



Appeal Decision

Site visit made on 7 July 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/J0405/W/20/3248602

Land south of Valley Farm, Main Street, Charndon near Bicester OX27 0BL

- 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 Mervyn Dobson, Pembury Estates Limited against the decision of Aylesbury Vale District Council.
 - The application Ref 19/01111/AOP, dated 24 March 2019, was refused by notice dated 17 December 2019.
 - The development proposed is erection of 5 x 2 storey dwellings, access and parking.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of 5 x 2 storey dwellings, access and parking at Land south of Valley Farm, Main Street, Charndon near Bicester OX27 0BL in accordance with the terms of the application, Ref 19/01111/AOP, dated 24 March 2019, and the plans submitted with it, subject to the conditions set out in the Schedule to this Decision.

Preliminary Matters

2. The application is submitted in 'outline' including access details, with layout, scale, landscaping and appearance reserved for future consideration. A 'planning layout' is provided to show how the proposal could be accommodated at the site and save for the location of the proposed access, I have treated this as being illustrative.
3. The appellant has submitted a Unilateral Undertaking ('UU') dated 13 April 2021, and the Council have been provided an opportunity to comment on this. I shall return to this later in my Decision.
4. Since the application was determined by the Council, it has adopted the Vale of Aylesbury Local Plan (September 2021) ('LP'). I have determined the appeal on this basis of the policies in that plan and given no weight to any policies they superseded.

Main Issues

5. The main issues are: i) whether the site is in a suitable location for housing having regard to local policies; ii) the effect of the proposal on the character and appearance of the area; iii) whether the proposal makes appropriate provision for a new footway to the site frontage; and iv) whether the proposal makes appropriate provision for financial contributions towards community facilities and infrastructure.

Reasons

Location of the appeal site for housing

6. The appeal site comprises part of a pastoral field located on the east side of Main Street within the village of Charndon. In the LP, Charndon is categorised as one of the 'smaller villages'.
7. LP Policy S2 (Spatial strategy for growth) amongst other things sets out for the provision of at least 28,600 new homes in accordance with a settlement hierarchy. Whilst this Policy states that the primary focus of strategic levels of growth and investment will be at Aylesbury, and development at Buckingham, Winslow, Wendover and Haddenham, it also supports growth at smaller villages.
8. More specifically, LP Policy D4 (Housing development at smaller villages) states that where there is no made neighbourhood plan in place, as in this case, new housing development at smaller villages will be supported where it contributes to the sustainability of that village and is in accordance with all applicable policies in the Local Plan, provided that the proposal fulfils all of the following criteria: a. is located within the existing developed footprint of the village or is substantially enclosed by existing built development; b. would not lead to coalescence with any neighbouring settlement; c. is of a small scale (normally five dwellings or fewer) (net) and in a location that is in keeping with the existing form of the settlement and would not adversely affect its character and appearance; d. respects and retains natural boundaries and features such as trees, hedgerows, embankments and drainage ditches; e. would not have any significant adverse impact on environmental assets such as landscape, historic environment, biodiversity, waterways, open space and green infrastructure, and f. can be served by existing infrastructure.
9. The relevant criterion to this main issue are a, b and f. There is nothing before me to suggest that the proposal would be in conflict with criterion b) and for the reasons set out below in respect of community infrastructure, I also find no conflict with criteria f) of LP Policy D4.
10. The assessment in relation to criteria a) is a matter of planning judgement. The northern boundary of the site is adjacent to the access to Valley Farm and broadly north-east of the appeal site are a number of buildings associated with this property. Moreover, a sizeable barn associated with Valley Farm is a little beyond the site's eastern boundary. Although the dwellings to the west are separated from the appeal site by the highway, these still enclose the appeal site from the wider countryside to the west. Despite the small field to the south, there are dwellings along here which frame the appeal site to the south. Accordingly, the appeal site is substantially enclosed by existing built development and therefore meets the requirements of criteria a).
11. The Council's submissions refer to the limited services available in Charndon, the poor accessibility from the site to the nearby bus stop and the limited bus services provided for the area and conclude that occupiers of the new development would be highly reliant on private car. To improve pedestrian safety and connectivity from the site, the Council has requested a footpath outside the development, which the appellant has agreed to provide. The Council also acknowledges that some of the surrounding country lanes could accommodate cycling. The National Planning Policy Framework ('The

