



Appeal Decision

Site Visit made on 25 May 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/Q3115/W/21/3270107

Land adjacent to Wellfield House, Caps Lane, Cholsey, Wallingford, OX10 9HF

- 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 Barry Robertson against the decision of South Oxfordshire District Council.
 - The application Ref P20/S4905/O, dated 16 December 2020, was refused by notice dated 11 February 2021.
 - The development proposed is for the subdivision of plot to create a new self build dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original planning application was made in outline with all matters reserved apart from access.

Main Issues

3. The main issues are:
 - Whether the site is a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location of the proposal

4. The site is located outside the built up area boundary as defined by the Cholsey Neighbourhood Plan (NP) and is therefore in the open countryside. When travelling along Caps Lane the area has a rural character with surrounding agricultural fields, mature trees and hedgerows and grass verges adding to its character. The site is located on a single track road with no footpaths or street lighting and is set within a small group of existing dwellings.
5. The site is located to the north of Cholsey, which contains a range of services and facilities to meet day to day needs. However, the site is more closely aligned with its surrounding rural characteristics than the built up area of Cholsey. Given the distance between the site and Cholsey, the narrow nature of the road and the lack of pavements and street lighting, the use of the road

- by the occupiers of the proposal, especially during the winter months when daylight hours are limited, to walk to the local services and facilities at Cholsey would not be an attractive alternative to the use of the private motor vehicle for most journeys.
6. During my site visit I noted that Wallingford Road which leads into Cholsey does benefit from a pavement, however occupiers of the proposal would need to travel some 300 metres along Caps Lane and cross Wallingford Road before reaching this. A bus stop is also provided near to the junction with Wallingford Road; however, users would need to travel along the aforementioned road to reach this.
 7. The appellant has sought to argue that the site is located within the village of Cholsey, albeit outside of the main built up area. On my visit I viewed the main built up area of Cholsey which is separated from the site by agricultural land. Construction works were ongoing on a housing development which would bring the main built up area closer to the appeal site, however a buffer of agricultural land would remain between the site and this development. The location of the proposal on a lane with rural characteristics and the agricultural land located to the south of the site would be visually disconnected development from Cholsey itself.
 8. As such I consider that the site lies within the countryside. And the proposal materially conflicts with the spatial strategy of the South Oxfordshire Local Plan 2011-2035, recently adopted in November 2020, which promotes housing within the District's towns and villages. The NP has similar objectives in this regard. Accordingly, from my findings I must agree with the Council's view that, as the site lies outside the village's built-up area, it cannot be considered as infill development.
 9. In conclusion, the proposal would not provide a suitable location for housing having regard to the accessibility to services and facilities. Therefore, it would not accord with Local Plan¹ policies STRAT1 and H1 and NP policies CNP STRAT1, CNP H2 and CNP E1 which, amongst other things, seek to protect the countryside from inappropriate development and reduce the need to travel by private car. It would also not meet the aims of paragraph 8 of the Framework in terms of ensuring accessible services and facilities.

Character and appearance

10. The site is located within a small group of dwellings on a single track road which benefits from hedgerows, trees and grass verges creating a pleasant rural character. There is no single character to the immediate area, with a single storey bungalow, two-storey dwellings and semi-detached dwellings forming part of the group. Some dwellings are closely grouped with others having large side gardens. The appeal site forms part of the garden of Wellfield House, a relatively modern detached dwelling set back from the road with a garden area to the front, sides and rear.
11. Whilst the application is in outline, I have had regard to the submitted illustrative layout. The layout demonstrates that a dwelling and associated garden and parking area can be accommodated in the side garden of Wellfield House. Wellfield House will also retain garden and parking areas to the front

¹ South Oxfordshire Local Plan 2035

and back. The layout details a dwelling set back from the road broadly in line with Wellfield House and set back further than the neighbouring semi-detached dwellings. Whilst the proposal would be located on a smaller plot than nearby dwellings, the mixed character of nearby dwellings would mean that this would not appear at odds with the character of the area. The proposal would appear as infill and be seen in the context of existing built form and not as additional encroachment into countryside. Additionally, landscaping could be provided to the site frontage to ensure that the area retains its rural characteristics.

12. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area. Consequently, I find no conflict with Local Plan policies STRAT1, H1, ENV1, DES1 and DES2 and NP policies CNP STRAT1 and CNP E1 which seek to ensure proposals respect the local context and positively contribute to the character of the local area. I also find that the development complies with paragraph 127 of the Framework

Other Considerations

13. The appellant has argued that permission should be given as the proposal would provide economic and social benefits in terms of housing construction and provision. I acknowledge these points but the public benefits of such would be modest as the scheme is for a single dwelling. Also, given my findings, I do not see how the Braintree judgement, as cited by the appellant, is directly relevant. The self-build nature of the scheme has also been presented as a benefit. Such proposals would need to be secured via a planning obligation and one has not been submitted as part of the appeal for consideration. Nevertheless, the Council's submission advises that this year 101 individuals have registered an interest in self build plots with 217 being granted permission. As such, the public benefit of an individual self-build plot would be modest. Moreover, an intention to self-build does not mean that the Council's overarching spatial strategy should be overridden.
14. I acknowledge that, subject to the principle of the development being acceptable, the local highway authority has raised no objections to the development subject, in the main, to appropriate visibility splays being achieved. I have also taken into account highway safety concerns from interested parties and the recreational use of Caps Lane but these matters have not affected my conclusions on the main issues.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR