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## Appeal Decision

Site visit made on 2 March 2021

**by Adrian Hunter BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

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**Appeal Ref: APP/C3105/W/20/3261087**

**The Beeches, Heyford Road, Steeple Aston OX25 4SN**

- 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 Adrian Shooter against the decision of Cherwell District Council.
  - The application Ref 20/00964/OUT, dated 27 March 2020, was refused by notice dated 1 June 2020.
  - The development proposed is erection of up to 8 dwellings with all matters reserved except the means of access on to Heyford Road.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The planning application is submitted in outline with all detailed matters, except for access, reserved for a subsequent approval. An indicative layout (Drawing No. 372A01 101 Rev C) accompanies the outline planning application and I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect up to eight dwellings on the site.

### Main Issues

3. The main issues in this appeal are:
  - Whether the proposed development would provide a suitable location for housing, having regard to its location, in the context of national and local policy; and
  - The effect of the proposal upon the character and appearance of the area.

### Reasons

#### *Housing Policy*

4. Policy ESD1 of the Cherwell Local Plan 2011-2031 (CLP), seeks to distribute development to the most sustainable locations. Through Policy Villages 1, the CLP recognises the importance of sustaining rural villages and identifies villages that are suitable for development. Steeple Aston is recognised as a Category A village, where the aim is for new residential development to be delivered within the built-up limits through conversions, infilling and minor development. Policy Villages 2 of the CLP provides a distribution for new residential development and anticipates that within the rural areas, 750 homes will be delivered in Category A villages.

5. Policy PD1 of the Mid-Cherwell Neighbourhood Plan 2018 - 2031 (MCNP) deals specifically with new development at Category A villages within its area and identifies that proposals for residential development must have regard to a set of identified criteria. Not all of these criteria are relevant to this appeal, however of key importance is that a site should be immediately adjacent to the settlement area; it should not be the best and most versatile agricultural land and the use of previously developed land is particularly likely to be acceptable; and development should conserve and, where possible, enhance the landscape.
6. The application site falls beyond the identified settlement boundary of Steeple Aston as identified by the MCNP. There is however disagreement between the parties with regards to the relationship of the site to the built form and settlement of Steeple Aston. From a review of the site on the ground, to my mind, it is clear that the north-eastern corner of the appeal site, which comprises the main access to the appeal property, due to its boundary with the existing residential properties along Heyford Road is clearly located adjacent to the settlement boundary.
7. However, as the northern boundary of the appeal site extends away from Heyford Road, beyond the rear line of the garden of the adjoining property, the relationship with the settlement boundary becomes less obvious.
8. Land to the north of the appeal site, to the rear of the adjoining properties, is open, undeveloped and rural in character. It is, therefore, distinctly different in terms of its character and appearance and, in my view, does not form part of the built-up area of Steeple Aston. As a result, whilst the north-eastern corner of the appeal site would lie immediately adjacent to the built-up area, when viewed both in plan form and on the ground, the vast majority of the appeal site would not be. In this respect, the proposal would fail to meet this criteria of Policy PD1.
9. In terms of the second criterion, my attention has been drawn by the appellant to the previously developed nature of the site. This is not disputed by the Council and, from the evidence before me, I see no reason to reach a different conclusion. In this respect, the proposal would meet this criterion of Policy PD1.
10. The third criterion requires proposals to conserve and where possible enhance the landscape. In this respect, with the exception of the main dwelling and the associated outbuildings, the majority of the appeal site is open and relatively undeveloped. In this regard, the existing site does not significantly intrude into, or detract from, the wider open rural landscape or edge of village setting. This is principally due to the lack of built development on large parts of the appeal site and, with the exception of the main dwelling, other ancillary buildings are generally single storey and are clustered around the main dwelling, thereby allowing them to assimilate well into the landscape.
11. In contrast the proposed development would introduce new residential built development onto the undeveloped part of the site. This development, due to its height, scale and mass would encroach into the open countryside and, in my view, would be visually intrusive and, as a consequence, would harm the rural character of the surrounding area.
12. I acknowledge the inclusion within the indicative plans of substantial additional landscaping to re-enforce and supplement existing boundary treatment and the

screening provided by the existing dwelling. However in this respect, I share some of the concerns of the Council, that whilst such screening would to a certain degree serve to reduce the visual impact of the proposal, it would still result in an increase in built form on the site, which despite the presence of additional landscaping would still be visible as an urban form of development in the countryside, which would therefore fail to conserve the landscape as required by Policy PD1.

13. Overall therefore, whilst the appeal site may not conflict with a number of the criteria established in Policy PD1, when the Policy is taken as a whole, due to its poor relationship with the built up form and settlement of Steeple Aston, and its impact upon the landscape, the proposal would be contrary to Policy PD1.
14. For the above reasons, I therefore conclude that the proposed development would not provide a suitable location for housing and, in this respect, is contrary to Policies ESD1, Villages 1 of CLP, saved Policy H18 of the Cherwell Local Plan 1996, Policy PD1 of the MCNP, and the National Planning Policy Framework (the Framework).

