

Appeal Decision

Hearing held on 7 November 2023

Site visits made on 6 and 7 November 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/D3125/W/23/3328084

Land North of 48 Abingdon Road, Standlake, Oxfordshire OX29 7QH

- 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 Jim French against the decision of West Oxfordshire District Council.
 - The application Ref 23/00163/FUL, dated 19 January 2023, was refused by notice dated 20 March 2023.
 - The development proposed is described as 'the erection of four dwellings with associated infrastructure and parking, on an enclosed brownfield site.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the application form the site address is given as 49 Yew Tree Farm, Workshop, Abingdon Road, Oxfordshire, Standlake. However, when the application was registered, the Council referred to the site as 'Land North of 48 Abingdon Road, Standlake'. As there does not appear to be a No 49 and the site is located adjacent to a newly constructed dwelling with the address 48 Abingdon Road, I consider that this address more accurately identifies the location of the site and therefore I have used this in my banner heading.
3. A Statement of Common Ground (SoCG) was submitted before the start of the Hearing which set out the policy context along with matters of agreement and those in dispute. The SoCG sets out that the Council could not demonstrate a 5-year housing land supply. Since the SoCG was submitted the Council published a Housing Land Supply Position Statement which details a 5.4 year supply. Prior to the Hearing the appellant submitted a rebuttal to this position.
4. I undertook an unaccompanied site visit on the afternoon of 6 November 2023 to enable me to familiarise myself with the site. At that time, I viewed the site from Abingdon Road, Lancott Lane and nearby public rights of way. I undertook a further site visit of the appeal site itself and immediate environs following the hearing.

Main Issues

5. The main issues are;

- The effect of the proposal on the character and appearance of the area and whether it would lead to increased coalescence of settlements; and
- Whether the proposal would effect the setting of nearby Grade II Listed Buildings and a non-designated heritage asset.

Reasons

Policy Context

6. Policy OS2 of the West Oxfordshire Local Plan (2018) (LP) sets out that development will be focussed on the main service centres of Witney, Carterton and Chipping Norton due to these centres offering the widest range of services and facilities and their accessibility by a choice of transport modes, with some development permissible in defined villages. Standlake is listed within the LP's settlement hierarchy as a "village". All other villages and settlements not listed and the open countryside are defined as "small villages, hamlets and open countryside" within the hierarchy. The policy goes on to detail a number of principles, one of which states that development should avoid the coalescence and loss of identity of separate settlements. Further requirements for development in these locations is provided in LP Policy H2.
7. The appeal site is located at end of a linear development of housing along Abingdon Road. The appellant asserts that Standlake and Brighthampton read as one settlement as development along Abingdon Road has resulted in their coalescence.
8. I have been provided with appeal decisions¹ which have previously considered this matter. In the, oldest, Lancott Lane decision the Inspector stated that "whilst originally two distinct settlements over time the villages, in my opinion, have become contiguous as the boundaries between the two have become increasingly blurred as the historic gaps along the Abingdon Road have been infilled with development."
9. In the Aston Road decision, the Inspector states that the observation made within the Lancott Lane decision "was made within the context of a discussion of the effect of the proposal on the character and appearance of the area". The Inspector then comments that Brighthampton and Standlake are distinct settlements with separate identities and as such it does not follow that they should be treated as a single settlement for the purposes of Policies OS2 and H2.
10. In the Witney Road decision, the Inspector states that "notwithstanding that the villages may have become visually contiguous, that I too find that Brighthampton and Standlake are separate villages. The extension of each settlement to the extent that their boundaries have met is not sufficient to infer that they are one settlement."
11. I agree with the Lancott Lane decision that over time development along Abingdon Road has led to the blurring of the boundaries between the two settlements. However, the two settlements have distinct characters. The

¹ APP/D3125/W/17/3182864 (Lancott Lane decision), APP/D3125/W/18/3218392 (Aston Road decision) and APP/D3125/W/19/3231559 (Witney Road decision)

appellant's Landscape Appraisal states that to the north of the site the streetscape becomes more characterful and dispersed, with traditional stone buildings arranged in a less dense/rigid manner. Indeed, the part of Standlake closest to the site is characterised by a linear development of predominantly large, detached properties on large plots behind driveways, front gardens and mature hedgerows. In contrast, Brighthampton has more characterful buildings located close to the road with stone wall boundary treatments.

