adaptability requirements of the applicant and their family. I have had due regard to Article 8 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998 and the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. However, given the limited evidence before me regarding this issue, I give this point limited weight.

Conclusion

25. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. In this case the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances given that those benefits are reasonably minor commensurate to the limited scale of the development proposed.
26. For the reasons given above the appeal should be dismissed.

R Sabu INSPECTOR

¹ Appeal Ref: APP/C3105/W/18/3196493