
Appeal Decision

Site visit made on 27 January 2020

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2020

Appeal Ref: APP/Q3115/W/19/3239407

Land rear of 79a - 83 Lower Icknield Way, Chinnor, Oxfordshire OX39 4EA

- 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 Howarth Homes PLC against the decision of South Oxfordshire District Council.
 - The application Ref P18/S1004/O, dated 9 March 2018, was refused by notice dated 18 April 2019.
 - The development proposed is to provide up to 60 dwellings, with associated open space, landscaping, vehicular access and footpath links.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an outline application with the means of access to be determined at this stage; all other detailed matters are reserved for subsequent consideration.
3. The Council has indicated that the reason for refusal Number 2 of its decision notice relating to the access has now been withdrawn and not pursued by them.

Main Issues

4. The main issue in this appeal is whether the proposal is in an acceptable location for housing taking account of local and National policies.

Reasons

5. There is some discussion within the submissions made by the appellant and the Council in relation to the housing land supply position. Figures put forward by the Council indicate a supply of 9 years or 5.17, depending upon which method is used. The appellant suggests that the 5.17 years should be reduced to 4.8 years. However, a Written Ministerial Statement made on 12 September 2018 sets out that local planning authorities within Oxfordshire are working to provide ambitious numbers of homes, including affordable homes and the necessary infrastructure. In this context a plan-led approach through a Joint Spatial Strategy and Housing Deal has been agreed wherein local authorities have been granted flexibility in relation to housing delivery and the provision of the National Planning Policy Framework. In short, local planning authorities

within Oxfordshire will now only be subjected to the provision of paragraph 11(d) of the Framework if they cannot demonstrate a minimum of 3 years housing land supply, all other thing being equal. That being the case, even taking the appellant's suggested figure of 4.8 years, paragraph 11(d) would not apply for that reason.

6. The appeal site sits at the edge of Chinnor and is formed by partly residential land and a paddock. Open land sits to the north and north west whilst land to the north east is currently being developed for housing. Chinnor is identified within the South Oxfordshire Core Strategy 2012 (CS) as a Larger Village. Policy CSR1 indicates that infilling at Larger Villages may be acceptable and recognises no limit to the size of such suitable sites. It is recognised that Chinnor does not have a settlement boundary. The supporting text to Policy CSR1 states that 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.
7. The appellant considers that the proposal represents infilling as envisaged by Policy CSR1 and the Council does not. I have been supplied with appeal decisions which have considered this matter, each intended to support the respective cases put to me. The appeal site would have a relatively narrow section towards Lower Icknield Way and would widen out such that the majority of the site would be within the rear area. The northern boundary of the appeal site is with open fields, whilst the eastern boundary is with gardens and the new housing under construction. To the west of the main rear part of the site is open land which has outline planning permission for 7 houses. The information submitted to me indicates that much of this western boundary would still abut open land and the development at the appeal site would be likely to extend significantly deeper than the site to the west. I have taken account of the other examples of development put to me and most importantly the individual characteristics of this site and the proposal. In my judgement, the proposal would not represent infilling due to the significant boundaries with open land and the projection of development deeper than the existing and planned for housing to the west. As a result, I find conflict with Policy CSR1. For the same reason, I find conflict with Policy CH H1 of the Chinnor Neighbourhood Plan 2017 (CNP).
8. Reference is made to the Council's Local Plan 2034 which is the subject of a holding direction. In these circumstances, I shall afford very little weight to its contents. I have been referred to the emerging Chinnor Neighbourhood Plan Review, which, at the time of the submission of statements, was under examination. I have noted that its contents include part of the site within a settlement boundary for Chinnor. However, as the plan is not yet made, I attach little weight to its provisions.
9. In addition, the appellant suggests that the CNP is 'silent' or 'absent' in its consideration of housing sites. However, I agree with the position set out by the Council as it seems clear to me that the CNP does consider housing matters and sets out a justification for making no allocations.

Other Matters

10. The Council's third reason for refusal relates to the absence of a mechanism to provide for affordable housing and necessary infrastructure to support the proposal. The appellant acknowledges that such provisions are necessary and

sets out some detail in the submitted statement. The Council have also included other matters which have not been commented upon by the appellant and so I have no evidence in relation to waste/recycling, street-naming, public art and open space. However, notwithstanding an extended deadline for submission, I have not been provided with a completed Agreement/Undertaking. Therefore, I conclude that the absence of this would mean that the proposal would have an unacceptable effect in relation to the provision of affordable homes, education facilities and public transport services.

Conclusions

11. For the reasons set out above, I consider that the proposal would give rise to conflict with the provisions of development plan policies and would not represent appropriate infilling. The proposal also fails to make necessary provisions for affordable housing and other mitigation matters necessary to make the development acceptable. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR