



Appeal Decision

Site visit made on 23 November 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/V3120/W/20/3257722

Brightwell House, Reading Road, East Hendred OX12 8JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Busby against the decision of Vale of White Horse District Council.
 - The application Ref P20/V0842/O, dated 20 March 2020, was refused by notice dated 4 June 2020.
 - The development proposed is for the erection of 7 No 3 Bed detached houses.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application has been made in outline form with all matters of detail reserved for later consideration. I shall deal with this appeal on the same basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - the effect of the proposed dwellings on highway safety, particularly in regard to the junction of Woods Farm Road and the A417,
 - the effect of the proposal on protected species, and
 - whether the proposed dwelling type would be in accordance with local and national policies.

Reasons

Character and appearance

4. The village consists of house types that range from traditional semi-detached and detached dwellings to more modern designs. Many of the newer dwellings are in estates within clusters of semi-detached and terraced rows. Brightwell House is accessed from Woods Farm Road, an unmade private Road. This serves a dispersed range of dwellings with substantial gaps between them. The first part of the road is adjacent properties within the adjacent estate serviced by Portway Close and Brightwell House. The site itself, to the rear of Brightwell House, is outside but adjacent to the village envelope. It consists of a relatively

long and narrow field that follows the side of Woods Farm Road. The site is flat and separated from the road by a field boundary consisting of hedging and trees. This, therefore to some extent, acts as a visual barrier between the village and the countryside beyond. The long boundary opposite the hedgerow consists of a post and rail wooden fence. Accordingly, the site provides long and distant views of the open countryside and valley beyond. Consequently, the site makes a positive contribution to the surrounding countryside.

5. Although in outline form, the proposal would inevitably result in development that would change the appearance of the site. This would include built form, driveways and garden structures. This would, when combined, fundamentally alter the current appearance of the site. Such development would intrude into the countryside and present an exposed and overt addition to the landscape. Furthermore, it is unconvincing that the above concerns could be adequately addressed through the submission of reserved matters in regard to design or landscaping. The proposal would therefore demonstrably harm the character and appearance of the area.
6. Consequently, the proposal would fail to satisfy core policies 37 and 44 of the Local Plan 2031 Part 1 (LP1). These seek development to respond positively to its surroundings and would fail to be well integrated into the local landscape.

Highway safety

7. The application site is divorced from the highway. The Planning Practice Guidance identifies that a red-lined application site should include all land necessary to carry out the proposed development including all land required to access the site from the public highway. Accordingly, this means that future occupiers would need to cross third-party land to gain access to the adopted highway. Moreover, any required changes to Woods Farm Road may be beyond the control of the appellant. The submission is therefore unsatisfactory in establishing the pedestrian and vehicular access arrangements to the site.
8. The appellants explain that they have access rights over Woods Farm Road and the red-lined site only encloses the land they directly own. However, the correct procedure requires that all necessary development land (including its access) is to be included within the red-lined site.
9. The proposal is made in outline form with details of access undisclosed. However, the evidence suggests that access to the A417 would be via the adjacent private driveway. This access drive is used by a number of existing dwellings and a farm and is relatively narrow. Furthermore, there is no footway between the access drive and Portway Close. This would therefore result in a poor pedestrian linkage to the village for future occupiers. Accordingly, although the specific access detail is a reserved matter, it has not been demonstrated to my satisfaction that a safe access to the site can be provided.
10. As such, the proposal would not satisfy Core Policies 33 and 37 of the LP1. These seek, amongst other things, for development to minimise the impact of new development on the highway network and be well connected to provide safe and convenient ease of movement by all users. The proposal would also fail policy DP16 of the Local Plan 2036 Part 2 (LP2) which requires development to provide adequate and acceptable off-site improvements to the highway infrastructure to result in safe access. These policies are generally consistent

with the Framework which requires planning permission to be refused if a scheme would have an adverse impact on highway safety.

Protected species

11. The site is undeveloped within the open countryside. It is partly contained by a substantial hedgerow and opens into the wider countryside through an open western boundary. The site lends itself to containing a range of biodiverse interest that would require assessment to determine the appropriate approach to avoidance and/or mitigation.
12. Being open green space the site has the likely capability to possess ecological interest. The hedgerow could be retained and the bio-diversity of the site enhanced through additional landscaping. However, the extent of habitat and range of species present on site is undiscovered. It is necessary to consider the effect of development on the natural environment. A preliminary ecological appraisal would enable the ecological value of the site to be quantified and would allow a decision maker to determine the biodiversity interest of the site. This matter cannot be resolved by planning condition as it may limit the acceptable developable area within the site.
13. The appellants propose to provide a range of landscape enhancement measures. However, although these would provide additional biodiversity elements it would not necessarily be sufficient to off-set the harm caused by development due to the unknown nature of existing ecological matters.
14. As such the proposal would not satisfy Core Policy 46 of the LP1 which seeks to avoid a net loss of bio-diversity.

House type and mix

15. The application form indicates that the proposal would be for 3-bedroom dwellings. The National Planning Policy Framework (the Framework) requires strategic policies to be informed by a local housing need assessment. Paragraph 61 requires the size, type and tenure of housing to be assessed and reflected in planning policies. Policy 22 of LP1 seeks to achieve a mix of dwelling types to meet the needs of current and future households. The mix required across the district is established through the Council's Strategic Housing Market Assessment¹ (SHMA). The supporting text for the policy identifies that there is a highest need in the open market sector for 3-bed units and that the policy adopts a flexible approach to the implementation of housing mix.
16. The Council's SHMA finds that 3-bedroom housing is required in the largest proportion (at 45%). This is a district wide objective. As such, to seek a range of types on this small site would be impractical due to its size and access constraints. Therefore, although the Council seeks a mix of house-types, I find the proposed type would meet the greatest need in the district and the needs of a wide range of occupiers. This, combined with the scale of development capable due to the relatively limited size of the site, would make a positive contribution towards the district wide objective to achieve a mix of types commensurate with the SHMA.

¹ Oxfordshire Strategic Housing Market Assessment 2014

17. Accordingly, the proposal would meet Core Policy 22 of the LP1 to provide a type of dwelling that would contribute towards meeting the needs of the SHMA.

Conclusion

18. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR