

Appeal Decision

Site visit made on 23 June 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by Alex Hutson MRTPI CMLI MArborA

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/V3120/W/19/3243549

2 Sunningwell Road, Abingdon OX13 6RB

- 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 Bob Rendell - Grange Mill Developments Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P19/V2326/FUL, dated 24 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is the demolition of the existing dwelling and the erection of 2 no. new dwellings with associated private amenity and parking areas.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt and its effect on openness;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development and effect on openness

4. The appeal site comprises a detached bungalow and its front and rear gardens. It is located on the western edge of Sunningwell village and at the end of a line of residential development along Sunningwell Road. Dark Lane travels in a northerly direction from Sunningwell Road opposite the appeal site and to the east of Dark Lane is a cricket ground. The village of Sunningwell, including the appeal site, falls within the Green Belt. The proposal seeks to demolish the existing bungalow and to replace it with two new dwellings.

5. The National Planning Policy Framework ('the Framework') establishes that the construction of new buildings within the Green Belt is inappropriate. However, there are a limited number of exceptions to this, as set out in paragraph 145 of the Framework. The one most relevant to this appeal is (e): limited infilling in villages. Core Policy 13 of the Vale of White Horse Local Plan 2031 Part 1 2016 (Local Plan) recognises that inappropriate development is harmful to the Green Belt. However, it is more restrictive than the Framework with regard to certain Green Belt development, with criterion v. naming certain villages, not including Sunningwell, where limited infilling would not be inappropriate development. Given the inconsistency with the Framework in this regard, any conflict with Core Policy 13 of the Local Plan for infilling in villages not listed should be afforded limited weight.
6. The Framework does not provide a definition of 'infill', and I have not been pointed to any relevant definition in the development plan. I accept that 'limited infilling' can include the demolition of an existing dwelling and its replacement with two dwellings. However, the notion of 'infilling' implies to me that any new development must be situated in-between other development along the frontage of a street. Therefore, whilst there is development to the rear of the appeal site, I consider that it cannot reasonably be described as an 'infill' plot due to this. In addition, though development extends along Dark Lane, this is a different road and thus development along it is not a continuation of development along the frontage of Sunningwell Road and thus the appeal site cannot reasonably be said to be an 'infill' plot because of it.
7. The appellant makes reference to a number of other examples in support of the contention that the proposal should be considered as infill development. However, in respect of 30 Barker Lane, Blackburn¹, the Inspector noted there were dwellings on either side of the site, whereas this is not the case for the appeal site. The site at 70 High Street, Cumnor² also had dwellings either side. The site at 80 Abingdon Road, Cumnor³, benefited from a fallback position which the Council considered qualified as 'very special circumstances' that would outweigh the harm to the Green Belt. The appeal site does not benefit from such a certain fallback position.
8. In respect of 80 Barrow Road, Shippon⁴, the Council acknowledges that this consent was likely given in error and that, on reflection, did not constitute infill. Thus, it was an anomalous decision which does not justify deviation from current national policy on Green Belt development. I note that there has been a subsequent approval at 80 Barrow Road⁵, but as the Officer's Report not been provided, a meaningful comparison with the appeal proposal cannot be made.
9. Accordingly, these examples do not alter my opinion that the proposal would not constitute limited infilling in a village for the purposes of paragraph 145 (e) of the Framework. Moreover, the potential for permitted development rights to be used at the appeal property also does not change my view on this matter. Nor does the potential to demolish the appeal property and construct a single replacement dwelling in the western part of the appeal site which may result in a remaining

¹ Appeal Ref: APP/T2350/W/16/3164118

² Council Ref: P19/V0411/O

³ Council Ref: P18/V0790/FUL

⁴ Council Ref: P16/V0416/FUL

⁵ Council Ref: P19/V2274/FUL

gap to accommodate infill development. This is given that planning permission for such a scheme has not been granted and is therefore speculative.

10. The appellant and the Council also refer to paragraph 145 (g) of the Framework, which relates to the redevelopment of previously developed land (PDL) and requires an assessment in relation to openness. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
11. There is dispute between the Council and the appellant as to whether the appeal site constitutes PDL, with the Council taking the view that it does not given that garden land in built-up areas is exempted from this definition in the Glossary to the Framework. However, even if I was to find that the proposal was on PDL on the basis that the proposed dwellings would not extend onto existing garden land, to demolish the existing dwelling and to construct two new dwellings as proposed, would considerably erode the openness of the Green Belt. This is given that the combined footprint, massing and scale of the new dwellings would be greater than that of the existing one. This adverse effect on openness would be accentuated by the prominent location of the proposed dwellings, being at a junction and next to open fields. Accordingly, the openness of the Green Belt would be reduced, both visually and spatially.
12. As the proposal would have a noticeably greater impact on the openness of the Green Belt than the existing development, it would not comply with paragraph 145 (g) of the Framework even if the appeal site could be considered as PDL. The examples provided by the appellant in support of the scheme do not alter my view on this matter.
13. Therefore, as the requirements of (e) and (g) of paragraph 145 of the Framework have not been met, the proposal constitutes inappropriate development in the Green Belt for the purposes of the Framework and Core Policy 13 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt.

Character and appearance

14. Sunningwell village bears all the hallmarks of a traditional country village, including modestly-sized cottages, although development as a whole along Sunningwell Road is rather varied in character. Nevertheless, the immediate vicinity along Sunningwell Road consists of housing in more spacious plots, reflecting the edge-of-settlement character of this location. The short run of tight-knit housing on Dark Lane dilutes this spacious character somewhat, but in the context of the large cricket ground and nearby open fields, it still remains.
15. In this context, the proposal for two substantially-sized dwellings, with little separation distance between them, would appear cramped both within their plots and when viewed from further afield. The cramped layout, and the large area of surface parking for Plot 2, would appear unduly urban in this country village setting. It is recognised that the existing property may not be seen as an example of high quality design, but that does not justify its replacement with new dwellings which, in my view, would give rise to harm to the character and appearance of the area due to their size and cramped nature. The slightly staggered arrangement, retention of important vegetation, architectural styling and sensitive use of materials, would not be sufficient to offset this harm.

16. I therefore conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the area. It would thus conflict with Core Policy 37 of the Local Plan, which requires, amongst other things, development to respond positively to its surroundings and to reinforce local identity. The proposal would also conflict with the guidance of the Vale of White Horse Design Guide 2015 which advises that development should contribute positively to the character of the existing settlement.

Other considerations

17. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
18. The proposal would provide two new efficient and adaptable dwellings, with private gardens, which would be suitable for the changing needs of families and their contemporary lifestyles. The dwellings would be positioned in an accessible location near a sufficient number of amenities and facilities (including local green space), with the option of easy access to Oxford city centre and Abingdon. The dwellings would make a small contribution to the Government's objective of significantly boosting the supply of homes. Any future occupiers would also contribute to the local economy and the community. I afford moderate weight to these combined benefits of the proposal.

Balancing of considerations and whether very special circumstances exist

19. The proposal would be inappropriate development in the Green Belt and would result in the loss of its openness. These matters carry substantial weight. Additionally, the proposal would give rise to harm to the character and appearance of the area. Taken together, I find that the other considerations in this case would not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with the Green Belt aims of both the Framework and Core Policy 13 of the Local Plan and would therefore be unacceptable.

Conclusion and Recommendation

20. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Alex Hutson

INSPECTOR