
Appeal Decision

Site visit made on 28 August 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2020

Appeal Ref: APP/Q3115/W/19/3230748

Old Reservoir, Greenmore, Woodcote, Reading RG8 0RN

- 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 C Stanley against the decision of South Oxfordshire District Council.
 - The application Ref P19/S0259/FUL, dated 24 January 2019, was refused by notice dated 16 May 2019.
 - The development proposed is change of use for siting residential caravans.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a signed Unilateral Undertaking (UU) providing a financial contribution towards on-site waste and recycling and street naming. I have addressed this in my reasoning below.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area and the Chilterns Area of Outstanding Natural Beauty (AONB); and
 - whether or not the provision of affordable housing and the contributions sought towards waste, recycling and street naming are reasonable and necessary.

Reasons

Character and appearance

4. The appeal site is located on the edge of the village of Woodcote with existing residential development on the opposite side of the road. Neighbouring the site is an area of woodland and beyond is a mobile telephone mast and a reservoir leading into countryside and woodland which is verdant.
5. The appeal site is identified in the Woodcote Neighbourhood Plan (2014) (NP) as suitable for up to 20 dwellings. Planning permission has been granted for

- this number of dwellings on the site but that this permission has not been implemented.
6. The appellant states that it is unlikely that this scheme would be developed as approved due to the presence of two water mains running under the site. The appeal proposal would not require the same level of foundations as the approved housing scheme and could be constructed in a quicker time scale.
 7. The appellant states that the scale, density and layout of the caravans would be determined as part of a separate site license application. In this regard, the appellant advises that, presenting such a scheme prior to a site license being granted would be premature as there is no certainty it could be delivered. The appellant states that a site license cannot be applied for until planning permission has been granted.
 8. Whilst I sympathise with the appellants situation, that a license cannot be progressed without planning permission in place, I have not been provided with details in respect of the design of the residential caravans, the site density and layout, access or landscaping.
 9. I acknowledge that conditions relating to external materials and landscaping could be secured through the imposition of conditions. However, in my judgement, other matters including the density and layout of the development are ones of significance on this site. There is no evidence, even illustrative, to indicate whether the proposed development would reflect the character and appearance of the area or integrate into the surrounding landscape. Taking into consideration the verdant nature of the area and the site's location in the AONB I am not persuaded that the imposition of conditions, in respect of these matters, would be appropriate in this instance.
 10. Consequently, based on the limited evidence before me, I am not satisfied that the proposal would respect the character and appearance of the area, the wider landscape and the AONB. The proposal would, therefore, be contrary to Policy D1 of the NP which, amongst other things, requires new development to plan positively for the achievement of high quality and inclusive design, conserve local distinctiveness, the qualities of settlements and the AONB.
 11. The proposal would also be contrary to Policies CSQ3 and CSEN1 of the South Oxfordshire Core Strategy (2012) (CS) which, amongst other things, requires new development to positively respond to and respect the character of a site and its surroundings, is of a scale, type and density appropriate to the site and its setting and integrate into the landscape character of the area.
 12. Finally, it would be contrary to Policies G2, D1 and H4 of the South Oxfordshire Local Plan (2011) (LP) which, amongst other things, seek to protect settlements from adverse developments, require proposals to follow the principles of good design and to protect and reinforce local distinctiveness and ensure the character of an area is not adversely affected.
 13. The Inspector in respect of the previous appeal relating to a similar development on the same site and against the same development plan policies as those before me (Ref: APP/Q3115/W/18/3197270) accepted the principle of residential caravans on the site and found that the proposal would accord with Policies H15 of the LP and HS5 of the NP. I see no reason why I would come to materially different view in this respect.

Affordable housing and planning contributions

14. Policy CSH3 of the CS sets out that 40% affordable housing will be sought on all sites where there is a net gain of three or more dwellings, subject to viability. Policy H3 of the NP is similar in its wording. However, the appellant contends that as the proposed development is for residential caravans and not permanent dwellings the application of this policy and the request for affordable housing is not appropriate.
15. The appellant's case includes that housing policies in the CS and NP relate to permanent dwellings and not residential caravans; caravans do not count towards housing stock data or housing supply both nationally and locally; and there is a clear distinction between permanent dwellings and caravans in terms of Community Infrastructure Levy (CIL) criteria and the enforcement process.
16. Notwithstanding the appellant's case and that there is no statutory definition of dwellings, I have no reason to depart from the previous Inspectors findings on this matter. The residential caravans would be self-contained and would likely provide living accommodation and facilities similar to a dwelling with space to cook, wash, sleep and relax. The new caravans would essentially be new homes and based on the evidence before me would have a significant degree of permanence.
17. Taking into consideration the aim of the development plan policies in relation to the provision of affordable housing I consider that the policies are as relevant in this case as they would be in cases of traditional permanent dwellings. The National Planning Policy Framework (the Framework), at paragraph 62, makes it clear that where there is an identified need for affordable housing it should be provided on-site, unless certain circumstances indicate otherwise, neither of which apply to the appeal scheme.
18. Furthermore, given the likely tenure and tenancy arrangements there is no certainty that affordable housing, as outlined in Annex 2: Glossary of the Framework could be secured and would remain so in the future. Based on the evidence before me I am not satisfied that the proposed development would provide housing for those whose needs are not met by the market, affordable housing for rent, starter homes, discounted market sales housing or any other affordable route to home ownership. Consequently, it would not meet the planning definition of affordable housing.
19. The absence of affordable housing on the site would conflict with the aims of CS Policy CSH3 and Policies H3 and HS5 of the HP which seek to provide homes to address the needs of different groups in the community.
20. The appellant has submitted a Unilateral Undertaking, dated 28 August 2019, providing a financial contribution towards on-site waste and recycling and street naming. I am satisfied that such contributions are necessary and reasonable, given the demand of future occupiers of the proposed development in respect of these matters. In this regard the proposal would accord with Policy CSI1 of the CS and Policy C5 of the NP.

Conclusion

21. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR