



Appeal Decision

Site visit made on 6 September 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/D3125/W/22/3296000

Land South of Davis Close, Davis Close, Stonesfield, OX29 8HB

- 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 and Mrs Hunt against the decision of West Oxfordshire District Council.
 - The application Ref 21/03528/FUL, dated 22 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is erection of 2 dwellings with associated garages, access, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans to the Council during the application process. The appellant also submitted revised plans as part of the appeal, to correct a small inaccuracy on the original drawings, which relates to the north-east tip of the blue line. This is explained in paragraph 2.4 of the appellant's statement of case, with the two revised plans attached in the appellant's appendix 5 of their statement. As these revised plans correct a minor error, they do not materially alter the proposal. As such, none of the parties would be prejudiced by my consideration of it. I have therefore determined the appeal on that basis.

Main Issues

3. The main issues are:
 - The proposal's effect on the character and appearance of the area.
 - Whether it has been demonstrated that the proposal would provide a suitable mix of property types and sizes.
 - The proposal's effect on the Cotswolds Area of Outstanding Natural Beauty.
 - Whether it has been demonstrated that the proposal would secure the provision of affordable housing contributions.

Reasons

Character and Appearance

4. The appeal site is a narrow parcel of undeveloped land located to the south of Davis Close. The appeal site adjoins the existing built-up area of Stonesfield settlement but is located outside the Conservation Area.
5. The existing dwellings along Davis Close are large, detached two-storey dwellings on spacious plots, set back from and facing the road. There is consistency in the existing dwellings, in that they follow similar building lines and generally have a presence within the street-scene, which creates a strong pattern of development.
6. The proposal would introduce 2 large, detached dwellings and associated garages on a narrow strip of land behind the existing residential development. The size constrained plot, its location and the scale of the proposed dwellings, would result in the proposal appearing as cramped additions at odds with the prevailing pattern of development in the locality.
7. I acknowledge that there are existing plots of varying sizes within the locality. However, the proposal would nonetheless be uncharacteristic of the surrounding pattern of development.
8. Whilst views of the proposal would, to some extent, be limited by its siting behind the existing built form, it would nevertheless be highly visible from neighbouring gardens. Furthermore, the lack of street frontage that the proposal would have would be out of character and incongruous with the form of the existing development.
9. The proposal's access would be via a narrow private driveway between two existing garages on Davis Close. The narrow entrance would be set back from the road and poorly marked, creating an unwelcome entrance to the proposed dwellings. As a result, it would not be cohesive with the street scene.
10. The design of the proposed dwellings would be sympathetic to nearby existing dwellings, and appropriate detailing, such as the proposed materials, could be secured by condition. Nevertheless, this would not satisfactorily mitigate the harm identified above as a result of the scale and siting of the proposal.
11. The appellant refers to other planning permissions within the locality of the appeal site. Whilst I have not been provided with the full details of these other permissions, they appear to be part of comprehensive housing developments forming small cul de sacs. Therefore, these other permissions differ to the proposal before me, which is located to the rear of existing built development. Consequently, I cannot draw any direct comparisons with the appeal scheme that would weigh in its favour. I therefore give these previous approvals limited weight.
12. Therefore, for the reasons above, the proposal would be unacceptably harmful to the character and appearance of the area. As such, the proposal would fail to accord with Policies OS2 and OS4 of the West Oxfordshire Local Plan 2031 (2018) (Local Plan). Collectively these policies, amongst other things, seek to ensure development respects the character and local distinctiveness of the locality. The proposal also conflicts with Policy H2 of the Local Plan, which amongst other things, seeks to ensure development on undeveloped land

adjoining the built-up area is in accordance with other policies in the plan and in particular the general principles in Policy OS2.

13. In reaching this conclusion I have had regard to the guidance contained within the Council's West Oxfordshire Design Guide 2016.
14. In addition, the proposal would also fail to accord with the design objectives of the National Planning Policy Framework (2021) (Framework).

Mix and Type of New Dwellings

15. Policy H4 of the Local Plan states that all residential developments will be required to provide or contribute towards the provision of a good, balanced mix of property types and sizes. Developers will be required to demonstrate how their proposal would help create a more balanced housing stock within the District and meet the needs of a range of different groups having regard to specific local needs.
16. The proposal is for 2 large, four-bedroomed detached dwellings. Whilst I acknowledge that the proposal has been informed by the existing neighbouring dwellings within the vicinity of the site that are generally large, detached dwellings, this is not sufficient in itself to justify the proposed development.
17. My attention has been drawn to previous planning permissions. The appellant suggests that the Council did not refer to housing mix in these previous decisions relating to 5 or fewer dwellings. However, I do not have the full details of these previous approvals before me. I do not know the circumstances that led to the approval of these other developments or their specific relationship to their site. In any event, I have determined this appeal on its own merits.
18. I have not been presented with any evidence to demonstrate whether the proposed large, four-bedroomed detached dwellings meet an identified local need. Consequently, the proposal is in conflict with Policy H4 of the Local Plan, which seeks to achieve a balanced mix of property types and sizes.

Cotswolds Area of Outstanding Natural Beauty

19. The appeal site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). It is broadly characterised by its tranquil setting with gentle rolling hills and extensive views of low-lying agricultural landscape, which accentuates its rural character. The open and undeveloped nature of the appeal site contributes positively to this rural character.
20. Paragraph 176 of the Framework requires that I must give great weight to the conservation and enhancement of the landscape and scenic beauty of an AONB.
21. The Council consider the proposal would be harmful to the AONB due to its scale and siting. However, the proposal would be positioned at the edge of the settlement and would be enclosed by existing built form on two of its sides, with recreation grounds and tennis courts to the south of the site. Furthermore, the proposal would not appear prominent in views from outside the site, due to the site's flat topography and screening from existing built form. In addition, the mature vegetation to the south of the site would obscure views from the wider area. Therefore, the proposal would be visually contained.

