



Appeal Decision

Site visit made on 7 June 2023

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/V3120/W/22/3298572

Dry Leys, Kingston Road, Frilford, Abingdon OX13 5HB

- 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 Manorgate Homes against the decision of Vale of White Horse District Council.
 - The application Ref P21/V2907/FUL, dated 9 October 2021, was refused by notice dated 5 April 2022.
 - The development proposed is the replacement of an existing dwelling and the construction of 2 additional dwellings and associated infrastructure.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether it accords with the spatial strategy for housing in the district.

Reasons

3. In the *Vale of White Horse District Council Local Plan 2031*, Core Policy 3 seeks to focus development on a hierarchy of Market Towns, Local Service Centres and Larger Villages. Core Policy 4 then adds that development outside these settlements and Smaller Villages in the open countryside will not be appropriate unless supported by other relevant policies in local or national policy.
4. Dry Leys is a sizeable dwelling that stands on a very large plot between the villages of Frilford and Kingston Bagpuize. It is within the built-up area of neither settlement, and so is in the open countryside. The proposal is for one replacement dwelling plus 2 new ones, all of which would be for the open market, and I am aware of nothing in national or local policy to support such a scheme at such a location. In this regard, the development would therefore conflict with Local Plan Core Policies 3 and 4.
5. However, the appellant has contended that the reasoning behind these policies is to deliver sustainable development. Whilst it accepts that the site is outside settlements, it nonetheless places great emphasis on it being next door to the long-established Millets Farm Centre. This is a large rural retail complex. It comprises, amongst other things, a sizeable garden centre, which also sells a range of books, clothes, toys and so on, a large food store, various other retail outlets, and places to eat and drink. There is also a letter box and occasional medical services, whilst in the car park is a bus stop for the regular service that runs between Witney and Abingdon up to 5 times a day. Pedestrian access

from the appeal site to this Farm Centre can be achieved by a public footpath. It was the appellant's contention that, notwithstanding the appeal site's location outside the built-up areas of villages, its relationship with the Farm Centre would provide the occupiers with a high level of access to a good range of services and facilities.

6. The Farm Centre would clearly not provide all the facilities needed for day-to-day living at the appeal scheme, as there are no educational services and I have nothing to show that the health services offered would allow care when needed by the residents. However, this is not an uncommon situation in rural communities.
7. I acknowledge though that it would meet certain retail needs, while the bus service would provide some connection to larger settlements nearby. The value of these though is tempered to some degree by the nature of the connecting footpath. While it is pleasant enough to walk along occasionally when the weather is favourable, its attractiveness would diminish in inclement weather or when dark. Moreover, the bus service would have its limitations in allowing access to employment and certain other activities, although I recognise it is the same service that serves Kingston Bagpuize. Overall, I accept that for a rural area the development would have access to a commendable range of services without needing to rely on private motorised transport.
8. However, to my mind the Local Plan policies that seek to locate housing in settlements for reasons of sustainability are not just concerned about the transport choices for the residents of the new development. Rather, they are also aimed at supporting the settlements themselves. The services and facilities in Frilford and Kingston Bagpuize appear to be limited, and making them a focus for housing is going to assist in supporting and growing what they can offer, to the benefit of the wider community. This is apparent in Local Plan Core Policy 3, which states development in Larger Villages should '*support employment, services and facilities within local communities*', and adopts similar positions in relation to Market Towns and Local Service Centres. Paragraph 4.8 in its supporting text adds that

these settlements provide the best range of services and facilities and new development will help to support and enhance them... [while] ... the main service providers ... prefer this approach because it will help them to deliver their services more efficiently.

This benefit would not be achieved to the same extent if new housing was away from the settlements in the open countryside, even if it was to be placed at locations that allowed its residents a relatively good access to certain services.

9. Although the bus service would provide a connection to Kingston Bagpuize, that is unlikely to be favoured for, say, trips to the convenience store due to timetabling. Moreover, the nature of the road, with its lack of pavements and streetlighting, coupled with the distances involved, mean it is extremely unlikely residents would walk there while cycling could be perceived as having its dangers. There is a pavement for much of the route to Frilford, but again the distances would discourage residents from walking. Indeed, the incentive to travel to either, for retail services at least, would be reduced by the site's

relationship to the Farm Centre and what it offers in that regard. In these circumstances, I consider the proposal would contribute little to support the services and facilities at these villages. As such, the scheme would conflict harmfully with the spatial strategy.

10. The appellant also stated that even if trips to nearby settlements were undertaken in cars, they would not be long. Such a contention though, if accepted, could apply to numerous sites outside settlement boundaries and, in my opinion, does not offer a basis to come to different findings on this issue.
11. Accordingly, I conclude that the development would be in the open countryside outside of the built-up areas, and, with no national or local policy to support such a scheme at such a location, would be contrary to the aims of sustainability in Local Plan Core Policies 3 and 4.

Material considerations

12. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan unless material considerations indicate otherwise.
13. To be balanced against the development plan conflict I have found in relation to the spatial strategy, the appellant contended the scheme would inject over £14m into the economy and would create employment. That figure though appears to be based on a metric, and a comparable one would no doubt apply to many similar developments in the countryside. I accept as well that the curtilage of Dry Leys could be defined as previously developed land, and being deliverable now this scheme would boost housing supply. It was also said that the proposal would be a less inefficient use of the site compared to the existing situation, and was functionally related to existing development. Again, such points could quite probably, be applied to many other sites outside settlements and, of themselves, do not justify the scheme in the face of the harm. Indeed, even if the above were taken together with all other benefits cited, they do not outweigh the harm I have identified.

Conclusion

14. Accordingly, the development is contrary to the aims of sustainability in the Local Plan and, in the absence of any material considerations to indicate otherwise, I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR