



Appeal Decision

Site visit made on 29 August 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2023

Appeal Ref: APP/C3105/W/23/3314220

Land west of School Lane & Foxden Way, Great Bourton, Bourton, OX17 1RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Will Lombard of Fernhill Estates Ltd against the decision of Cherwell District Council.
 - The application Ref 22/03215/PIP, dated 18 October 2022, was refused by notice dated 28 November 2022.
 - The development proposed is described as an 'application for permission in principle for proposed development of 4-5 bungalows at land off Foxden Way, Great Bourton'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or 'permission in principle') establishes whether a site is suitable in principle, and the second stage ('technical details consent') is when the detailed development proposals are assessed. The appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly. I have had regard to the submitted block plan for indicative purposes only.
4. The Council was unable to demonstrate a 5-year housing land supply at the time the application was determined. However, the Council's evidence sets out that a 5.4 year housing land supply can now be demonstrated. The appellant has been given the opportunity to comment on this matter. Based on the available evidence, I am satisfied that paragraph 11d) of the National Planning Framework (the Framework) is not engaged.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to the location, land use and amount of development, with particular regard to:
 - the character and appearance of the area;
 - access to services and facilities.

Reasons

Character and appearance

6. The appeal site comprises a modest parcel of agricultural land which is bound to the north by residential properties. The village allotments are located in the opposite direction, beyond an intervening strip of agricultural land. Although close to the settlement, the mature field boundaries physically separate the appeal site from the built-up limits of the village.
7. Great Bourton comprises of ribbon development on both sides of Main Street – the main thoroughfare through the village, behind which lies small clusters of development. Indeed, the part of the village located to the north of the appeal site displays a more nucleated character. There is a clustering of properties, with a linear frontage onto School Lane together with cul-de-sac and infill development¹. These schemes, although recent additions to the village, are both physically integrated and visually contained within the limits of the built-up area.
8. In approaching the appeal site along Foxden Way, the panorama is principally green and open which provides a pleasant, rural setting to the village. The overriding character is that of countryside and agricultural land is an important part of this. Whilst noting the existence of the village allotments, due to the mature landscaping and the set back from the road, they are not readily distinguishable on the approach to the village and therefore do not disrupt the countryside setting. The appeal site, because of its undeveloped nature and the extent of existing landscaping between the appeal site and built-up area of the village, has a strong relationship with the surrounding open fields and positively contributes to the character of the countryside and the rural setting of the village.
9. A residential development of this nature and scale would not be wholly discordant with the nearby cul-de-sac developments. Further, the appeal development would relate to the existing settlement in so far as it would be physically linked via the proposed footway. Nevertheless, the proposal would introduce built form and domestic paraphernalia, including a new access onto land which is otherwise undeveloped and devoid of buildings. In doing so, the appeal scheme would result in the encroachment of development into the countryside, eroding the rural character and appearance of the countryside and the setting of the village.
10. In coming to this view, I recognise that the detailed design matters including vehicular and pedestrian access would be subject to future consideration and that the height of the proposed dwellings could be controlled. The appeal site is not subject to any Tree Preservation Orders or located within proximity of any designated heritage assets. However, for the reasons set out above, it is my overall view that the appeal proposal would read as a visually intrusive form of development which would contribute to the undesirable urbanisation of the countryside. This would be to the detriment of its intrinsic character and beauty.
11. Accordingly, I find that the appeal proposal would harm the character and appearance of the area contrary to Policies ESD 13 and ESD 15 of the Local

¹ 19/01808/F, 20/01110/F and 21/02336/OUT

Plan together with saved Policies C8 and C28 of the Cherwell Local Plan 1996. Collectively, these policies seek to ensure that development proposals respect and enhance local landscape character and the built environment. It would also be inconsistent with the Framework where it seeks to ensure that development is sympathetic to local character, including its landscape setting and safeguards the intrinsic character and beauty of the countryside.