22. The proposed landscaping buffer shown on the plans within the blue line boundary could be imposed as a condition, were planning permission to be granted. This proposed landscaping buffer would further limit long range views of the site from the surrounding area.
23. Consequently, the proposed dwellings would be seen within the context of the existing residential buildings and the setting of the village. Given the siting and scope of the development and its immediate residential context, I find that there would be no adverse impacts to the AONB and that as such its landscape and scenic beauty would be conserved.
24. I note the Council's concerns regarding the landscape buffer that was conditioned for planning permission 18/00731/FUL. However, the appellant has confirmed that this does not fall within the red line boundary of the appeal site. Therefore, the proposal would not affect the existing landscape buffer condition for 18/00731/FUL.
25. Therefore, for this main issue, the proposal would accord with Policies EH1 and OS2 of the Local Plan. These policies, amongst other things, seek to conserve and enhance the landscape and scenic beauty of the AONB. In addition, the proposal would not conflict with the Framework in so far as it seeks to ensure developments respect and enhance the AONBs.

The provision of an off-site affordable housing contribution

26. The Council consider that, were the proposal to be granted planning permission, a financial contribution towards local affordable housing provision would need to be made. However, there is disagreement between the two main parties as to whether an affordable housing contribution is necessary for the proposed two dwellings.
27. Policy H3 of the Local Plan states that within the Cotswolds AONB, housing schemes of 6-10 units and which have a combined gross floorspace of no more than 1,000sqm will be required to make a financial contribution towards the provision of off-site affordable housing within the District.
28. Furthermore, paragraph 64 of the Framework states that the provision of affordable housing should not be sought for residential development that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
29. The proposal is a small development of 2 dwellings and therefore is not a major development. It is also not located within a designated rural area.
30. My attention has been drawn to a previous approved scheme for five dwellings at Davis Close (18/00731/FUL). However, the proposal before me has been submitted by a different applicant to this previous approved scheme. Furthermore, the previous approved scheme has been completed and an affordable housing contribution was made via a planning obligation to the Council. Therefore, the proposal before me is a separate scheme to this previous approval. Moreover, the proposal is for 2 dwellings, which falls below the threshold requirement for affordable housing contributions as specified in Policy H3 of the Local Plan. Consequently, I find that an off-site affordable housing contribution is not necessary in this instance, due to the scale generated by the proposal for 2 dwellings.

31. A completed Planning Obligation in the form of a unilateral undertaking has been submitted with the appeal. Within the obligation the owners of the appeal site undertake to pay £45,538 affordable housing contributions to the Council. However, as I have concluded that a contribution is not necessary, the obligation would fail to meet the tests set out in the Framework.
32. Therefore, as a contribution towards affordable housing is not necessary, the proposal would not conflict with Policy H3 of the Local Plan or the Framework for the reasons given.

Other Matters

33. The main parties are in agreement that the site is not located within a conservation area and there are no heritage assets within the vicinity of the site. From the evidence before me and my observations on site, I have no reason to disagree.
34. The appellant suggests that the appeal site forms part of the garden land associated with the dwellings constructed under planning permission 18/00731/FUL. However, this previous approval has been completed. The proposal before me is for a new development that is separate from this previous approval. I have therefore dealt with the appeal on that basis.
35. I note the appellant's concern regarding the Council's procedure with dealing with the planning application. However, that is not a matter for my consideration in the context of this appeal decision.
36. On the basis of the evidence before me, the proposal would not harm the living conditions of neighbouring residential occupiers or the safe operation of the highway. There are no significant concerns in relation to drainage or ecology. However, these are neutral matters and do not weigh in favour of the scheme.

Planning Balance

37. The proposal would provide two dwellings on a small windfall site in a location with good access to services, facilities, broadband infrastructure, and a range of public transport. The addition of an extra landscape buffer of native planting to the east of the appeal site would provide a positive benefit to the edge of the settlement in biodiversity and landscape terms. However, these modest benefits would not be sufficient to overcome my concern regarding the harm arising from the proposal. I therefore attach limited weight to it.
38. The proposal would provide a satisfactory level of accommodation with sufficient rear garden space, and appropriate outlook and privacy. However, these are neutral factors and do not weigh in favour of the proposal. The lack of harm I have found in regard to the AONB and the lack of need for contributions towards affordable housing would also be neutral in the balance.
39. The proposal would have economic and social benefits, through the construction, legal and sale process, creating and supporting jobs. It would also indirectly support the local vitality and viability of services and facilities. However, given the proposal is for two dwellings it would have a very limited impact in this regard. I therefore attach limited weight to it.
40. My attention has been drawn to a recent appeal decision (APP/D3125/W/22/3293656), which concluded that West Oxfordshire District

Council do not have a 5-year housing land supply (5YHLS) with a figure of around 3.68 years supply. The lack of a 5YHLS means that the policies which are most important for determining the proposal are out-of-date in accordance with paragraph 11d) of the Framework. However, part ii. of paragraph 11d) clarifies that permission should not be granted if 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.

41. The harm I have found regarding the effect on the character and appearance of the area and the mix of property types and sizes is so significant that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole. This provides a clear reason for refusing the development. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

42. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Helen Smith

INSPECTOR