Framework') also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

12. Moreover, the LP defines 'smaller villages' as: 'Smaller, less sustainable villages which have relatively poor access to services and facilities. It is expected that some small scale development could be accommodated at smaller villages without causing unreasonable harm. This level of development is also likely to help maintain existing communities.' Therefore, the LP acknowledges that smaller villages offer poor access to services but despite this are considered suitable for growth. In this case, the accessibility of the site would be improved and the small scale development would provide additional households to help maintain the existing community and support any albeit limited services.
13. For the above reasons, the appeal site is a suitable location for housing and in this regard accords with Policy S2 of the LP. For the reasons given in this decision, the proposal also accords with LP Policy D4. Also, I find no conflict with Buckinghamshire's Local Transport Plan 4 and the guidance within this about improving accessibility.
14. Although the Council's second reason for refusal refers to LP Policy B2, this and criterion c, d and e of LP Policy D4 relate to character and appearance and are considered below.

Character and appearance

15. Based on the submissions before me the site lies within the 'Poundon-Charndon Settled Hills' Landscape Character Area (LCA 7.1) within the 'Wooded Rolling Lowlands' Landscape Character Type (LCT 7). The landscape of LCA 7.1 is predominantly agricultural-mainly pastoral, containing a mixture of enclosure patterns. The landscape which envelopes the village has a distinctive character and a good sense of historic continuity. This produces a moderate sense of place. Far reaching views across the countryside are a key feature of the rural character that surrounds the settlement. Consequently, there remains a strong landscape connection and perception of the wider landscape beyond the village.
16. Charndon is predominantly linear in form, arranged along a broadly south-north axis. Buildings are generally located adjacent to Main Street with amenity areas to the sides and rear. The visual experience from Main Street, includes parts where built forms have a stronger presence and areas where the landscaping prevails and gaps formed between properties and occasional fields allow views into the countryside. Consequently, the character of the settlement is varied in terms of the street scene but is largely defined by its built development with open landscape beyond to the east and west.
17. The appeal site is of a modest size relative to the generally larger fields which bound Charndon. The site also has a frontage onto Main Street, which is set behind a grass verge and bound by mature vegetation comprising a mixed native hedgerow and scattered trees about 4-5m in height. The topography of the site slopes downwards from the road frontage towards the barn which lies beyond the eastern boundary of the site and forms part of Valley Farm. As a consequence of this arrangement, to an extent, the appeal site is visually and physically contained from the wider open countryside.

18. Whilst the site forms a gap of pastoral land along Main Street, views of it from along here are largely dominated by the front hedge. As such, because of its size, position and containment, the site is closely related to the built form of the settlement and makes a limited contribution to the wider landscape character of the area.
19. Development at the appeal site would change the character of the plot from a pastoral field to housing. However, because of the site's position relative to Main Street, development here could be designed to continue the linear form of the existing settlement. The proposed dwellings would be served off a single access, which is characteristic of parts of Main Street and this also minimises the loss of the frontage landscaping, although some management of this is likely to be required to provide and retain visibility splays. Such an arrangement would not be inconsistent with the varied street scene along Main Street and supports its rural character. Subject to design and integration, the introduction of a footpath along the frontage of the development would not be uncharacteristic or visually intrusive.
20. The proposal shows no landscape mitigation to the southern boundary of the site. This, and the treatment of the boundaries within the site and relative to the retained field, along with the additional planting to mitigate any modest changes in field pattern, would be considered at reserved matters stage, subject to this appeal succeeding.
21. Whilst development would extend along the Main Street frontage, the extent of this would be limited by the retained part of the field to the rear of the site and the existing development at Valley Farm. Furthermore, the gap in development provided by the field to the south of the site, would retain the rural experience and approach on entering Charndon from the south.
22. Development at the site would be visible in views from the field to the south. However, this would be in the context of the settlement and the backdrop of agricultural buildings. In this context, along with the retained field to the rear of the site and careful attention to layout, scale, appearance and landscaping, a scheme could be designed to enhance the appeal site without detracting from the wider and more distant views of the open countryside.
23. The submitted Landscape Appeal Statement is proportionate to the proposal. Based on this, there are views attainable from public rights of way towards the site. From the majority of these viewpoints, the opportunity to observe the proposed development would be limited due to the presence of neighbouring residential properties, mature tree cover and the large barn and other buildings near the site. Furthermore, in such views any visible development would be largely seen in the context of the wider built envelope of the settlement and would not result in any unacceptable visual harm.
24. Therefore, due to the site's size, position and subject to satisfactory details of reserved matters, I see no reason why a scheme which complements the settlement pattern and assimilates with the wider rural landscape character cannot be achieved at the site.
25. Consequently, based on the matters before me, the proposal would not harm the character and appearance of the area and I find no conflict with criterion c, d and e of LP Policy D4. Also, the proposal accords with LP Policy B2, insofar as

