
Appeal Decision

Site visit made on 23 June 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/V3120/W/19/3244003

Proposed site off Longcot Road, The Pound, Longcot Road, Fernham, Oxfordshire SN7 7XQ

- 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 Ilexanna Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P19/V1050/FUL, dated 28 April 2019, was refused by notice dated 9 July 2019.
 - The development proposed is a two bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have taken the description of development from the decision notice as it is more succinct than that given on the planning application form. In addition, it is confirmed¹ that the company name should be used for the appellant.
3. Since the Council made its decision the Vale of White Horse Local Plan 2031, Part 2 has been adopted in October 2019. This replaces saved policies in the Vale of White Horse Local Plan 2011, July 2006. However, neither party relied heavily upon the saved policies as part of their case and only policies in the Vale of White Horse District Council Local Plan 2031, Part 1, Strategic Sites and Policies, December 2016 (LP) are referred to on the decision notice. This remains part of the development plan. As such, this change in policy circumstances has had little bearing on my determination and I am satisfied that neither party will be prejudiced in these circumstances.

Main Issue

4. The main issue is whether the site provides a suitable location for housing having regard to local and national planning policies.

Reasons

Location

¹ Email dated 16 January 2020

5. Core Policy 3 (CP3) of the LP sets out a settlement hierarchy of four tiers across the district which categorises settlements based upon an assessment of their facilities, characteristics and functional relationships with surrounding areas. In combination with Core Policy 4 (CP4), which identifies where housing development should take place with reference to that hierarchy, this reflects a strategy that seeks to direct most residential development to the market towns, local service centres and larger villages that have the best range of services and accessibility. Only limited development is permitted in smaller villages and residential development in the countryside is restricted to specific exceptions.
6. This is consistent with the approach in paragraph 78 of the National Planning Policy Framework (the Framework) which states that rural housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
7. The appeal site is located near to recent residential development towards the edge of Fernham, a small settlement with limited local facilities. Fernham is not listed, even as a smaller village, within the settlement hierarchy for the Western Vale Sub-Area in either policy CP3 or Core Policy 20 (CP20) of the LP. CP3 expressly states that those villages not included within the categories described are considered to form part of the open countryside. Therefore, notwithstanding the proximity of other development including recent housing, for the purposes of the LP, Fernham and thus the appeal site, constitute open countryside. CP4 stipulates that development in open countryside will not be appropriate unless specifically supported by other relevant policies as set out in the development plan or national policy.
8. The appellant does not assert that the proposal should be considered as an exception to the settlement policy outlined, rather they consider that the appeal site forms part of the built area of the village. However, this is only a relevant consideration under CP4 when the settlement in question is identified as a smaller village for the purposes of the LP. For the reasons outlined, this is not the case here. It follows that the definition of the term 'built area' as outlined in the Uffington and Baulking Neighbourhood Plan carries little weight in these circumstances, particularly given that the evidence² suggests that Fernham is not covered by a neighbourhood plan.
9. My attention is drawn to two appeal decisions³ which, although not provided in full as stated, the appellant considers relevant to the consideration of built up areas. The Council indicates that these decisions related to development at Uffington, a settlement which is defined as a larger village in the LP. Given that this element of CP4 does not apply to sites in the open countryside, these appeal decisions are of little weight to the scheme before me.
10. In support of the proposal the appellant points out that the site is not very distant from the church, village hall and public house in Fernham and that future residents would help to sustain the rural community. Be that as it may, this would be a more dispersed approach than is set out in the LP which seeks to focus rural growth within identified settlements as this will best support local services. Moreover, the Council points out that it has in excess of a five

² Council Officer report, paragraph 5.4

³ Referenced APP/V3120/W/18/3212955 & APP/V2120/W/19/3235719

year supply of housing land⁴, which the appellant does not contradict. In this context, the modest contribution made to the overall supply and associated Community Infrastructure Levy contribution derived from the proposal would not justify departing from the consistent application of the district wide strategy.

11. In reaching this view I have had regard to paragraph 68 of the Framework which highlights the important contribution small and medium sized sites can make to meeting the housing requirement of an area. However, it does not suggest that this should be used as a justification to undermine an overall residential development strategy in the development plan, rather that it should inform it.
12. Accordingly, I find that the appeal site would not provide a suitable location for housing as it would be contrary to Core Policies 3, 4 and 20 of the LP which, amongst other matters, set out the district wide spatial policy for residential development.

Other Matters

13. The appellant contends that the proposal would not be harmful to the setting or character of the village. I accept that the proposal is sufficiently removed from the Dairy House, a Grade II listed farmhouse such that its setting would not be harmed. This is a matter to which I am statutorily required to give special attention. Nevertheless, the absence of such harm does not weigh in favour of the proposal but rather, is a neutral factor in the overall balance.
14. It is stated that the proposal would provide a needed affordable home in the village. However, there is no evidence to show that the proposal would fall or remain within the definitions of affordable housing in the Framework⁵. I acknowledge that it would provide a smaller market dwelling to the overall housing supply thereby diversifying the housing mix. Nevertheless, given the modest contribution made by one such dwelling, the associated level of economic and social benefits accrued attract limited weight.

Planning Balance and Conclusion

15. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁶. No compelling reasons have been shown to justify my determining the development other than in accordance with the adopted development plan.
16. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁴ Appendix 3 of Council's Appeal Statement - Housing Land Supply Statement for the Vale of White Horse, July 2019

⁵ Annex 2, Glossary

⁶ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.