



Appeal Decision

Site visit made on 26 July 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2022

Appeal Ref: APP/V3120/W/22/3295859

Land adjacent to Cornerbrook, Mill Lane, East Hendred, Wantage OX12 8JS

- 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 Alistair Simmons against the decision of Vale of White Horse District Council.
 - The application Ref P22/V0175/O, dated 24 January 2022, was refused by notice dated 21 March 2022.
 - The development proposed is 'self build project for single residential dwelling and garage adjacent to Cornerbrook, Mill Lane, East Hendred. Access is from Mill Lane as per attached site plan.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration, except for access. I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - i) whether the appeal site would be a suitable location for new housing, with regard to the Council's housing strategy; and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. The appeal site is an area of undeveloped paddock land which is bordered by paddock land to the north and east, open fields to the south, and the dwellings Cornerbrook and Green Meadows to the west and northeast. The site is accessed from a track off Mill Lane, which also serves several residential properties. Mill Lane itself provides access to dwellings, a playground and a cricket club. The site is located in the North Wessex Downs AONB on the outskirts of East Hendred, which is classified as a Larger Village under Policy CP3 of the Vale of White Horse District Council Local Plan 2031 Part 1 Strategic Sites and Policies Adopted July 2016 (the LP). There is no defined settlement boundary for larger villages. Consequently, it is a matter of judgement whether the appeal site lies within the built-up area of East Hendred, where new residential development may be acceptable in accordance with LP Policy CP4,

or if it lies within the open countryside where development would not be supported unless specifically supported by other local or national policy.

5. At my site visit I observed a change in character at the edges of the village where the more densely built and regular suburban form gives way to loosely arranged and individually sited dwellings in larger plots. The appeal site shares 3 boundaries with paddocks/ agricultural land. This gives the site an open and rural character which is not contained by built form. The location of the proposed dwelling would appear widely spaced and separated from the 2 nearest dwellings, which themselves are characteristic of sparser rural development in the countryside. The nearby cricket club, whilst not typical of the open countryside, does not have the appearance of a built-up area, in particular in views from the appeal site in which buildings are not evident and post and rail fence and field boundaries provide a rural setting. Furthermore, the cricket club would be separated from the appeal site by paddock land.
6. Notwithstanding the above, the site is not isolated and appears to be reasonably well served by the facilities and services within East Hendred. However, for the above reasons I am not satisfied that the site forms part of the built area of East Hendred. Consequently, the site lies within the open countryside. Therefore, I conclude that the proposal would conflict with the aims of LP Policies CP1, CP3 and CP4, which seek, among other matters, to safeguard the open countryside.

Character and Appearance

7. The site access would be located at the western end of Mill Lane, where dwellings occupy large plots and are dispersed and loose knit in character. Dwellings here are varied in design and scale and generally unobtrusive in nature. Nonetheless these dwellings appear to make a positive contribution to the character of Mill Lane and the surrounding area. The site comprises paddock land which is bordered by boundary hedges and post and rail fencing and is rural in appearance. A public footpath runs along the access track from which views of the appeal site can be gained.
8. As the application is made in outline, details of the layout, scale, appearance and landscaping would be determined at reserved matters stage. No illustrative or indicative plans have been submitted with the appeal.
9. The appeal site is large and would be consistent in scale with the larger, low-density plots to the western end of Mill Lane. However, the dwelling would introduce built form into an existing area of open countryside which is currently uncontained by built form. A dwelling in this location would be readily visible in close views from the public right of way and in distant views across agricultural land to the south. The proposed dwelling would have an urbanising effect on an area of open countryside in such views.
10. The proposed dwelling would share an access track with Cornerbrook and Green Meadows, however, given the widely spaced surrounding character it would not be seen in the visual context of these buildings. Furthermore intervening vegetation would, in part, screen the dwellings in views from one another. Consequently, the dwelling would appear conspicuous in these public views and harmful to the character and appearance of the area.

11. The Planning Practice Guidance allows for the imposition of conditions to make development acceptable, including the restriction of permitted development rights. However, even if such controls were appropriate and met the necessary tests, the proposal would still result in the urbanisation and domestication of an unused area of paddock land, which would be contrary to the rural character of the area. The introduction of a new dwelling would not, therefore, add more unity to the southern end of Mill Lane.
12. Taken together, the above factors mean that the proposal would not visually integrate with its surroundings and would cause unacceptable harm to the character and appearance of the site and the surrounding area. Consequently, it would not comply with LP Policy CP37 which, among other things, seeks to ensure that development responds positively to the site surroundings.

Other Matters

13. My attention is drawn to a previous planning permission for a single dwelling close to the appeal site. Whilst the full details of this proposal have not been provided to me, nonetheless I note that this dwelling was approved under a different development plan and was therefore presumably the subject of different planning policies. Furthermore, this does not overcome the failure to comply with current local planning policy and the harm that would result.
14. I note the appellant's concern regarding the Council's decision-making process. However, that is not a matter for my consideration in the context of this appeal decision. The appellant's comments regarding the lack of objections from neighbouring residents and the parish council are also noted. However, a lack of objection does not equate with a lack of harm.
15. The Council found no harm to the Wessex Downs AONB landscape, and I see no reason to disagree with these findings.

Planning Balance

16. The appellant claims that the Council cannot demonstrate a deliverable five-year supply of housing land. The Council maintain that it can demonstrate a supply of 5.04 years.
17. In the event that the Council is unable to demonstrate a deliverable five-year supply of housing land or where there are no relevant development plan policies Paragraph 11 d) sets out that the most important development policies for determining the application are out-of-date unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
18. I acknowledge that the construction of a dwelling would make a small contribution towards the district's housing supply. This factor weighs in favour of the scheme. However, one new home would make only a small contribution in this respect. There would be short-term economic benefits associated with construction and the support given by future occupants to local businesses, and Council tax revenues in the longer term.
19. Even if the Council is unable to demonstrate a five-year supply of housing land, and there was a reasonably significant shortfall, I have found harm to the character and appearance of the area, the protection of which is a key aim of the Framework. Therefore, whilst the framework seeks to significantly boost

the supply of housing, the adverse impacts on character and appearance would outweigh the benefits of one dwelling. Taking the policies of the Framework as a whole, the adverse impacts significantly and demonstrably outweigh the benefits and the proposal would not therefore benefit from the presumption in favour of sustainable development.

20. The proposal is described as a self-build dwelling and both parties acknowledge that the Council are not currently meeting the demand for self-build housing in the district. However, although this matter is discussed by the parties in their submissions, no legal agreement to secure the proposal as self-build has been provided. Therefore, this is not a matter that weighs in favour of the proposal. Even if the proposal was subject to an appropriate mechanism to deliver the dwelling as self-build housing, I have found harm to the character and appearance which would outweigh the benefits of one self-build dwelling.

Conclusion

21. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations the appeal is dismissed.

Nichola Robinson

INSPECTOR