this relates to the natural qualities and features of the area, and the effect on important public views and skylines.

Provision of a footpath

26. For the reasons already given, the submitted UU includes an obligation to provide a footpath to the development site. However, the Framework, and the Planning Practice Guidance ('PPG') advise that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. In this case the Council has suggested a condition to secure the footpath. Accordingly, I am satisfied that a footpath to ensure the safe and improved accessibility for pedestrians to and from the development can be delivered for the proposed scheme via a condition. The provision of the footpath would accord with the accessibility and highway safety aims of the Framework.

Whether the proposal makes appropriate financial contributions towards community infrastructure

27. The UU includes obligations relating to financial contributions for secondary education to support the expansion of the catchment area school (Buckingham Secondary School) to meet the increased pupil population as a result of the cumulative impact of housing growth. The contribution is based on the Council's Guidance on Planning Obligations for Education Provision.
28. A further financial contribution is proposed for off-site sport, leisure and recreation facilities. This is based on the Council's Supplementary Planning Guidance, Sport and Leisure Facilities and Companion Document: Ready Reckoner. This contribution would be spent on projects identified by Charndon Parish Council.
29. Notwithstanding the above guidance, the following recently adopted LP Policies I1 (Green infrastructure), I2 (Sports and recreation) and I3 (Community facilities, infrastructure and assets of community value) relate to the financial contributions being sought. Most notably, these Policies only require contributions for new housing development of more than 10 units or which have a combined gross floorspace of more than 1,000 square metres (gross internal area). Because the proposal relates to development below this threshold, the contributions being sought are not necessary to make the development acceptable in planning terms. Accordingly, these fail the tests set out in the Framework, the advice in the PPG and with Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended). I have therefore afforded them no weight in my decision.
30. Accordingly, on the information before me and above reasons, the existing local infrastructure is sufficient to cope with the scale of the proposed development, and I find no conflict with LP policies I1, I2 and I3.
31. The Council's fourth reason for refusal refers to LP Policy C4, this Policy relates to the protection of public rights of way and therefore is not relevant to the provision of community infrastructure.

Other Matters

32. The scale, design and types of houses proposed, and the level of car parking for these would be addressed at reserved matters stage.

33. I have taken account of the appeal decisions referred to by the Council. These relate to different sites and proposals to the scheme before me, which I have determined on its planning merits. As such, these decisions do not alter my findings on the main issues. For similar reasons, my decision would not set a precedent for other sites in the area.
34. Despite the Council having a 5-year housing land supply, the Council's housing target is set as a minimum and therefore this and the lack of need for housing in Charndon are not reasons to withhold planning permission.
35. Based on the submitted UU any dwellings on the site would be for 'Custom Build Housing' in accordance with Self-build and Custom Housebuilding Act 2015 (as amended).

