



Appeal Decision

Site visit made on 4 August 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2020

Appeal Ref: APP/Q3115/W/20/3248726

Lawrence House, Brightwell-cum-Sotwell, Wallingford OX10 0RQ

- 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 and Mrs Farrand against the decision of South Oxfordshire District Council.
 - The application Ref P19/S1648/FUL, dated 20 May 2019, was refused by notice dated 26 September 2019.
 - The development proposed is the erection of a three bedroom cottage-style dwellinghouse with detached carport/garage structure and amenity space provision.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have taken the site address from the appeal form as it is more succinct than that given on the planning application form.

Main Issues

3. The main issues are (i) whether the proposal is in a suitable location for housing, having particular regard to whether it constitutes infill development, and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. The appeal site is located in Brightwell-cum-Sotwell, a settlement defined as a smaller village within the South Oxfordshire Core Strategy, December 2012 (CS). Policy CSR1 of the CS sets out that within smaller villages infill development is permitted on sites of up to 0.2ha. The explanatory text for policy CSR1 defines infill development 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'. In the absence of a national definition, it is relevant and appropriate to apply the definition in this case.
5. Policy BCS1 of the Brightwell-cum-Sotwell Neighbourhood Plan 2016-32, October 2017 defines the village boundary on the proposals map. The explanatory text states that the boundary has been drawn to reflect the present observable, developed edge of the village. Proposals for infill development within the boundary are supported by policy BCS1 provided they

accord with the design and development management policies of the development plan and other policies of the NP.

6. In tandem, these policies seek to allow a limited level of growth within the village commensurate with the services and facilities provided, whilst preventing incursions into the surrounding countryside. This is consistent with the approach to rural housing set out in paragraph 78 of the National Planning Policy (the Framework) which states that planning policies should identify opportunities for villages to grow and thrive.
7. There is no dispute between the parties that the appeal site falls within the village boundary, essentially there is disagreement as to whether the proposal represents infill development. As the appellants accept that the site is not a gap within a built frontage, the specific area of dispute is whether the proposal would be closely surrounded by buildings. The assessment of whether a site falls within the definition of infill development in the CS is not an exact science given that each piece of land has unique attributes. It therefore requires a planning judgement to be made in the circumstances.
8. The appeal site presently forms part of the grounds of Lawrence House, which together with the adjacent dwelling, known as Malthouse Orchard, form part of a southern protrusion to the village. Both are large detached houses set in generous plots. In addition, planning permission¹ exists for a detached dwelling to be constructed in the grounds of Malthouse Orchard, to the north of the appeal site. At the time of my visit the development had not taken place. Whilst there is no guarantee that it will proceed, I have little evidence to suggest that it will not. It is therefore relevant to my consideration of the context of the appeal site.
9. The proposed dwelling would be sited to the south of these three dwellings using spacing broadly similar to that established by the group. Nevertheless, the eastern and southern side of the appeal site would lie adjacent to countryside, which results in a notable spaciousness. Moreover, if the new dwelling at Malthouse Orchard were not built, then the land to the north would also be largely free from built form adding to the overall openness. Other buildings at Slade End Farm to the east are some considerable distance away. The term 'closely surrounded by buildings' to my mind, implies both a proximate relationship and a sense of containment or enclosure derived from those buildings. For the reasons outlined, even when taking into account the consented dwelling to the north, the arrangement of the limited built form near to the appeal site would fail to achieve this. It follows that it would not fall within the definition of infill development pertaining to policy CSR1 of the CS.
10. I acknowledge that the established hedging provides an obvious physical southern boundary to Lawrence House which signifies a definite visual edge to the village in contrast to the farmland to the south. Nevertheless, the definition of infilling specifically refers to being closely surrounded by buildings.
11. Three examples² of permitted infill development have specifically been brought to my attention. The limited details provided illustrate that these relate to different configurations of land and buildings in different settlements than the

¹ Reference P18/S2484/FUL dated September 2018

² Reference P17/S2685/FUL Cherry Croft Cottage, Kingwood Common; P18/S4003/FUL Red Cow House, Stoke Row & P16/S3647/FUL Sand Path, Beckley.

appeal proposal. However, the site plans provided for Kingwood Common and Beckley indicate a greater number of buildings and containment in comparison to the scheme before me. The example at Stoke Row was considered to amount to infilling on the basis that it related to a small gap in an existing frontage rather than being closely surrounded by buildings³. These differences mean that the examples are not directly comparable to the appeal proposal and reinforce that each site must be assessed on its own merits. Therefore, they are of limited weight.