#### *Character and appearance*

15. Policies ESD13 and ESD15 of the CLP seek to protect landscapes and ensure that new development responds positively to an area's character through creating or reinforcing local distinctiveness, with development not permitted where it would cause undue visual intrusion into the countryside, impact on its natural landscape and topography and be inconsistent with local character. These policies are consistent with the criteria included in policy PD1 of the MCNP which, amongst other things, seeks to avoid adverse landscape impacts.
16. The appeal property is a large detached building, set within substantial grounds. The existing building is set back from the road, roughly within the middle of the plot, with gardens wrapping around the dwelling. Access is via a treelined driveway. Within the garden area are a number of outbuildings including garage blocks, along with buildings and structures associated with the narrow gauge railway that encircles the appeal site.
17. Along Heyford Road, the existing dwellings generally follow the linear pattern of the road and in the vicinity of the appeal site, are located on the eastern side.
18. In contrast to the existing character of the area, which is predominately defined by linear properties fronting onto the main road, the proposal would introduce residential development onto land beyond and to the rear of the existing dwelling. Such a development pattern would be inconsistent with the existing local character and the surrounding pattern of development. Furthermore, due to the location of the proposal, it would be seen as a form of development that would substantially extend built development into the countryside and would be poorly related to the existing built-up limits of the village. As a result, it would represent an undue visual intrusion into the open countryside, that would harm the open and relatively undeveloped character of the appeal site.
19. For the above reasons, the proposed development would harm the character and appearance of the area and, in this respect, would conflict with Policies ESD13 and ESD15 of the CLP and the Framework. These policies, amongst

other things, seek to ensure that development contributes positively to the character of the area and does not cause an undue visual intrusion into the open countryside.

20. Reference is made by the Council in their reason for refusal to saved Policy C28 and C30 of the Cherwell Local Plan 1996, which concerns matters of layout, design and external appearance. Given that the planning application is in outline with all matters, except for access reserved, no assessment of the proposal in light of these policies is necessary.

### **Other Matters**

21. The Council raise no other issues in relation to ecology, trees, flooding, highways and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

### **Planning balance**

22. Following the Written Ministerial Statement of 25 March 2021, in which the Government announced that Oxfordshire Council were to lose their exemption from demonstrating a 5-year land supply with immediate effect, it is acknowledged by the Council that, at this moment in time, they are unable to demonstrate a 5-year supply of housing land. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.
23. Paragraph 11 of The Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the NPPF, indicate that development should be restricted. As a result, I find that the tilted balance as identified in Paragraph 11d of the Framework is engaged in this case.
24. I note that the Mid Cherwell Neighbourhood Plan forms part of the development plan, therefore the tests established in Paragraph 14 of the Framework are relevant. In terms of a), the Mid Cherwell Neighbourhood Plan was Made on 19 May 2019 and therefore falls beyond the two-year time limit. This test is therefore not met. With regards to b) and c), from a review of the plan and the information supplied by the Council in relation to their land supply, both of these criteria are met. In terms of d), the Council have confirmed that their housing delivery achieves the criteria set out in the test.
25. Despite meeting exceptions b), c), and d) it is clear from the Framework that, in order for Paragraph 14 to apply, all the tests must be satisfied, which is not the case in this instance.
26. Where policies are out-of-date, the 'tilted balance' outlined in paragraph 11 (d) of the Framework is engaged. The tilted balance sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

27. In terms of its principle, location and scale, the proposal conflicts with Policies ESD1, Villages 1 of CLP, saved Policy H18 of the Cherwell Local Plan 1996 and Policy PD1 of the MCNP. I have concluded that the proposal would harm the character and appearance of the area and would fail to meet the Council's policy with regards to new residential development in the countryside. These matters weigh substantially against the proposal.
28. The proposed development would contribute eight dwelling towards the existing housing stock within the Borough. Whilst this would make only a modest contribution to the overall numbers, and the shortfall is only marginally below the requirement, given the national importance placed on the delivery of new homes, it is appropriate to give considerable weight to the delivery of new housing.
29. The appeal site would involve the development of previously developed land and I recognise the support given both within the development plan and the Framework to the need for new development to focus on such locations. However, in this case, I am also mindful of the advice contained within the Framework which advises that it should not be assumed that the whole of the curtilage should be developed. In this respect therefore, given the existing undeveloped nature of the appeal site, it is appropriate to attach moderate weight to this.
30. There would also be short-term economic impacts from the construction phase and longer-term economic impacts from the reliance of new residents on local facilities. I attach moderate weight to these additional benefits.
31. Drawing all this together, whilst the proposal would deliver benefits, principally in the form of new homes, given the modest scale of the contribution, I find that the adverse impact of the proposed development upon the countryside and the character and appearance of the area, significantly and demonstrably outweighs these benefits.

### **Conclusion**

32. For the above reasons, I conclude that the appeal should be dismissed.

*Adrian Hunter*

INSPECTOR