



Appeal Decision

Site visit made on 23 May 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

Appeal Ref: APP/D3125/W/21/3287387

Land North of Witney Road, Finstock, OX7 3DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Cayzer against the decision of West Oxfordshire District Council.
 - The application Ref 21/00732/FUL, dated 2 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is the erection of a single dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the Finstock Conservation Area, and the effect on the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site comprises a rectangular shaped parcel of undeveloped land on the north side of the B4022 Witney Road. Historic maps indicate that the land was once contiguous with farmland to the rear, but post and rail fencing has since been erected to create a paddock. To the west of the site, beyond its access track, lies a loose-knit row of houses fronting the road. Some distance to the east is the Grade II* listed Finstock Manor which is set within substantial grounds. At the front of the site there is a lay-by which is used for parking.

Conservation Area

4. The site is located within the Finstock Conservation Area. The boundary of this designation has been drawn widely to take in not only the settlement itself, and its internal open spaces, but also farmland on the edges. This peripheral land is an important part of the setting to Finstock and its inclusion within the Conservation Area reflects the close relationship between the village and surrounding countryside. This countryside is striking for its unspoilt, rolling character – a quality which is noted within the Conservation Area Character Appraisal. The landscape to the rear of the appeal site is particularly attractive as part of a large area of estate parkland connected with Cornbury Park.

5. The Conservation Area Character Appraisal explains that there are numerous varied and attractive views out over the surrounding landscape, particularly on the north side of Witney Road. The map within the character appraisal identifies significant views, which include those across the appeal site towards open countryside. The latter are critical in providing a visual connection between the village and the wider landscape and they make a positive contribution to the character and appearance of the Conservation Area.
6. During my visit, I saw that hedging had been planted along the site frontage. This has not developed sufficiently to prevent views into and across the site, but even allowing for future growth, the site has great value as a gap in development along the northern side of Witney Road. The absence of buildings gives the site an undeveloped character which is appreciated from the public highway, regardless of the site's slightly elevated position and vegetation along the front boundary.
7. A previous proposal for a pair of detached dwellings on the site was dismissed on appeal¹, on the basis that the development would have resulted in the erosion of the pronounced rural character and the loss of almost all views across the site to the countryside beyond. The latest scheme seeks to address the comments of the Inspector by reducing the number of dwellings to one and pushing that dwelling into a triangular shaped plot on the south-eastern half of the site. The remaining half of the site would be retained as paddock and this would preserve a 'view cone' towards countryside when standing at the access.
8. Whilst I understand the rationale, the proposed layout would be contrived. The triangular shaped residential plot bears no relationship to the established pattern of development along this stretch of Witney Road. Moreover, the introduction of urban form onto the site would fundamentally alter its character and erode its value as an open gap. The new dwelling would be a large structure and its height and elongated form would make it prominent from public vantage points, particularly when travelling eastwards along Witney Road. That the building would be visible against a backdrop of tall hedging does not make the scheme acceptable.
9. Accordingly, I conclude that the proposal would fail to preserve or enhance the character or appearance of the Finstock Conservation Area. There would be conflict with Policies EH9 and EH10 of the West Oxfordshire Local Plan 2031 (WOLP). These policies seek to protect designated heritage assets, recognising that important green spaces, such as paddocks and gaps or spaces between buildings, can make a positive contribution to the character within Conservation Areas. There would also be conflict with Policy O2 of the WOLP which states, amongst its general principles, that development should not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area.

Cotswolds AONB

10. The Council takes issue with the previous Inspector's view that the site does not have any particular aesthetic value as part of the wider landscape. Clearly, it is necessary to recognise that the Cotswolds AONB designation washes over Finstock and provides the same level of protection to the site as it does to the unspoilt, rolling landscapes to the north. However, the site does not have the

¹ APP/D3125/W/19/3242347

same agrarian character and relates more closely to the built up area of the village. The land is a key component of the character of the Conservation Area, but its contribution to the AONB is less significant. In my judgement, the site could be developed in the manner proposed without detriment to landscape and scenic beauty. There would be no conflict with WOLP Policies EH1, EH2 and O2 insofar as they seek to conserve and enhance the natural beauty, landscape and countryside of the AONB and landscape character in general.

Planning Balance and Conclusion

11. The appellant does not dispute that the Council is able to demonstrate a 5 year supply of deliverable housing sites. However, a stepped housing requirement will impose increasingly challenging delivery targets over coming years. The proposal would contribute to meeting those targets and to the Government's objective of significantly boosting the supply of homes². The site is located in reasonable proximity to a good range of services and facilities in the village and it would help to maintain the viability of the local community in Finstock. These factors carry significant weight in favour of the scheme but are tempered by the fact that the benefits of a single dwelling in housing supply terms are very modest.
12. The scheme would achieve a net gain in biodiversity through the replacement of mowed grass of low ecological value with calcareous grassland and the inclusion of native planting. I have attached moderate weight to this benefit, which would ensure compliance with WOLP Policy EH3.
13. The intention is for the proposed dwelling to be occupied by a member of the appellant's family with local connections. Since there would be no mechanism to control occupancy, either initially or in perpetuity, and no policy justification for doing so, this consideration carries limited weight in the planning balance.
14. There is no suggestion of any negative impacts on the setting of Finstock Manor. Furthermore, the Highway Authority is satisfied that the appeal scheme would not have a detrimental impact on the highway network. These are neutral factors in the overall balance. The fact that the Council is content with the design of the proposed dwelling does not attract any significant weight in favour of the scheme, given the objection to the principle of siting the building in the location proposed.
15. Against the benefits of the scheme, I must balance the harm. The proposal would fail to preserve the character or appearance of the Finstock Conservation Area and this is a matter of considerable importance and weight. Despite the small gains to housing supply and biodiversity, there are no benefits which would, individually or cumulatively, outweigh the less than substantial harm to designated heritage assets. The proposal conflicts with the development plan taken as a whole and there are no material considerations to justify a decision otherwise than in accordance with the development plan.
16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

² Paragraph 60 of the National Planning Policy Framework (2021)