12. Reference is also made to the Inspector's comments in an appeal decision at Chinnor⁴. However, I am only provided with an extract and not the decision as a whole, nor the details and nature of the proposal. In the absence of the context, I am not fully assured that the individual sentence was intended to have wider applicability and therefore, it attracts limited weight.
13. I have also taken into account the decision, reference P18/S2484/FUL, whereby a dwelling was permitted on land to the north of the appeal site. However, in contrast to the appeal proposal this dwelling would be sited further to the north in a less peripheral location and more contained by existing buildings, particularly those to the east. On this basis, although material to the assessment, it does not establish a precedent for additional development to the south.
14. The appellants point out the potential for residential development to come forward on allocated sites in the NP⁵. However, these are some distance from the appeal site and further away than the approved dwelling. In the absence of a consented scheme, given this distance, I am not persuaded that future development would provide containment to the appeal site as is asserted.
15. In determining the appeal, I have had regard to representations in support of the proposal which point out that the site lies within the boundary for the village. Nevertheless, this is not automatically determinative of infill development as defined in the CS. Moreover, policy BCS1 of the NP requires infill development to accord with the development plan.
16. Accordingly, I find that the proposal would not constitute infill development within the meaning of policy CSR1 of the CS and would not provide a suitable location for the development. Consequently, it would conflict with the approach to providing infill housing within the village of Brightwell-cum-Sotwell outlined in policies CSR1 of the CS and BCS1 of the NP.

Character and appearance

17. The peripheral village location, detached nature and large grounds of Lawrence House results in a spacious and rural character to the area. As the appeal site forms part of the garden, the absence of notable built form and established planting means that it contributes towards the domestic spacious character.
18. The proposal would introduce additional built form which would reduce the degree of spaciousness to an extent. Nevertheless, generous spacing would remain between the proposal and the existing and permitted detached

³ Paragraph 6.16 Appellants' Planning Appeal Statement

⁴ Paragraph 6.13 Appellants' Planning Appeal Statement

⁵ Final comments letter dated 28.7.20

- dwelling to safeguard the prevailing sense of space. Its detached nature and siting would also respect the established layout of those nearby dwellings.
19. Moreover, as the proposal utilises existing established garden land, its domestic character would remain. The dwelling would not encroach into the open countryside and would preserve the existing hedgerows along the southern and eastern boundaries⁶. This would be consistent with one of the objectives set out in the NP to sustain the sensitive landscape setting of the main settlement and the intrinsic relationship between 'village' and 'working farmland' by preventing any further elongation of the settlement into the countryside⁷.
20. Additionally, the proposal utilises the roof space to provide accommodation thereby keeping the overall height modest, and below that of Lawrence House and Malthouse Orchard. Furthermore, the use of clay tiles, red brickwork and timber cladding would assist in the visual integration of the building with those nearby. When combined with the partial shielding provided by the boundary planting this would mean that in longer views from the public footpath to the south⁸, the built form proposed would blend in with, and be seen as part of, the enclave of existing and consented buildings within the village.
21. The site lies outside of the Brightwell-cum-Sotwell Conservation Area (CA), the significance of which derives from the way buildings and spaces have evolved in the settlement over time. Whilst neither main party suggests that the proposal would be harmful to the setting of the CA, Brightwell-cum-Sotwell Parish Council disagree and consider the proposal would conflict with policy BCS9 of the NP. Nevertheless, the combination of the reasons already outlined and the physical separation from the CA would prevent harm to the surroundings in which the CA is experienced. Therefore, its significance would not be harmed, and I find no conflict with policy BCS9 of the NP.
22. Accordingly, I find that the proposal would not result in harm to the character and appearance of the area. Hence, in relation to this issue, it would not conflict with policy CSR1 of the CS which, amongst other things, states that local character and distinctiveness will be protected. Neither would it be contrary to saved policy G2 of the South Oxfordshire Local Plan 2011, January 2006 which seeks to protect the district's countryside, settlements and environmental resources from adverse developments. It follows that it would not conflict with policy BCS1 of the NP which generally requires infill development within the village boundary to accord with the design and development management policies of the development plan.

Other matters

23. The development would be beneficial to the appellants and would allow them to downsize whilst staying within the village. Moreover, it would add an additional property to the overall mix of housing in a reasonably accessible location whilst making more efficient use of the land. Nevertheless, given the modest nature of the proposal these benefits would be limited and therefore, attract a commensurate amount of weight. The absence of other objections to the proposal in terms of highway impact and the living conditions of nearby

⁶ Drawing 1810 11 notes existing hedge and perimeter trees retained as a natural screen

⁷ Page 19, Paragraph 5.2, NP

⁸ Appendix 5, Appellants' Planning Appeal Statement

residents would be a requirement of other development plan policies in any event. Consequently, the absence of such harm would not weigh in favour of the proposal.

Conclusion

24. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁹. Although I have not found the proposal would result in harm to the character and appearance of the area, significant weight is given to the conflict with the policies relating to the provision of infill housing in the development plan which seek to limit the extent of new residential development in the village. The benefits of the proposal attract insufficient weight for me to find other than in accordance with the development plan.
25. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.