Conditions

36. In imposing conditions, I have had regard to the Framework and the PPG. I have proposed the standard conditions for the submission of reserved matters and implementation of the permission. Although the Council has suggested 18-month timescales for these, in the absence of any clear reasons for this, I have imposed the standard timescales. A condition specifying the relevant plan defines the permission and provides certainty.
37. I have specified conditions for the construction of the proposed access to the site and required visibility splays. These, and a condition to minimise the disruption caused by construction activity on the highway by requiring a Construction Traffic Management Plan (CTMP) are all necessary in the interests of highway safety. For the reasons given above, I have specified a condition requiring a footpath to serve the development.
38. A condition is necessary to assess any archaeological interests of the site. A condition requiring biodiversity mitigation and protection is necessary for safeguarding and promoting biodiversity. Conditions relating to surface water drainage and the management of this along with foul drainage are necessary to avoid local pollution and to secure satisfactory drainage of the site and manage flood risk.
39. Conditions requiring details of external materials, road, footpath and driveway surfaces, hard and soft landscaping, protection for existing trees and the maintenance of proposed landscaping, means of enclosures and the layout of car parking, garages, internal roads, driveways and turning areas, along with the implementation of works associated with these can be dealt with at reserved matters stage and are therefore not necessary. Finished floor levels of proposed buildings relate to scale and appearance and can also be dealt with at reserved matters and therefore are not necessary at this stage.
40. Where necessary and in the interests of clarity and precision, I have altered some of the suggested conditions to better reflect the relevant guidance.

Conclusion

41. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the appearance, layout, scale of the building(s), and the landscaping of the site (hereafter called 'the reserved matters') shall be obtained in writing from the local planning authority before the development is commenced and the development shall be carried out as approved.
- 2) Application for approval of reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters.
- 4) This permission relates to the site as edged red on approved location plan - Drawing number 1211/LP Revision B and includes the provision of a new access off Main Street as shown on Planning Layout – Drawing number 1211-004 Rev A.
- 5) Prior to the commencement of any development including any clearance or ground works on the site, a Construction Traffic Management Plan ('CTMP') shall be submitted to and approved by the local planning authority. The CTMP shall provide the following details: a) Construction access; b) The parking of vehicles of site operatives and visitors off the highway; c) Loading and unloading of plant and materials storage of plant and materials off the highway; d) Delivery hours; e) The erection and maintenance of site security hoarding; f) Wheel washing facilities and g) Pre-condition highway surveys. The development shall be undertaken in accordance with the approved CTMP.
- 6) Prior to the commencement of any development including any clearance or ground works on the site, a written scheme of investigation which includes an archaeological evaluation in the form of trial trenching shall be submitted to and approved in writing by the planning authority.

Where any significant archaeological remains are confirmed, no development shall take place until an appropriate methodology for their preservation in situ has been submitted to and approved by the planning authority and the approved works have been undertaken.

Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording, a programme for this shall be submitted to and approved in writing by the local planning authority and the approved works shall be undertaken in accordance with the agreed programme.

- 7) None of the dwellings hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have

been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8) None of the dwellings hereby permitted shall be occupied until works for the disposal of foul water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 9) Prior to the commencement of the development, details of the off-site highway works to provide a footway along Main Street shall be submitted to and approved by the local planning authority. The footway shall be provided in accordance with the approved details prior to the first occupation of the development.
- 10) Prior to the commencement of the development, the construction details and specifications for the proposed access off Main Street as shown on Planning Layout – Drawing number 1211-004 Rev A, shall be submitted to and approved in writing by the local planning authority. The access shall be provided in accordance with the approved details prior to the first occupation of the development.
- 11) Prior to the first occupation of the development, minimum vehicular visibility splays of 2.4m by 43.0m in either direction of the new access onto Main Street shall be provided, and the visibility splays shall thereafter be kept clear from any obstruction between 0.6m and 2.0m above ground level.
- 12) The approved mitigation measures and ecological enhancement recommendations of the Ecological Appraisal (Aspect Ecology Ltd, Feb 2019) shall be provided prior to the first occupation of the development.