12. Additionally, there are two clear breaks in built development along Abingdon Road, the cricket ground and the area of land between No 48 Abingdon Road and dwellings on Lancott Lane, which includes the appeal site. Whilst these open spaces are not opposite each other, I saw during my site visits that they each provide a visual separation between the more modern development of Standlake and the more characterful buildings in Brighthampton.
13. Therefore, as concluded in the two most recent appeal decisions before me, Standlake and Brighthampton appear as separate settlements with their own distinct character separated by two open spaces. Whilst their boundaries may have moved closer over time, for the purposes of the LP which identifies Standlake as a village but not Brighthampton, they should not be treated as a single settlement.

Character and Appearance

14. As noted above, the appeal site forms part of the gap in development on the southern side of Abingdon Road. It is a flat rectangular piece of land which, during my site visit, was laid to grass and bound by trees. It adjoins a larger area of agricultural land to the north and west, Abingdon Road to the east and existing residential development to the south. It appears to me from the submissions that the appeal site has been put to various uses over the years however both main parties are in agreement that it is not previously developed land.
15. The Lancott Lane decision related to this larger area of agricultural land. I have had regard to this decision which states that "the only two significant gaps that remain along Abingdon Road are the appeal site and the Oxford Downs Cricket Club" And have no reason to disagree with that general observation. The Lancott Lane site did not include the site currently under appeal but abutted the site to the north and south, and the Inspector did not note it as one of the gaps they identified.
16. However, the Lancott Lane decision did not mention the appeal site, but it would have introduced dwellings to the northwest and southwest. The appeal site effectively squares off the open space described as a significant gap at its road frontage. The fact that the Inspector did not specifically mention the appeal site does not, in my mind, make it part of the gap in development, when it clearly adjoins the land that is referred to.
17. It has been put to me that the appeal site is distinct from the Lancott Lane decision as it is bound by trees, hedgerows and post and rail fencing and has always been a separate parcel of land. I do not disagree with the appellant that the appeal site is largely enclosed and is different from the open

agricultural land to the north. However, the appeal site fronts on to the highway and the absence of built form is appreciable from the road. Whilst it is bound by trees these are not so dense that views through the site to the open agricultural land and vice versa are not?? available.

18. The gaps are important to ensure that the two settlements retain their distinct character and do not coalesce. The proposed development would result in the loss of a parcel of undeveloped land which contributes positively to the rural character of this part of Abingdon Road. The introduction of four dwellings and associated infrastructure would reduce views of the open agricultural land beyond which is currently possible through the appeal site. This would diminish and erode the function that the site performs as a gap between the two settlements and the visual connection with the landscape beyond. Whilst some gap would be maintained, with land further north along Abingdon Road remaining undeveloped, the development would erode it's ability to contribute positively to the open nature and rural character of the area.
19. The Council have concerns regarding the layout of the proposed development in that one of the buildings would be orientated to be side on to the road. Whilst the area is predominantly linear development, I saw during my site visit that there are several examples of side facing dwellings in the area, namely Macdalen Farm Cottage, No 94 Abingdon Road and Orchard Paddock Cottage.
20. The proposed semi-detached dwellings would, through their design, use of materials and scale, would reflect the design and character of recent developments on Abingdon Road. Additionally, due to the varied layouts along the road it would not harm the pattern and grain of development in the area.
21. Nevertheless, whilst the general layout and design of the proposed development would not run contrary to the character of the area, this does not overcome the harm that would arise from the introduction of built form into an important area of open space that contributes positively to the character and appearance of the area. The introduction of development in this location would result in harm to the character and appearance of the area.
22. As a result, the proposal would be contrary to LP Policies H2 and OS2 which seek to ensure that development avoids the coalescence and loss of identity of separate settlements and not involve the loss of an area of open space or any other feature that makes an important contribution to the character and appearance of an area. It would also be contrary to Paragraph 130 of the National Planning Policy Framework (the Framework) which seek development that is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Heritage

23. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant

planning permission for a development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

24. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 202 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
25. There are two Grade II listed buildings located to the north of the appeal site on Lancott Lane, Langcotta and Midway, a pair of modest agricultural workers cottages. From the appeal submissions and what I heard at the Hearing, it would appear to me that the significance of Midway and Langcotta is derived from their architectural detailing and their orientation looking towards agricultural land which provides an important link to their historic use and therefore contributes to their significance. I observed on site that, with the exception of a few glimpsed views, Langcotta and Midway are effectively screened from the appeal site by existing trees and scrub.
26. Langcotta and Midway would have been prominently sited and would have derived intrinsic historic and evidential value from being experienced in a rural setting and as part of the wider agricultural landscape. The open pasture land to the south would be retained. The appeal site is located some distance from the listed buildings and would be screened from the development by the existing established landscaping on Lancott Lane. From these buildings any small glimpses of the appeal site would be of dwellings set against the backdrop of other built development.
27. From the evidence submitted and what I viewed on site I am satisfied that the listed buildings derive their significance from the open pasture land to their south rather than the appeal site. Additionally, due to the distance between the listed buildings and the appeal site, and the established landscaping, there would not be any intervisibility between them and the proposed development. Accordingly, the site does not contribute to the significance of the asset and the proposed development would have a neutral impact on the setting and significance of the listed buildings.
28. Hamilton House, formerly Yew Tree Farm, was considered to be a non-designated heritage asset (NDHA) in the Lancott Lane decision. Concerns are raised by local residents that the proposal would see the introduction of built form within the setting of the NDHA. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale and harm or loss and the significance of the heritage asset.

29. Hamilton House derives its significance from its historic use as a farmhouse and rural setting. The spaciousness and agricultural nature of the surrounding land would have provided an important link to the historic use of the farmhouse. The surrounding area has been developed over time with commercial buildings to its rear and residential dwellings to its north and south. Whilst the neighbouring barn conversions have been altered and extended, they retain an agricultural appearance and layout which do not detract from the setting or significance of the farmhouse.
30. Whilst the proposed development would be located opposite Hamilton House, it would be set back from the road behind an established hedgerow. In the setting of the NDHA the development would appear as a continuation of the building line and has been designed to be in keeping with nearby buildings. As such, the proposal would have a neutral impact on the character and appearance and the setting on this NDHA.
31. I therefore conclude that the proposal would preserve the special architectural and historical interest of the Grade II listed Langcotta and Midway and the NDHA. The proposal would comply with LP Policies OS2, OS4, EH9, EH11, and EH13 which together seek to ensure that development in rural areas will be limited to that which respects the intrinsic character of the area and demonstrates high quality design which gives great weight to conserving or enhancing areas and buildings of historic and architectural significance, including listed buildings. It would also comply with Paragraph 199 and 204 of the Framework which seeks to ensure that great weight is given to a heritage asset's conservation.

Other Matters

1. The Council has provided a Housing Land Supply Position Statement which details that they can demonstrate a 5-year housing land supply. The appellant disputes this as the Council were not historically meeting the housing demand, have not accounted for the demand for housing outside the Council's administrative area that they agreed to accommodate or the rear loading of housing provision in the LP. If I were to accept the appellant's position then paragraph 11 d of the Framework would apply and the most important policies for determining the appeal would be deemed to be out of date. As the erection of four dwellings, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits.
2. Paragraph 130 of the Framework requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. I have found that the proposal would cause unacceptable harm to the character of the area in the manner I have described above. I ascribe significant weight to this harm which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits. Even in the absence of a 5 year housing land supply the presumption in favour of sustainable development outlined at Framework paragraph 11 would not apply.

Conclusion

3. For the above reasons, there are no relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Steven Sensecal MRTPI
Jude Beckett
Peter Canavan MRTPI

Head of Planning and Development Carter Jonas
Carter Jonas
Carter Jonas

FOR THE LOCAL PLANNING AUTHORITY:

Chris Wood
Kelly Murray

Planning Appeals Officer
Planning Enforcement and Appeals Officer

INTERESTED PERSONS:

Mr Conlan
Sue French
Peter Richardson

Local resident
Local resident
Oxfordshire Neighbourhood Plan Alliance

DOCUMENTS SUBMITTED AT THE HEARING

West Oxfordshire Local Plan 2031 (2018) Policy H1
Decision notice 20/01844/FUL
Officer report 20/01844/FUL
Approved drawings 20/01844/FUL