
Appeal Decision

Site visit made on 18 February 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 1st April 2020.

Appeal Ref: APP/D3125/W/19/3241161

Land at Lancaster Place, Carterton

- 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 Mansbridge (Mansbridge & Son Ltd) against the decision of West Oxfordshire District Council.
 - The application Ref 19/00174/FUL, dated 4 January 2019, was refused by notice dated 1 August 2019.
 - The development proposed is the erection of 8 new dwellings, provision of vehicular and pedestrian access from Lancaster Place, and associated landscaping, car parking and other ancillary works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i) the provision of employment land;
 - ii) the character and appearance of the area; and
 - iii) the living conditions of existing and future occupiers in respect of noise and disturbance.

Reasons

Employment Land

3. The West Oxfordshire Local Plan 2031 (LP) defines employment development land and employment sites as those which include predominantly uses within Class B of the Use Classes Order or related sui-generis uses. The appeal site is within an area identified as a main existing employment area in the LP¹ as part of the Carterton South Industrial Estate.
4. Although the appellant contends that most of the site has not been used for employment purposes and does not benefit from any planning permission, the evidence before me is that parts of the site have been used for storage of old vehicles and waste materials.
5. I saw at my site visit that there were storage containers on part of the site, accessed from adjacent land. Another part of the site contained stacks of

¹ Figure 9.3g Carterton Sub-Area Strategy (inset map)

building materials and piles of gravel in a cleared area. In between, the land was partly covered with piles of material including tiles, blocks, paving slabs, pallets, gravel and large mounds of soil and rubble. While some of the piles were overgrown and therefore may not have been moved or accessed for some time, they were nonetheless relatively neatly stacked. As such, most items appear to have been deliberately placed on the site rather than discarded as waste.

6. Consequently, I conclude that the site is being used for storage and has been for some time. Therefore, it falls within the definition of employment sites in the LP, where Policy E1 sets out that non-employment uses will be refused except in one of four circumstances.
7. The site was marketed from January 2019 until at least November 2019, and the marketing agents confirm that enquiries tended to be for residential development with no real interest having been expressed in the site. However, the marketing information before me is very limited, with no details of the terms under which the site was marketed, whether for sale or lease, the use(s) it was marketed for or the price. Although some interest was expressed, no details of the reasons why this was not pursued have been provided. Accordingly, I cannot be certain that the site was marketed robustly, at a realistic price, or that efforts were made to secure an occupier, such as through reducing the price.
8. There is no evidence before me that the existing use of the site is unneighbourly. The proximity of adjacent dwellings would not necessarily preclude different or more intensive employment uses of the site. For example, some uses falling within Use Class B1 can, by definition, be carried out in any residential area without detriment to the amenity of that area. There is no substantive evidence before me that such uses have been considered or pursued.
9. Consequently, it has not been demonstrated that the site is not reasonably capable of being used for employment purposes, or that it is unsuitable for employment uses on amenity, environmental or highway safety grounds. The proposal would not deliver community, leisure or retail uses, nor would it achieve substantial community benefits. Accordingly, it would not satisfy any of the circumstances in LP Policy E1 and would therefore conflict with that Policy.
10. It therefore follows that the proposal would also conflict with LP Policy H2, which allows new dwellings on undeveloped land within the built-up area only where it would be in accordance with other policies in the LP.
11. The LP identifies a need for new employment land in Carterton to attract inward investment and address an imbalance between jobs and homes and consequent high levels of commuting. Further increased demand for jobs is anticipated as highly trained personnel based at RAF Brize Norton leave the military and become available to employers. While it identifies land for this purpose, the LP also recognises that loss of existing employment sites would undermine the sustainability of market towns and the economic diversity of the District.
12. Accordingly, the loss of employment land to non-employment uses would undermine the strategic policies of the LP which seek to support economic growth and address the weaknesses and challenges identified for the District.