Access to services and facilities

12. Underpinning the Local Plan is a spatial strategy for the district which seeks to ensure that new residential development is distributed to the most sustainable locations. To reduce the overall need to travel, the strategy focusses the bulk of the proposed growth in and around Banbury, Bicester and the larger villages identified in Policies Villages 1 and Villages 2 as these have a range of services and facilities. The thrust of these policies is generally consistent with the Framework.
13. For the purposes of Local Plan Policy 1, Great Bourton is classified as a Category B – satellite village. This category is identified as having a limited range of facilities and thus new development is limited to infilling and conversions within the built-up limits of the settlement. Whilst the scale of the proposed development would be within the parameters of acceptable minor development (less than 10 units), it would be located outside of the built-up limits of Great Bourton where new development is more restricted.
14. Within the main village, there is a community hall, children's play area and Church. At the time of my site visit, The Bell Inn was advertised as being for sale and did not appear to be open for business. The Council indicate that there is a local bus which operates a single service on Saturdays, and I observed on my site visit that there is a bookable bus service available to residents twice weekly. Consistent with the walkable neighbourhoods' principles set out in Manual for Streets, these community and leisure facilities would be within walking distance of the appeal site. Services and amenities in Cropredy and Banbury could also be accessed via bicycle and on foot. However, given the lack of cycle provision, footways, and street lighting along the main road together with the speed limit, it is considered likely that access to Banbury on foot or bicycle would be less favourable options.
15. Given the limited nature of the existing services within the village and the frequency of the local bus service, it is likely that future occupiers of the proposed development would have a greater reliance day to day on the private car to access employment, bulk shopping, leisure, education, and health facilities further afield. Consequently, the proposal would undermine the sustainability objectives of the Local Plan where it seeks to reduce travel and mitigate and adapt to climate change through the reduction of carbon emissions.
16. I acknowledge that the residential development to the north of the appeal site was granted permission despite the limited services and amenities within the village and that no pedestrian enhancements were provided as part of these schemes. However, unlike the appeal proposal, these housing units were located within the built-up limits of Great Bourton. As such, the respective schemes were regarded as being consistent with the spatial strategy as set out in the development plan. Furthermore, whilst having had regard to the appellant's evidence in relation to the lack of personal injury accidents, existing

traffic volumes and TRICS data, given the distances and nature of the routes, these factors do not persuade me that the development would be acceptable from a sustainability perspective.

17. Consequently, the proposal would not provide a suitable location for housing having regard to the accessibility to services and facilities. It would therefore conflict with Policies ESD 1 and SLE 4 of the Local Plan. These policies seek to mitigate and adapt to climate change by distributing housing growth to the most sustainable locations, promoting sustainable travel options, and reducing the need to travel. I also find the proposal to be inconsistent with the Framework, which, amongst other objectives seeks to promote sustainable housing development which enhances and supports rural communities and avoid the development of isolated homes.

Other Matters

18. Whilst the provision of bungalows responds to the housing need identified by Bourton Parish Council, there is no suitable mechanism before me to ensure that the proposal would be occupied by those identified as needing this type of housing. Whilst the appellant contends that this could be controlled by a condition requiring a legal undertaking at the technical details consent stage, the Planning Practice Guidance indicates that a condition requiring a planning obligation to be entered into is only likely to be appropriate in exceptional circumstances. In this case, no such circumstances have been put to me by the appellant. This therefore is of limited weight in the consideration of the appeal.
19. I acknowledge that an alternative scheme² for a larger housing development on the appeal site was supported by officers. Whilst it has been put to me by the appellant that no objection in relation to access to services was raised by the Council, the officer's considerations and reasoning is not clear from the information before me. In any case, this scheme was ultimately refused. I note the efforts made by the appellant to overcome these earlier refusal reasons however, for the reasons set out above, I have found harm from this scheme.
20. My attention has been drawn to several appeal decisions. Although, the site at Finmere was a similar scale of development and distance to nearby settlements, the nearest settlement was a Category A - Service Village with a wider range of services, facilities, and transport options. Hook Norton and Adderbury are classified as Category A villages and the schemes, given their scale (10 units or more) were assessed in accordance with Local Plan Policy 2. Therefore, these schemes are materially different to the scheme before me.
21. The appeal proposal would contribute to the mix of housing within the area and support the local economy and viability of local services in the surrounding settlements. It would also bring short-term benefits in terms of construction expenditure and employment. However, the economic and social benefits that the additional households would provide would be limited. Furthermore, whilst the proposal would offer an opportunity to enhance biodiversity, based on the evidence, the extent of the benefit in comparison to leaving the site undeveloped is not clear. I therefore give this limited weight. For these reasons, the benefits would not outweigh the conflict with the development plan.

² 21/00922/OUT

22. The Inspector's findings in relation to permission is principal applications and the provision of new housing for the purpose of paragraph 11d) of the Framework are not disputed. However, the evidence before me indicates that the Council is now able to demonstrate a 5-year housing land supply. Whilst critical of the housing supply figure, no substantive evidence has been provided by the appellant to indicate that the Council's statement is inaccurate. In any case, even if the Council was unable to demonstrate a 5-year housing land supply, the harm that I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

23. For the reasons set out above, the appeal proposal would conflict with the development plan read as a whole and no material considerations, including the Framework indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

H Wilkinson

INSPECTOR