



Appeal Decision

Site visit made on 10 December 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/Q3115/W/19/3236573

Land adjoining Park Villa, Sydenham Road, Sydenham, Chinnor OX39 4LH

- 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 Tew, Ms Sears and Ms Wilder against the decision of South Oxfordshire District Council.
 - The application Ref P18/S0423/O, dated 6 February 2018, was refused by notice dated 7 March 2019.
 - The development proposed is the erection of three detached two-storey/chalet-style dwellings with access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application was submitted in outline and the planning application form makes it clear that at this stage approval is being sought for access and layout only. I have considered the appeal proposal accordingly.
4. During the course of the appeal, an additional plan was submitted providing additional information with respect to highways matters. This plan does not substantially alter the nature of the proposal, and I am satisfied that the interests of interested parties would not be prejudiced by the plan being considered in this appeal. Therefore, the additional plan has been taken into account in my consideration of this appeal.
5. The Council has confirmed that its concerns relating to highway and pedestrian safety as set in the decision notice have been addressed by the appellant. I have no evidence before me to reach a contrary view to the Council in this regard and therefore my consideration of the appeal proposal focuses on the remaining areas of dispute.

Main Issues

6. The main issues are:

- Whether or not the appeal site is in a suitable location for new housing, having regard to the proximity to local services;
- The effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

Suitability of location for new housing

7. The appeal site comprises approximately 0.2 hectares of undeveloped greenfield land, situated adjacent to a line of residential properties. There is dispute as to whether the appeal site is located within Emmington or Sydenham. Within the South Oxfordshire Core Strategy (adopted December 2012) ('Core Strategy') Emmington is identified as an "other village" whilst Sydenham is classified as a "smaller village". In both cases Policy CSR1 of the Core Strategy permits new housing development, subject to certain criteria being met.
8. Infill development in both types of villages is supported by Core Strategy Policy CSR1. Such 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." Although adjacent to residential development on Sydenham Road, the appeal site has agricultural fields to the front, rear and side. It does not reside within a built-up frontage, nor is it closely surrounded by buildings. Accordingly, for the purposes of Core Strategy Policy CSR1, the proposal does not comprise infill development either within an "other village" or "smaller village". Whilst rural exception schemes are permissible in both categories of village, no evidence has been provided to indicate that the proposal is for a rural exception scheme. The proposal does not therefore comprise a suitable form of new housing within either Sydenham or Emmington and accordingly the proposal conflicts with Core Strategy Policy CSR1.
9. Sydenham Road, within the vicinity of the appeal site, has no pavement or street lighting. Whilst I observed that The Inn at Emmington is located a short distance from the appeal site and could be reasonably walked to from the new dwellings, I observed that there are no other facilities nearby to serve the day-to-day needs of the intended future occupiers of the new dwellings.
10. There are bus stops nearby on the B4445, and the hourly service that is offered to Thame, Chinnor and High Wycombe would be likely to give a degree of choice to the future occupiers of the new dwellings in deciding whether to use public transport or a private car to access the services and facilities in these settlements. However, I observed that the service that operates does not extend into the evening from the Thame direction, or from the High Wycombe direction and would therefore be unlikely to be convenient for some of the intended future occupiers of the new dwellings, particularly in terms of accessing places of employment or evening entertainment.
11. Moreover, the distance between the nearest towns and villages where day-to-day services, such as shopping, health facilities, places of employment and education are found, and the local highway conditions in between with limited

facilities for pedestrians and lack of street lighting, would make walking or cycling to them unattractive.

12. It is recognised that opportunities to maximise sustainable transport solutions vary between urban and rural areas, but given the above, there would be a high probability that the intended future occupiers of the new dwellings would have a high reliance on a private car to access even basic day-to-day services and facilities. For those that did not have access to such a vehicle, these services and facilities would not be accessible, particularly in the evening when the nearby bus service is not operating. This would be in conflict with the National Planning Policy Framework ('the Framework') which seeks to promote sustainable transport and provide accessible services that reflect current and future needs and support communities' health, social and cultural well-being. It is noteworthy that an Inspector in dismissing an appeal¹ for 4 dwellings on the site found similarly in this regard.
13. Whilst an Inspector in considering a scheme on land to the north of Sydenham Road² did not consider such matters, it is clear from that decision that they were not issues raised in that appeal, unlike the proposal before me. I note the scheme for the conversion of existing buildings at Manor Farm, Brookstones³ that the appellants have referred me to, but it appears that this scheme was considered under a different policy context relating to the change of use of existing buildings and listed buildings, which is not directly comparable to the proposal before me.
14. As such, I conclude that the appeal site is not in a suitable location for new housing. The proposal conflicts with Policy CS1 of the Core Strategy which relates to the presumption in favour of sustainable development, with Policies CSS1 and CSR1 of the Core Strategy which establish the development strategy for the area and with Policy CSM1 of the Core Strategy which supports measures which enable a modal shift to public transport, cycling and walking. The proposal is also in conflict with paragraph 102 c) of the Framework which requires that opportunities to promote walking, cycling and public transport use are identified and pursued, and with the Planning Practice Guidance which provides that in relation to the inclusive and age-friendly design of individual buildings, including housing, that it is necessary to consider the proximity and links to public transport and local amenities⁴.

