



Appeal Decision

Site visit made on 12 January 2023

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2023

Appeal Ref: APP/C3105/W/22/3298098

Land to the south of Faraday House, Woodway Road, Sibford Ferris

- 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 Blue Cedar Homes Limited against the decision of Cherwell District Council.
 - The application Ref 21/04271/F, dated 22 December 2021, was refused by notice dated 8 April 2022.
 - The development proposed is the erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping, and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's description of the appeal site has been used above as the appellant's description indicates a general location to the east of Woodway Road.

Application for costs

3. An application for costs was made by Blue Cedar Homes Limited against Cherwell District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are whether the housing would be appropriately located, having regard to the character and appearance of the area, and future residents' accessibility to services and facilities.

Reasons

Policy background

5. The appeal site comprises a field which is bounded by residential development and countryside. On one boundary, there is a field with outline consent for 25 dwellings, granted at appeal¹.
6. The development plan comprises the Cherwell Local Plan 2011-31, Part 1 (2015) (LPP1) and 'saved' policies of Cherwell Local Plan (LP) 1996. Under the LPP1, Policy BSC 1 requires the provision of high quality homes, 22,840

¹ Appeal Ref: APP/C3105/W/19/3229631, OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire OX15 5QW, 25 September 2019.

- dwellings, during the plan period, 1 April 2011 to 31 March 2031 in accordance with a delivery table that details existing completions, permissions (greater than 10 dwellings), allocations, and windfalls allowance (less than 10 dwellings) to meet its housing requirement.
7. The LPP1's housing strategy seeks to deliver growth in accordance with principles of national policy, including the provision of sustainable economic development. Delivery of housing is through the redevelopment of strategic development sites, including previously developed sites and urban extension, in larger settlements and villages.
 8. LPP1 Policy Villages 1 categorises villages taking into account factors, for example, population size, services and facilities, accessibility to urban area, footpaths and cycleway provision. Such categorisation guides the consideration of small-scale proposals for residential development within the built-up limits of settlements to sustainably contribute towards meeting the housing requirements identified in LPP1 Policy BSC 1. Under LPP1 Policy Villages 1, residential development within the built-up limits of Category A (Service Centres), including Sibford Ferris/Sibford Gower, will be considered for minor development, infilling and conversion. Under Policy H18 of the Cherwell Local Plan (LP) 1996, only certain types of development requiring rural locations outside of built-up limits are permissive.
 9. However, LPP1 Policy Villages 2 indicates a delivery target of 750 dwellings for Category A (Service Centres) during the plan period, in addition to the windfall allowance under LPP1 Policy BSC 1. This has been exceeded and it is not a ceiling prohibiting further housing development. LPP1 Policy Villages 2 further indicates that sites will be identified through the preparation of the Local Plan Part 2 (LPP2), Neighbourhood Plans (NP) where applicable, and the determination of applications for planning permission. No sites have been identified under a LPP2 or NP or for Sibford Ferris, developed through planning permission. For these reasons, the requirements of LPP1 Policy Villages 2 takes precedence over LP Policy H18 in this instance. Such a view does not conflict with the Inspector's view on the neighbouring site, where it was stated that there would be no conflict with this policy in relation to the proposal considered there.

Character and appearance

10. Sibford Ferris comprises of a variety of traditional designed dwellings facing onto Hook Norton Road and Main Street, with further housing sited behind, accessed off these streets. There are also the grounds and buildings of Sibford School on the opposite side of Hook Norton Road, to the appeal site. Two storey traditional housing with steeply pitched roofs dominate the village, and there is extensive use of facing ironstone type materials and plain tiles, including slate, despite 20th century development. Dwellings are set back behind significant boundary walls and/or landscaped areas. Some dwellings face directly onto the highway but mostly, stone walls line the front of these plots. Even with more recent housing, such as around Cotswold Close, a landscaped context predominates in and around development, and there is a spaciousness about dwellings.
11. Cherwell Residential Design Guide Supplementary Planning Document (SPD) 2018 indicates Sibford Ferris as being located within the Ironstone Downs Special Character Area. It details mainly two storey terraced and detached

