



Appeal Decision

Site visit made on 16 July 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2024

Appeal Ref: APP/Q3115/W/24/3338662

Attington Leys, Thame Road, Tetworth, Thame, Oxfordshire, OX9 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Clarke against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S3277/FUL.
 - The development proposed is the demolition of existing stables and barns and erection of a replacement single storey dwelling served by the existing vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of the appeal, a draft revision to the National Planning Policy Framework (the Framework) was issued for consultation alongside a Written Ministerial Statement. Some of the proposed changes, which relate to further boosting the delivery of housing and development within brownfield land, might eventually have a bearing on matters subject of dispute in this appeal. On this basis, the parties have been invited to provide comments on these matters. I have considered any comments received in my decision.

Main Issues

3. The main issues are:
 - whether the proposal would be in a suitable location for housing, having regard to the development strategy for the area and access to services and facilities; and
 - the effect of the proposed development on highway safety.

Reasons

Suitability of location

4. The appeal site comprises stables and barns serving adjacent paddocks and a manège. There is no disagreement between the parties that the site falls within the definition of previously developed land. The site is not identified to lie within a defined settlement as set out in the settlement hierarchy of the South Oxfordshire Local Plan 2011 – 2035 (SOLP) and, as such, it lies within the countryside for policy purposes.

5. Policy TET1 of the Tetsworth Neighbourhood Development Plan 2035 (NP) supports proposals for small scale, infill development within the village settlement. Proposals for development outside the village settlement will only be supported if they are appropriate to a countryside location and are consistent with the SOLP.
6. Policy H1 of the SOLP identifies the circumstances that must apply for residential development to be permitted on sites not allocated in the development plan. One such circumstance is the residential development of previously developed land within and adjacent to the existing built-up areas of towns, larger villages and smaller villages.
7. SOLP Policy H1 does not clarify what 'adjacent' comprises and, as such, this is a matter of planning judgement. Tetsworth, which is designated as a smaller village within the SOLP, is located at some distance from the appeal site. It is clear from the evidence that the site is physically separate from the built-up area of Tetsworth by intervening features such as fields and areas of woodland. As such, the site has a limited functional relationship to the village. Mindful of this context, I do not find that the site is adjacent to Tetsworth.
8. Although the distance between the site and Tetsworth might be considered walkable, such a journey is not facilitated by any footway until the A40 and, additionally, the entire route is unlit. The nearby footpaths accessing Tetsworth cross fields and therefore are unlikely to be attractive during the winter months, due to the weather and shorter days. Cycling from the appeal site would likely be restricted to confident adults used to rural roads. As such, it is unlikely that future occupants of the proposal would walk or cycle as a matter of routine. The nearest bus stops to the site are located on the outskirts of Tetsworth and the Transport Note (TN) indicates that the bus routes and their frequency are limited.
9. The lack of suitable walking and cycling routes, together with the limited offer of public transport, would result in future residents relying on the private car to access regular requirements such as schools, shops, employment and health services. This would significantly reduce the likelihood of journeys using sustainable modes of transport. As such, I do not find that the proposal would be responsive to its local circumstances, as it would not be appropriate to its countryside location.
10. While there may be existing housing within the Borough that is largely reliant on car journeys, paragraph 15 of the Framework informs us that the planning system should be genuinely plan-led. Therefore, conflict with the development plan's vision for the future of each area constitutes harm in itself.
11. Paragraph 84 of the Framework permits isolated homes in the countryside in certain circumstances. The site is at some distance from Tetsworth and does not adjoin it. Owing to intervening fields and areas of woodland the site has limited intervisibility with the settlement. Indeed, the site has greater affinity with the surrounding rural landscape. While there are scattered dwellings near the site, this is not uncommon in rural areas. I therefore find the appeal site to be isolated in the countryside under the terms of the Framework.
12. SOLP Policy H16 is supportive of the redevelopment of previously developed land within smaller villages and other villages. Due to its countryside location, the proposal would not benefit from the support offered by this policy.

13. Consequently, the appeal site would not provide a suitable location for new housing, having regard to its accessibility to services and facilities. The proposal would conflict with SOLP Policies H1, H8 and H16, which amongst other things, seek to protect the countryside from inappropriate development and reduce the need to travel by private car. Further, the proposal would be contrary to Policy TET1 of the NP, insofar as it seeks to secure development which respects the local context, including the countryside.

Highway safety

14. Vehicular access to the site would be via the existing access point, located along the site frontage. The B4012, on this location, is subject to a 50mph speed limit.
15. The TN submitted with the appeal sets out that an Automatic Traffic Count (ATC) was undertaken on the B4012 adjacent to the site in order to ascertain existing traffic speeds and therefore the required visibility splays at the site access. The ATC was placed along the B4012 during a week in January 2024 and it recorded 85th percentile vehicle speeds below the 50mph speed limit. On this basis, the TN concludes that the absolute minimum visibility splays, in accordance with the Design Manual for Roads and Bridges, could be achieved having regard to existing traffic speeds along the B4012 on this location.
16. Although the desirable minimum visibility splay of the right-hand appears to cross over third-party land on the opposite side of the carriageway, the absolute minimum visibility splay would be achievable within the carriageway. As such, irrespective of the number of movements associated with the proposal, the dwelling would be provided with an appropriate access point.
17. Therefore, the proposal would not have a harmful effect on highway safety, in accordance with SOLP Policy TRANS5, which supports proposals that provide for a safe and convenient access for all users to the highway network. Further, the proposal would accord with the Framework, which supports developments that would not result in unacceptable impacts on highway safety.

Other Matters

18. As the site does not lie in the Green Belt, the support that the Framework may offer to the re-development of previously developed land within the Green Belt is of limited influence in the context of this appeal. The support from the Parish Council and absence of objection comments by local residents does not outweigh the harm identified above.
19. Whilst national policies relating to housing land supply and brownfield developments are proposed to change as part of the Framework's consultation, for the time being they remain in draft and may be subject of change. They therefore carry limited weight in my consideration of this appeal.

Planning Balance and Conclusion

20. The Council, together with the Vale of White Horse District Council, undertook its Regulation 18 Part 2 consultation in relation to the emerging Joint Local Plan (JLP) in January 2024. The JLP is inclusive of a policies map and proposed allocations towards meeting housing need. In line with paragraph 226 of the Framework, from 19 December 2023 when this revision of the Framework was

published, for decision-making purposes, the Council would be required to demonstrate a four-year supply of deliverable sites other than the minimum of five as set out in paragraph 77 of the Framework. The Council states it can demonstrate 4.2 years supply of housing land and this figure is not disputed by the appellant.

21. The proposal would be acceptable in relation to other matters, including its external appearance and living conditions of adjoining neighbours. However, these are neutral factors that neither weigh for or against the development.
22. The proposed development would contribute to the Council's housing stock and would meet the government's objective of boosting the supply of housing. It would make use of previously developed land. The proposal would contribute to the local economy and there would be some economic benefits accrued from the construction process. However, given that the scheme is for one dwelling, these benefits attract limited weight in favour of the proposal and do not outweigh the harm that I have identified.
23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR