



Appeal Decision

Site visit made on 14 July 2020

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 30 July 2020

Appeal Ref: APP/C3105/W/20/3246360

Land to rear of Otmoor Lodge, Horton Hill, Horton Cum Studley, OX33 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by B A Property Management Ltd against Cherwell District Council.
 - The application Ref 19/02501/F, is dated 4 November 2019.
 - The development proposed is erection of a detached dwelling with parking, access, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is made against failure of the Council to issue a decision within the prescribed period. The Council issued a decision on the application on the 6th of February 2020, one day after the appellant had made a valid appeal to the Inspectorate. Consequently, whilst I have taken the reasons for refusal in the decision notice into account in the decision, this notice is not determinative.

Main Issues

3. Accordingly the main issues for the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework) and development plan policy;
 - Whether the proposed development would be in a sustainable location;
 - The effect of the proposal on the living conditions of future occupiers; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Inappropriate Development in the Green Belt

4. Horton-cum-Studley lies within Green Belt. Policy ESD14 of the Cherwell Local Plan 2015 (LP) states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the National Planning Policy Framework and Planning Policy Guidance (the Framework). It also states that Policy Villages 1 will be taken into account in the case of

residential development in villages in the Green Belt. The Framework regards the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages. The Framework does not define limited infilling. The LP defines infilling as the development of a small gap in an otherwise continuous built-up frontage.

5. The appeal site comprises part of a car park at the rear of a former hotel. A short staggered terrace of 4 dwellings, known as The Lodge Cottages, lies to the east of the proposed dwelling. The dwelling would be located towards the site frontage, within the former car park. Land to the south is open and undeveloped, forming part of the rural hinterland which adjoins the linear form of the village. The proposed dwelling would not extend south of the terrace of dwellings to the east, with parking for these units already occupying land to the south of the proposed dwelling. Given the configuration of built form, and the curved frontage to the green, in views into the site from the road, the proposal would be perceived as occupying space between the two units. Furthermore, although the built frontage is not continuous, the proposal would not extend the built envelope of the village.
6. I therefore conclude that the proposal would comprise limited infilling in a village and so would not be inappropriate development in the Green Belt as set out in the Framework. Furthermore, given the circumstances of the site, it would not conflict with Policy Villages 1 of the LP.

Whether the Proposal is in a Sustainable Location

7. Policy Villages 1 categorises villages in the district according to their ability to provide services and facilities. The policy seeks to encourage a sustainable pattern of development in rural areas by focusing development in locations with better access to facilities and services. Those villages with the most limited range of facilities, are considered to be appropriate for new development in the form of infilling and conversions only, within the built up area of the settlement.
8. Horton Cum Studley is classified as a Category C Village in the LP. Whilst it would appear to have a relatively limited range of local services, Policy Villages 1 allows for some limited development in the form of infilling. Given my conclusions in relation to this matter above, it follows that the proposal would not conflict with this policy and accordingly, taking account of the scale of the development can be considered to be in a sustainable location.

Living Conditions

9. The proposed dwelling has been designed to reduce the extent of any overlooking. The design includes a blank elevation facing onto the adjoining converted hotel and the absence of any windows in this facade would prevent overlooking. Furthermore, the relative distance to adjoining buildings at the rear would ensure that the new building would not be overbearing.
10. Notwithstanding this, the relatively small garden would be overlooked to the rear and side by adjoining properties. Furthermore, the front elevation, which includes large windows serving the living room and kitchen, would sit very close to the boundary of the property, facing the car park. As a result, the boundary in this location is shown on the site plan as having a low boundary fence, and so the open space to the front and sides of the dwelling would be

exposed to views from the adjoining car park. Taken together the relatively limited amount and configuration of the space around the dwelling and the extent to which it would be overlooked would diminish the quality and usability of the outdoor space and this would have an adverse effect on the living conditions of future occupiers.

11. I therefore conclude that the proposal would fail to provide appropriate living conditions for future occupiers and accordingly it would conflict with policy C30 of the Cherwell Local Plan 1996 (CLP) and ESD15 of the LP with together seek to consider the amenity of future development, including indoor and outdoor space. It would also conflict with guidance in the Framework which seeks to secure a high standard of amenity for future users.

Character and Appearance

12. Horton-Cum-Studley has a diverse range of building styles in evidence and this provides a varied streetscene. Nevertheless, the proportion and position of these dwellings and their relatively simple detailing, sit comfortably in their context. The proposed dwelling would be designed to prevent overlooking to the rear. However, this would result in a large expanse of unrelieved façade across the entirety of the rear elevation. Furthermore, the windows of the remaining elevation would be in a mismatched range of sizes and shapes which would give the dwelling a disjointed and unbalanced appearance.
13. The proposed dwelling would be located in a relatively open position, with direct views of the front and side of the dwelling available from the approach along The Green from the south, and of the rear of the building on the approach from Horton Hill. In these views the incongruous appearance of the rear elevation would appear contrived and the discordant fenestration in evidence on the dwelling's remaining facades would form an unsympathetic intrusion in the streetscene.
14. I note that the rear elevation would prevent overlooking and reduce heat loss. I also note that the stark appearance of the rear elevation could in theory be broken up with design features. However, as I haven't been provided with any details in this regard, I cannot be assured that an acceptable solution could be achieved by condition. In any case, such an alteration would not overcome my other concerns in relation to the appearance of the other facades.
15. I therefore conclude that the proposal would fail to complement and enhance the character of the area and so would fail to comply with policy ESD15 of the LP, policies C28 and C30 of the CLP or with guidance in the Framework which has similar aims.

Other Matters

16. The dwelling could be constructed to be energy efficient, using sustainable construction techniques. The appellant is also of the view that the Council cannot demonstrate an adequate supply of housing land, although no substantive evidence has been supplied to support this stance. Nevertheless, as the proposal would fail to provide adequate living conditions for future occupiers, I cannot give any meaningful weight to the contribution the proposal would make to housing supply.

17. A local resident has expressed concerns regarding access to the site. However, as I consider the proposal to be unacceptable for other reasons, as already outlined, this matter does not alter my reasoning set out above.

Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would harm the character and appearance of the area and would fail to provide acceptable living conditions for future occupiers in conflict with policies C28 and 30 of the CLP and ESD15 of the LP. This harm would significantly and demonstrably outweigh the limited benefits of the scheme.
19. Accordingly, having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR