



Appeal Decision

Site visit made on 15 April 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/V3120/W/23/333389

Land at Spey Road, Shippon Abingdon, Oxfordshire OX13 6HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Annington Property Ltd against the decision of Vale of White Horse District Council.
 - The application Ref is P23/V1360/O.
 - The development proposed is the construction of 9 dwellings with associated landscaping and open space to include access from Spey Road (Outline application with appearance, landscaping, layout and scale reserved).
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of 9 dwellings with associated landscaping and open space to include access from Spey Road (Outline application with appearance, landscaping, layout and scale reserved) at Land at Spey Road, Shippon Abingdon, Oxfordshire OX13 6HR in accordance with the terms of the application, Ref P23/V1360/O, and the plans submitted with it, subject the conditions in the attached schedule.

Preliminary Matters

2. The application is in outline with access to be considered as a detailed matter, with appearance, landscaping, layout and scale reserved for future consideration.
3. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.
4. The Council's third reason for refusal related to flood risk. The appellant has submitted a revised drainage strategy, and the Council is now satisfied that surface water could be adequately managed and flood risk to future occupants avoided. As such they are not pursuing reason for refusal 3.
5. I have considered the additional information under the principles established by the Courts. Given that they do not alter the proposed scheme other than the drainage details, I am satisfied that to consider it would not deprive those who should have been consulted on the change, the opportunity of such consultation.

Main Issues

6. As such, the main issue in this case is whether the appeal site is suitably located for new dwellings having regard to local and national planning policy.

Reasons

7. The appeal site comprises of landscaped/grassed area next to Spey Road. To its rear and side is open grassland. Spey Road serves a residential development within the settlement of Shippon.
8. Chapter 4 of the Vale of White Horse Local Plan 2031 (2016) (LP) outlines the spatial strategy for the area administered by the Council, which seeks to focus sustainable growth within the Science Vale area, reinforce the service centre roles of the main settlements across the district, and promote thriving villages and rural communities whilst safeguarding the countryside and village character.
9. LP Policy CP3 sets out that the settlement hierarchy consists of four tiers based on an assessment of their facilities, services and employment opportunities. Shippon is categorised as a 'smaller village' in the hierarchy settlement. Smaller villages like Shippon are considered to have a low level of services and facilities, where any development '*should be modest and proportionate in scale and primarily to meet local needs.*'
10. As set out above, the appeal site sits on the opposite side of the road to the Spey Road dwellings. However, there is a fenced boundary around the rear/side of the site which indicates a physical boundary between the development and the open countryside beyond. It is well maintained and landscaped, and I observed that this gives the impression that the self-contained and relatively modest site is part of and connected to the residential estate, rather than the countryside beyond.
11. Indeed, the appellants have provided images that show the site previously contained garages and hard standing for car parking, and whilst the site is now grassed over, the Council describe it as amenity grassland associated with the residential estate. This separates it from the surrounding open countryside, and, as stated above, it is experienced as such visually. The proposal would not extend development into the open countryside. I am therefore satisfied that the appeal site lies as part of the built environment and can therefore be considered within the settlement of Shippon.
12. Given the limited scale of the development, set out in the description of development, compared to the wider residential area of Shippon, the development is modest and proportionate in scale. The development would therefore safeguard the countryside and village character of Shippon.
13. LP Policy CP3 is silent on what represents 'local needs'. However, it is indicated that 5 of the proposed units would be one or two bedroom dwellings, and the appellants set out that this could be considered to the identified need for 1-2 bed properties for both young people and elderly residents set out in the Wootton and St Helen Without Neighbourhood Plan 2019-2031 (2019). Whilst the Council point to the delivery of 1 and 2 bed units in the North and North-West of Abingdon-on-Thames, in addition to 1 and 2 bed units being for sale within Abingdon, there is no substantive evidence that these developments and these local units, or indeed future allocated sites, adequately meet this specific need set out in the neighbourhood plan. In the absence of any other definition of local need before me, I am more persuaded by the appellants argument in this instance, and as such, the proposal meets this requirement of LP Policy CP3.

14. LP Policy CP4 sets out that in smaller villages *'limited infill development may be appropriate within the existing built areas of these settlements, or if a site is allocated within a neighbourhood plan or future parts of the local plan.'*
15. Unlike the requirements for development within market towns, local service centres or larger villages, or the countryside within this policy, this wording does not specially prohibit other types of development. It does not read as a closed list and is silent on other types of development. Therefore, even if the development would not meet the definition of infill development as commonly understood, I find no conflict with this policy.
16. As set out above, LP Policy CP3 accepts that some modest development within smaller villages is acceptable. The designation of Shippon as a smaller village recognises that it has limited facilities and services. Nevertheless, LP Policy CP33 seeks to promote sustainable transport and accessibility, though, amongst other matters, ensuring that the impacts of the new development on the strategic and local road network is minimised. LP Policy CP35 also seeks to encourage the use of sustainable modes of transport.
17. The submitted transport statement¹ sets out that there are indeed limited facilities within Shippon, however, there is a shop within 750m, pub some 2000m from the site and a pre-school 1000m from the site. I observed that the shop on Cholswell Road, is currently closed, however, the supermarket (1700m), secondary school (3000m), GP (3200m), primary school (3000m) located within/near Abingdon are also within walking or cycling distance. These facilities/services are accessible through pavements/footpaths and in some cases cycle paths. In addition, a bus stop within 1000m allows for access to travel between Oxford and Wallingford, including Abingdon, albeit at only an hourly frequency. The reliability or otherwise of this service is not substantiated, and I have no reason therefore not to take the service at face value.
18. As such, taking all these matters into account, I am satisfied that the site is not isolated from local services and facilities, and there would not be a reliance on the private car in order to meet day to day and basic needs. Consequently, the location is an accessible one, and the appeal site is suitably located in terms of access to services and facilities.
19. As such, I conclude that local and national policies dictate that the appeal site is suitably located for new dwellings, in accordance with LP Policies CP3, CP4, CP33 and CP35. There is also no conflict with the requirements of LP Policy CP8, which requires compliance with CP3. These policies are in broad conformity with the Framework.

Other Matters

20. Given my findings above, I am satisfied that the development would not result in the extension or enlargement of Shippon in a way that would diminish the separation between Shippon and other settlements and would not prejudice any local or neighbourhood plan policies protecting strategic gaps. Whilst third party objections point to flooding, on the evidence before me, I have no reason to disagree with the Council that conditions, as set out below, would appropriately mitigate any surface water risk.

¹ By IMA Transport Planning, dated May 2023

21. Whilst the development may affect views from the properties opposite, given the separation distances, the indicative plan shows that it is possible that views of the countryside beyond the development would be possible, and I am therefore satisfied that the development would not lead to a sense of enclosure, and there would be no unacceptable harm to outlook.
22. Whilst there is a lack of 1 bed units nearby, I am satisfied that the indicative plans illustrate that the development could be brought forward and include 1 bed maisonettes within a development that sits comfortably within the existing character and appearance of the settlement. The modest scale of development would similarly not harm the wider character and appearance of the surroundings, and there would remain sufficient open space nearby for children to play etc.
23. I am satisfied that there is sufficient space within the site and adjacent for there to be no unacceptable effect on access. Any noise disturbance during construction would be temporary and would not be sufficient reason to withhold permission. I have no substantive evidence to set out that the local highway network is incapable of providing access to the site for any heavy or large vehicles or that any additional road traffic resulting from the development would lead to highway congestion or safety issues. It is notable that the County Council's Highways Officer found no harm in this respect. In addition, the indicative plan illustrates that sufficient off street parking and garden spaces can be accommodated within the site. Similarly, the reputation of any builders associated with the development is not substantiated, and as such also not a reason to withhold permission.
24. The existing character and appearance of the site and its relationship to the built form of the settlement would not necessarily be replicated elsewhere, and therefore, this scheme does not in my view set a harmful precedent for development elsewhere. The possible existence of water pipes on the site does not influence my determination of this appeal.

Conditions

25. A list of suggested conditions has been provided that the Council and/or the appellants consider to be appropriate. I have considered these in light of the PPG and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
26. In addition to the standard time limit for the reserved matters submissions, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. I have removed drainage plans from this condition as they are based on an indicative layout. I have also imposed a condition relating to the housing mix, given the importance of securing 1 and 2 bed units set out above.
27. Due to the presence of potential sources of contamination, as identified in the submitted Preliminary Contamination Risk Assessment², a condition requiring further intrusive investigations and phased risk assessment is necessary, in addition to ensuring that the Council is informed if any unsuspected contamination is encountered. This is to ensure that the site is safe for its intended use.

² By Paddock Geo Engineering, May 2023 &

28. The Council identify the site as having potential for archaeological interest, and as such a condition securing a written scheme of investigation is appropriate, in order to safeguard and record any matters of heritage assets.
29. Conditions securing an appropriate sustainable and foul drainage scheme are necessary in order to ensure effective and sustainable drainage of the site, once details of siting have been finalised.
30. A Construction Environmental Management Plan and a Landscape and Ecology Management Plan are appropriate in order to minimise ecological impact of the development and secure a net gain for biodiversity.
31. The above conditions are pre-commencement in order to ensure that the details are appropriate prior to any work that may affect the site taking place.
32. Conditions requiring the submission of details for suitable bike storage and electric car charging points are necessary, in the interests of encouraging sustainable modes of transport.
33. In order to ensure that retained trees are adequately protected a condition has been attached stipulating that protection must be afforded throughout the construction period. A further condition controlling any works carried out to retained trees on the site is not necessary, as no work to the trees are proposed.
34. A condition setting out the appropriate hours of construction is not necessary, as this is covered by separate legislation. A condition setting out a maximum of 9 dwellings is not necessary given that 9 are identified specifically in the development description, and due to the constrained size of the appeal site.