Although relatively small, the appeal site is well located for employment uses on an existing industrial estate. Its loss would therefore have a minor, but nonetheless negative impact on the provision of employment land in the District. Having regard to Framework paragraph 80, this weighs significantly against the proposal.

Character and Appearance

13. Although the dwellings in Lancaster Place are arranged in a relatively close-knit layout, their staggered siting, modest front gardens and areas of landscaping give the street a green and open character. While they are consistent in materials and detailing, there are several different house types, which adds variety and interest to the street scene.
14. The proposal would add housing adjacent to a residential area and as such would be in keeping with the broad character of the area. In terms of their scale, depth, materials and roof form, the proposed dwellings would be similar to neighbouring properties. However, the largely uniform design and linear siting of the proposed pairs of dwellings would be markedly different to the varied character of Lancaster Place. The resulting bland appearance would be readily appreciated from the road through the industrial estate, across the relatively open employment land. As such, the proposal would not be sympathetic to the surrounding built environment.
15. The proposed layout would create two groups of dwellings almost surrounded by hardstanding. The proposed planting would be concentrated around the margins of the site and in a narrow strip to the front of the dwellings and would therefore provide little relief from the extent of hard surfacing. Consequently, the hardstanding would be a dominant feature of the site and the proposal would have a harsh and stark appearance, which would contrast harmfully with the green character of Lancaster Place.
16. The proposed rear car parking area would be further from the front doors of the proposed dwellings than the visitor spaces, and therefore less convenient for residents to use. Furthermore, while the tandem parking arrangements proposed are not uncommon, the need to move vehicles around when using such spaces would add to the likelihood that a more convenient parking solution would be found. Consequently, it is likely that the visitor spaces would be used by residents, meaning that visitors to the site would have to park elsewhere. The nearest opportunities would be the verges in front of the proposed dwellings, which would add visual clutter and further detract from the appearance of the development. Overspill parking on Lancaster Place would diminish the openness of that road, further harming the character of the area.
17. The appellant suggests that by setting the proposed dwellings away from the rear boundary this would create a resilient boundary to the neighbouring employment site. However, there is no substantive evidence before me that this siting is necessary in order to achieve appropriate internal noise levels. In any event, the need to provide satisfactory living conditions for future occupiers does not justify poor design.
18. The appeal site is somewhat unkempt and overgrown, and as such does not make an important contribution to the character or appearance of the area. However, given its siting, its condition is not readily appreciated from the

public realm. Therefore, the benefits of tidying up the site would be very limited, and considerably outweighed by the harmful impacts identified above.

19. Accordingly, the proposed development would result in significant harm to the character and appearance of the area. As such, it would conflict with LP Policies OS2 and OS4 which, amongst other things, require high quality design that complements the existing pattern of development or the character of the area and provides a safe, pleasant, convenient and interesting environment. It would also conflict with the guidance in the West Oxfordshire Design Guide 2016, which seeks to achieve good design.
20. Furthermore, the proposal would conflict with the Framework requirements to achieve development of good design that functions well, adds to the overall quality of the area and creates safe, secure and attractive places. In circumstances where this would not be the case, Framework paragraph 130 directs that permission should be refused.