- houses, the majority of which face the street, steep roof pitches with brick stacks on the ridge line. The SPD further indicates buildings are often located at the back of pavement or set back behind ironstone walls and trees, and hedgerows are important features of the streetscene.
12. The village's context consists of a rolling countryside of fields, hedgerows and wooded areas surrounding it. Within a Council's landscape character assessment, the site is located within the 'Rolling Valley Pastures' landscape character type. Its key characteristics are strongly undulating landform of rounded hills and small valleys; small to medium-sized fields with mixed land uses, but predominantly pasture; densely scattered hedgerow trees and well-defined nucleated villages with little dispersal into the wider countryside. Allied with topography, the landscaped context of Sibford Ferris significantly lessens its urbanising effects into the surrounding countryside.
 13. In summary, there is a variety of building design but nevertheless, the village is characterised by traditional two storey dwelling form and design, steep roof pitches, iron-stone type facing materials, a linear pattern of development focussed on the two main streets, walled boundary treatments and extensive landscaping. Such qualities give the village a distinctive and attractive rural identity. The landscaped context of the village further ensures that it is subservient to the wider countryside with little visible urban intrusion.
 14. LPP1 Policy ESD 15 requires new development to respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces. LP Policy C28 requires standards of layout, design and external appearance of new development, including the choice of external-finish materials, to be sympathetic to the character of the urban or rural context of that development.
 15. The single storey dwellings would be constructed with reconstituted stone, brick, timber cladding and slate for the roof. They would be within a landscaped site, with the provision of a communal garden where the dwellings face onto one another, and planting alongside the edge of the site with the countryside.
 16. However, individual dwellings would have large footprints, varied pitched roofs, wide frontage elevations incorporating double garaging (plots 2-5) and long rear elevations facing onto the countryside (plots 1 and 6) which would be dominating on their plots. Dwellings would have limited sized gardens relative to footprints and hard standings within their plots. The road layout would comprise significant areas of hardstanding for access, vehicle parking and turning in close proximity to the dwellings. Such proximity would leave little meaningful landscaping opportunity for the frontages of the dwellings, especially plots 1- 2 and 5-6. Due to closeness, the dwelling on plot 3 would have an awkward and cramped relationship with that of plot 2. Aesthetically, the dwellings would also be similarly designed and elevations would have an overly fussy pattern of external materials, with the timber cladding positioned in arbitrary manner.
 17. There are individual bungalows within the village but they are not grouped together in a similarly designed and overly built-up cluster like the appeal proposal. The dwellings would also extend beyond that consented on the neighbouring site and the dwelling at Faraday House on Woodway Road. The

dwelling on plot 1 would be particularly close to roadside hedge with a poorly articulated flank exposing it to view. There would be landscaping but given the rising topography, it would take a considerable time to screen and filter views of the development from the countryside, including the public right of way along and adjacent to Woodway Road.

18. The neighbouring appeal development scheme comprised a greater number of dwellings which would be two storey rather than single storey. However, this development differed in that the housing would be located closer to Hook Norton Road with significant landscaped areas, comprising open space, allotments, orchard and ecological area, separating it from the countryside. This scheme's layout was more reflective of the village, with dwellings shown to be closely aligned with the street frontage on Hook Norton Road and those behind in spacious plots with a central landscaped open space. The scheme would have greater connection to the village, with the significant public open spaces, compared to the proposal before me. Therefore, it would be of a higher design quality, and its visual and character impacts would be considerably less. For these reasons, limited weight would be given to this scheme as a consideration in favour of the appeal scheme here.
19. Well-designed places do not need to copy their surroundings in every way but the design and layout of proposed housing would result in an overly built-up and visually incongruous development, that fails to integrate with its context and surroundings for all the reasons indicated. The development would not be high quality harming the character and appearance of the area, including the intrinsic character and beauty of the countryside. Accordingly, there would be conflict with Policy ESD 15 of the LPP1 and Policy C28 of the LP.