Conclusion

35. For the reasons given above I conclude that the appeal should be allowed.

B Phillips

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: V41012-0100-C Site Location Plan.
5. The development shall accord with schedule of accommodation identified on indicative masterplan V4102-0110-A.
6. Prior to the commencement of the development a phased risk assessment, including a detailed Unexploded Ordnance Threat and Risk Assessment, shall be carried out in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 and CIRIA Report C681 Investigation of potentially contaminated sites. Each phase shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.
Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy.
Phase 3 requires that a remediation strategy be submitted to and approved by the LPA to ensure the site will be rendered suitable for its proposed use.
7. The development shall not be occupied until any previously approved remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.
8. Prior to the commencement of the development an Archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions - and
 - 1) the programme and methodology of site investigation and recording;
 - 2) the programme for post investigation assessment;
 - 3) the provision to be made for analysis of the site investigation and recording;
 - 4) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - 5) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - 6) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The development shall take place other than in accordance with the approved Written Scheme of Investigation.

9. Prior to the commencement of development a detailed sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority. This shall be based on the Drainage Statement, DS/958 Rev C, by Chiltern Design Ltd May 2023, sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

No building shall be occupied until the surface drainage works to serve that section of the development have been carried out and completed in accordance with the approved details.

The scheme to be submitted shall include:

- 1) Drainage Catchment Plans and outline strategy for the entire development;
- 2) Assessment of impermeable areas and storage volume requirements.
- 3) Information on proposed discharge rates with the overall discharge from the site restricted to the 1 in 1yr greenfield runoff rate for the worst case 1 in 1yr storm and the QBar greenfield runoff rate for the worst case 1:100yr + 40% storm;
- 4) Site investigation report, with infiltration testing to BRE 365 at the depth and location of infiltration features.
- 5) A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- 6) Detailed hydraulic calculations including node references with consideration for the worst case 1:100 + 40% event based on using the latest FEH input data and CV values as set out in Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire;
- 7) Fully detailed sustainable surface water drainage layouts;
- 8) Information on how exceedance and flooded volumes will be safely contained within the site boundary.
- 9) Proposed site levels, floor levels and an exceedance plan;
- 10) SUDS features and sections;
- 11) Landscape plans with sustainable drainage features integrated and co-ordinated as appropriate;
- 12) Drainage Construction Details;
- 13) Maintenance and Management Plan covering all surface water drainage and SUDS features for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. A colour coded plan to highlight which body is responsible for which sections of the drainage scheme.
- 14) Construction phase management plan, detailing how surface water will be managed during construction.

10. Prior to the commencement of development, a detailed foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage system designer should try to use maximum length drainage pipes, leak-proof couplings and aim to minimize the number of pipe joints and should demonstrate on the drainage layouts how this has been achieved to ensure longevity and resilience of the drainage system designed.

No dwelling shall be occupied until the foul drainage works have been carried out and completed in accordance with the approved details.

11. Prior to the commencement of the development, a construction environmental management plan for biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - 1) Updated ecological surveys for relevant habitats and species, which shall follow national good practice guidelines.
 - 2) Risk assessment of potentially damaging construction activities.
 - 3) Identification of biodiversity protection zones.
 - 4) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction.
 - 5) The location and timing of sensitive works to avoid harm to biodiversity features.
 - 6) The times during construction when specialist ecologists need to be present on site to oversee works.
 - 7) Responsible persons and lines of communication.
 - 8) Use of protective fences, exclusion barriers and warning signs.The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
12. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - 1) Description and evaluation of features to be retained, created and managed on site.
 - 2) Ecological trends and constraints on site that might influence management.
 - 3) Proposals for ecological enhancements for habitats and species, including methods of creation/establishment.
 - 4) Aims and objectives of management.
 - 5) Appropriate management options for achieving aims and objectives.
 - 6) Prescriptions for management actions.
 - 7) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - 8) Details of the body or organization responsible for implementation of the plan.
 - 9) Ongoing monitoring and remedial measures.
 - 10) Full biodiversity metric assessment to demonstrate that the proposed ecological measures on site will deliver a net gain for biodiversity.The development shall be carried out in accordance with the approved details.
13. Prior to the first occupation of the development hereby approved, provision for parking bicycles on the site shall be made in accordance with the details which shall have been first submitted to, and approved in writing by, the local planning authority. The cycle parking shall be permanently retained and maintained thereafter.

14. Prior to the first occupation of the development hereby approved, each dwelling shall be provided with an electric vehicle charging point in accordance with details which shall have been first submitted to, and approved in writing by, the local planning authority and thereafter retained and maintained.
15. All retained trees, as identified in the submitted Tree Survey Report by RGS Arboricultural Consultants (May 2023) within the site should be afforded protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.
16. The developer shall confirm in writing to the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of any contamination to the land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial works to include methods of monitoring and certification of such works undertaken. Where land contamination investigation/remedial works are required this must be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 Investigation of potentially contaminated sites and submitted to and approved in writing by the local planning authority.

End of Schedule