



Appeal Decision

Site visit made on 12 May 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 JUNE 2022

Appeal Ref: APP/V3120/W/21/3284831

Home Farm, Church Street, Shellingford, Faringdon, Oxfordshire SN7 7QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Sharp against the decision of Vale of White Horse District Council.
 - The application Ref P21/V0891/PIP, dated 23 March 2021, was refused by notice dated 24 June 2021.
 - The development proposed is for the construction of up to 4 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of up to 4 dwellings at Home Farm, Church Street, Shellingford, Faringdon, Oxfordshire SN7 7QA in accordance with the terms of the application, Ref P21/V0891/PIP, dated 23 March 2021.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages and a planning permission is only created once both stages have been completed. The first stage, permission in principle, establishes whether a site is suitable in-principle, and the second stage, Technical Details Consent (TDC), is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted (PPG Paragraph: 012 Reference ID: 58-012-20180615). All other matters are considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue in this appeal is whether the site is suitable for residential development, having regard to its location, and the amount of development.

Reasons

5. Shellingford is a largely linear village, with properties facing onto Church Street then Dogkennel Lane (the continuation of a single road) which terminates at the access into the sewage works. The village is predominantly residential with a Church, village hall, primary school and children's nursery serving the local

community. The appeal site is a collection of redundant farm buildings located where Church Street becomes Dogkennel Lane. It is next to Staddlestones, a large detached residential dwelling which shares a vehicular access with the appeal site. On the opposite side of the site is the children's nursery and the sewage works, and on the other side of Dogkennel Lane is the primary school. To the rear of the site there is an area of hard standing and slurry bed separating it from the open fields which surround Shellingford.

6. The site is within the village bounds, is situated on an existing built road frontage, and has development on both sides. The site is not clear and open but has several large buildings on it, so forms part of the existing built form of the village. The proposal is for up to 4 dwellings and their size and design would be dealt with at the TDC stage. The proposal, therefore, would not constitute more built form than the existing mix of agricultural buildings and would be more in keeping, in terms of use, with the residential character of the village.
7. The site is adjacent to the Shellingford Conservation Area (CA) and within vicinity of several listed buildings. I am required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), in considering whether to grant permission in principle for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. I am also required under section 72(1) of the Act to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. By virtue of the site having been a working farm and the mass and functional nature of the existing buildings, its contribution to the setting, and therefore the significance, of the heritage assets is limited. The surroundings of the site are prevalingly residential and of a less dense built form, as such in principle the provision of up to 4 dwellings on the appeal site could be achieved without harm to the setting of the CA or the listed buildings. It is noted that the Council's Conservation Officer objects due to lack of detail. This detail would be introduced at the TDC stage, and the heritage impacts assessed accordingly. I therefore find that the location of the appeal site appropriate for residential development
9. It is noted that the Council has relied on the requirement within Policies CP3 and CP4 of the Vale of White Horse Local Plan 2031 Part 1 (2016) (Local Plan) for development within smaller villages to be limited to limited infill. The Council does not consider the proposal to be limited infill due to the size of the site in proportion to the number of dwellings proposed. It has sought to support this position with reference to an appeal within its district (ref: APP/V3120/W/19/3243549) whereby the Inspector considered limited infill to imply in-between development along the frontage of a street.
10. In isolation the size of the site could be considered large for 4 dwellings, however residential properties in Shellingford would appear generally to have substantial gardens and the site would allow for such provision. Notwithstanding this, the area of the site includes all the farm buildings which is a naturally defined parcel of land and is below the maximum site size as set out within the permission in principle criteria. The layout of the site and how it is apportioned would form part of the TDC stage. The referenced appeal dealt

with Green Belt development where the concept of infill is to protect the openness of the Green Belt. As the appeal site is not located within the Green Belt, I find that decision to be of limited relevance in the determination of this appeal. Nevertheless, the proposal would constitute in-between development within the established street frontage which continues on both sides of the site.

11. Regarding the amount of development, the Housing Needs Assessment for Shellingford (May 2021) (HNA) states that for the period 2021 – 2041 an additional 4 homes would be required. No evidence has been submitted to show that the additional need has already been met or allocated, nor why the need cannot be met at this relatively early stage of the plan period. The proposal would not provide more than 4 houses so would support the additional housing need of the village, therefore would be an appropriate amount of development. It is noted that the HNA stresses that new development should ensure an appropriate housing mix to support the future changes in population and this would be dealt with at the TDC stage.
12. The Council does not consider that the proposal would support employment, services and facilities within the local community as set out in Local Plan Policy CP4. However, the policy allows such support to be optional by using the conjunction 'and/or' within its wording. Nevertheless, additional households within villages like Shellingford could provide less tangible support in terms of the ongoing vitality of that rural community.
13. The proposal would, therefore, be suitable for residential development regarding the appeal site location and the amount of development proposed, and this would comply with Local Plan Policies CP3 and CP4.

Other Matters

14. Interested parties have made representations including those relating to highways, heritage and environmental impact, protected species, impact on the school, character and appearance, pollution and contamination, odour control, drainage, air quality and the retention of the public right of way through the site. These would be dealt with at the TDC stage. Although rewarding to know that Shellingford is bringing forward a neighbourhood plan, until it has been formally made it can not be considered as part of the development plan.

Conclusion

1. The PPG guidance makes it clear that it is not possible for conditions to be attached to a grant of permission in principle. Therefore, for the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the National Planning Policy Framework, I conclude that the appeal should be allowed.

RJ Redford

INSPECTOR