Accessibility to services and facilities

20. The appellant's Transport Statement² contains a convenience store with post office within Sibford Ferris which would be within a reasonable walking distance of the site, under 15 minutes. A public house, surgery and village hall are within 20 minutes walking distance in Burdrop. A bus stop is about 8 minutes away which offers services to nearby settlements on 2-3 hourly frequency. There are some footways within the vicinity, including in the proposed and neighbouring appeal development scheme, to access the facilities at Sibford Ferris, and along Hook Norton Road. There are further public house and church facilities in Sibford Gower.
21. Pedestrian access to facilities and services in the nearby villages is more difficult due to topography but given its rural nature, the Service Centre has a reasonable range of facilities and services. Urban areas will always have a greater range of services and facilities, and better accessibility to them, due to their size, when compared to rural areas. Furthermore, Sibford Ferris/Sibford Gower is a Category Service Centre under LPP1, which is categorised as a settlement having a level of services and facilities capable of accommodating further development. For these reasons, resident's accessibility to services and facilities would not be a reason to refuse the proposal in this instance.

² Transport Statement, Land to the east of Woodway Road, Sibford Ferris, Oxfordshire, Pegasus Group, December 2022.

Other matters

22. The proposal would boost housing supply in a district with an acute housing need. For the period 2022-2027, the 5YHLS is deficient standing at 3.5 and this represents a substantial shortfall of dwellings that has increased over time. The provision of 6 dwellings would make a small but important contribution to housing land supply. The proposal would support the Government's objective of significantly boosting the supply of homes under paragraph 60 of the National Planning Policy Framework (the Framework).
23. The bungalows would be designed to be adaptable for elderly persons under the Building Regulations and would contribute to the range of provision for aging population within the district. The proposal would comply with LPP1 Policy BSC 4 which indicates new residential development should provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. Based on a needs report³, there is an accepted need for retirement properties in the area, with the Council's Strategic Housing Officer supporting the proposal. Development would result in greater provision of retirement housing stock, choice for older people, a sense of community and security for the new residents, and support of independent living with additional help and support.
24. Paragraph 79 of the Framework accepts where there are groups of smaller settlements, such as here, development in one village may support services in a nearby village. There would be economic benefits through the construction of dwellings and the financial spend of new residents on the local economy. There would be a new homes benefits and additional Council Tax. Such economic and social benefits would weigh in favour of the development.
25. In a Housing and Economic Land Availability Assessment 2015, the site was considered as acceptable in principle for development and planning permission for the appeal proposal was recommended by officers. Such considerations are material but every proposal has to be considered on its particular planning merits. There would be scope for the erection of bat and bird boxes, and biodiversity friendly landscaping but given the extent of development, it has not been demonstrated that a net biodiversity gain would occur.

Planning balance

26. The development would boost housing supply in a district with an acute need because of a deteriorating 5YHLS position. It would meet a demand for a specialised group in need whilst also adding to the variety of housing within the district. Residents would have reasonable access to services and facilities for a rural area and they would support them in Sibford Ferris and neighbouring villages. There would be economic and social benefits arising from the development.
27. The lack of 5YHLS reduces the weight to be given to policy conflicts, Policies BSC 1 and ESD 15 of the LPP1, and Policy C28 of the LP. However, there would be significant harm to be rural character and appearance of the area, and given 6 dwellings are proposed, the benefits would be modest. Paragraph 126 of the Framework states that the creation of a high quality, beautiful and

³ Report on Need and Demand of the proposed development of 6 age restricted single storey dwellings at Hook Norton Road, Sibford Ferris, Oxfordshire within the Cherwell Local Planning Authority, Contact Consulting, December 2021.

sustainable buildings and places is fundamental to what the planning and development process should achieve. The proposal would fall considerably short of this requirement by failing to be sympathetic to local character and history, including the surrounding built environment and landscape setting. As such, the LPP1 and LP policy conflicts based on design are significant and overriding. There would be conflict with the development plan taken as a whole.

28. The tilted test within paragraph 11 d) ii of the Framework applies. However, the harm to the character and appearance would be significant demonstrably outweighing the modest benefits. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision should be taken in accordance with the development plan and planning permission refused.

Conclusion

29. For the reasons given above and having regard to all other matters raised, I conclude that the proposal would conflict with the development plan, and there are no material considerations to outweigh that finding. Accordingly, the appeal is dismissed.

Jonathon Parsons

INSPECTOR