Living Conditions

21. Use of the proposed access road would introduce additional vehicle movements in front of Nos 23 and 25 Lancaster Place. Given the proximity of an existing storage yard beside No 25, the vehicle noise from the proposed development is unlikely to be significantly greater than is already experienced. However, the headlights from all vehicles leaving the appeal site would shine directly towards those properties, resulting in significant disturbance. No screening could be provided, other than for the occupiers to keep curtains or blinds closed, which would not provide acceptable living conditions. As such, the proposal would adversely affect the living conditions of the occupiers of Nos 23 and 25.
22. The proximity of Nos 21 and 24 to the existing turning head and the limited traffic passing these dwellings mean that they already experience some disturbance from noise. The additional vehicles associated with 8 dwellings would be a significant increase but nevertheless would not result in a large number of movements past these properties. Even with a pessimistic view taken of the likely number of movements, the submitted noise assessment concludes that this would only result in minor noise impacts. Consequently, the proposal would not result in significant adverse impacts on the living conditions of Nos 21 and 24 in respect of noise disturbance.
23. Turning to the proposed dwellings, given the limited number of parking spaces proposed to the rear of the site, the level of noise experienced in rear gardens is unlikely to be significant. The evidence demonstrates that the proposed dwellings could be constructed to achieve satisfactory internal noise levels. Accordingly, the proposal would not result in significant adverse impacts on the living conditions of future occupiers in respect of noise disturbance from vehicle movements.
24. That said, the proposal would still result in significant harm to the living conditions of the occupiers of Nos 23 and 25 Lancaster Place in the manner I have described. Accordingly, it would conflict with LP Policies OS2 and OS4 which, amongst other things and in regard to this main issue, require development not to harm living conditions. Furthermore, it would conflict with the Framework's requirement to provide a high standard of amenity for existing and future users.

Other Matters

25. There are no permanent structures visible on the site and if there were any previously, they have now blended into the landscape. As such, there is no substantive evidence before me that the site meets the Framework's definition of previously developed land. It does not therefore benefit from the Framework's support for use of currently developed land for homes in areas of high housing demand, or the substantial weight given to the value of using suitable previously developed land in settlements.
26. The proposal would deliver housing on an undeveloped site in an accessible location in an existing settlement and would incorporate energy efficiency measures. As such it would meet the Framework's objectives of making effective use of underutilised land, using small windfall sites in built-up areas and tackling climate change. However, for the reasons set out above it is not a suitable site for the type of development proposed and I therefore give these benefits limited weight.
27. The 8 dwellings proposed would boost housing supply and provide a mix of housing as encouraged by national and local policies. The proposal would result in economic benefits through construction and occupation. Ecological enhancements could be achieved through landscaping, and the proposal would provide an opportunity to remediate contaminated land. Given the modest scale of the development however, and in the context of the Council's a Framework compliant supply of housing land, these benefits would be commensurately modest. Also, I cannot be certain that the economic and environmental benefits could not be achieved through development for employment use. As such, these benefits would be outweighed by the significant harm and associated development plan and Framework conflicts identified above.
28. The Council cites LP Policy CA5 in its decision, which sets out the strategy for housing, employment and other facilities in Carterton. The proposal would provide housing within the town as supported by that Policy, and is not within any of the sites proposed to provide new employment land. There is no substantive evidence before me of conflict with any other criteria of the Policy, and therefore I find no conflict with LP Policy CA5.
29. The Council raises concern about the parking layout, which I have addressed above. However, LP Policy T4 as cited in its decision does not refer to design or layout matters. There is no substantive evidence before me that the number and size of parking spaces proposed would not meet the required standards. As such, I find no conflict with LP Policy T4.
30. The lack of conflict with these policies would not however change either my findings or the other policy conflicts that I have found.
31. Nearby units on the industrial estate are occupied by a chemical storage and production company which is an upper tier CoMAH² site. Concerns have been raised that provision of more housing within a Public Information Zone around this site would result in increased risks from accidents. However, I have not been directed to any LP policy on this matter, nor have comments from the

² Control of Major Accident Hazards Regulations 2015

Health and Safety Executive been provided. In any event, and as the appeal is being dismissed on other grounds, I have not considered this further.

32. As I have alluded to in my findings, there are a number of areas in which the appeal scheme would be acceptable. These would however constitute a lack of harm in each case which, by definition, cannot be used to weigh against it.

Conclusion

33. The proposal would adversely affect the provision of employment land, and cause harm to both the character and appearance of the area and the living conditions of neighbouring occupiers. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I find that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan. The appeal is therefore dismissed.

L McKay

INSPECTOR