Character and appearance

15. The appeal site is part of a series of undeveloped parcels of land that span approximately 300 metres from Park Villa, adjoining the appeal site, to the nearest dwellings further along Sydenham Road. The site provides long and pleasant views into the open countryside, both to the hills behind Park Villa and across the countryside over the land occupied by Slade Farm. The industrial building to the rear of the appeal site, and the Poplar trees at Slade Farm, detract from these views but not to a great degree, as large stretches of open countryside are still visible. Whilst a mature hedge abuts Sydenham Road, it is not so tall so as to obscure views of the open countryside. The site forms part

¹ APP/Q3115/W/18/3198439

² Ref: APP/Q3115/W/18/3207066

³ Local Planning Authority reference: P18/S0967/FUL

⁴ Paragraph: 018 Reference ID: 63-018-20190626

of the countryside setting of the existing built area of this part of Sydenham Road.

16. Slade Farm has relatively recently been developed, with brick walls and solid wooden gates positioned adjacent to the road. These features are barely perceptible when viewed from the road near Park Villa, due to the mature hedge and nearby trees. When viewed on approach, towards Park Villa, their presence is noted as a minor element of urbanisation with some enclosing effect, but their effect is not so great as to have any material effect on the quality of the appeal site as being part of the long open gap which contributes to the rural character of the area. The site's physical and visual connection to open fields still remains, as does the rural character of the appeal site.
17. Although the proposal would retain a sizeable gap between the existing built form along Sydenham Road, it would significantly erode the open character and appearance of this area of countryside by extending ribbon development along Sydenham Road and thereby diminishing the valuable contribution the appeal site makes to the rural character of the area. This part of Sydenham Road consists of a number of properties with a great degree of variation in terms of style, age and materials. The layout of the new dwellings would not reflect the character and appearance of the area with their shared drive, similar layout and modest uniform plot sizes which would introduce a suburban layout into this attractive rural area.
18. Given my findings, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area. The proposal conflicts with Policies CSR1, CSQ3 and CSEN1 of the Core Strategy and Policies G2 and D1 of the South Oxfordshire Local Plan 2011 (adopted January 2006) ('Local Plan') which collectively require that local character and distinctiveness are protected. The proposal is also in conflict with Policies G4 and C4 of the Local Plan which seek to protect the countryside for its own sake, preventing development which would damage the attractive landscape setting of the settlements of the district. The Council has referred to Policy H4 of the Local Plan in its decision notice but given my finding that the site is on the edge of the built-up area, this policy is not relevant to my consideration of the proposal.
19. The proposal is also in conflict with paragraph 170 b) of the Framework, which states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and with the guidance within the National Design Guide.

Other Matters/Planning Balance

20. It is common ground that Policy CSH1 of the Core Strategy, which concerns the amount and distribution of housing, is out-of-date, as it utilises an objectively assessed need from the abolished South-East Plan. I have no evidence before me to disagree with this assessment. Nevertheless, it is clear from the Council's decision notice that Policy CSH1 was not one of the policies that was most important for determining the application, and that continues to be the case for this appeal. Additionally, the policies that the Council have referred to are broadly consistent with the Framework. Accordingly, the presumption in favour of sustainable development given by paragraph 11 of the Framework is not engaged in this case.

21. Whilst this finding is different from that in appeal decision 3198439⁵, that appeal decision referred to the 2012 version of the Framework, where the wording for the presumption in favour of sustainable development was materially different. In appeal decision 3207066⁶ the Inspector did not definitively conclude that paragraph 11 should be engaged, but applied it nonetheless, which is not appropriate in this appeal where Policy CSH1 was not one of the policies that was most important for determining the application.
22. The new dwellings would contribute to the Government's objective to significantly boost the supply of homes, but the contribution to the supply of housing would be limited. The economic benefits advanced are also noted, including construction-related benefits and local expenditure from future occupants. However, I have not been provided with evidence to demonstrate the scale of these potential benefits. Accordingly, only limited weight is given to these matters.
23. In conclusion, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the significant harm identified nor the conflict with the development plan.

Conclusion and Recommendation

24. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR

⁵ APP/Q3115/W/18/3198439

⁶ APP/Q3115/W/18/3207066