



Appeal Decision

Site visit made on 7 August 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/Q3115/W/24/3344032

Land adjacent to The Yard, Thame Road, Great Milton OX44 7NY

- 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 Bob Hutton of Greenford Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S2616/FUL.
 - The development proposed is a new build dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any other relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - whether or not the appeal site is an appropriate location for the proposed development;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether or not inappropriate development

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. A relevant exception includes paragraph 154(e), which concerns limited infilling in villages.

5. Policy STRAT 6 of the South Oxfordshire Local Plan 2011-2034 adopted December 2020 (SOLP) is consistent with the Framework as it sets out that development will be restricted to those limited types of development deemed appropriate by the Framework unless very special circumstances can be demonstrated. It is necessary to consider whether the appeal site falls within the village and secondly whether it would amount to limited infilling.
6. Given the particular circumstances, I will deal with infilling first. The terms limited and infilling are not defined in the Framework, but it is generally accepted that infilling involves the development of a relatively small gap between existing buildings.
7. The appellant has also referred to the definition contained in Policy H16 of SOLP where infill is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings.
8. Although there are existing buildings to the west of the appeal site in Oxen Piece, there are no buildings to the east as there is a driveway and then open fields in that direction. It follows that the proposal does not meet the generally accepted definition of infilling, or the first limb of the definition contained within Policy H16 of SOLP. Moreover, I am not persuaded that the appeal site is closely surrounded by buildings. That is because as outlined there are no buildings to the east and as a result buildings are not situated all around the appeal site. Further, the proposal would result in the introduction of an additional dwelling at the end of a continuous run of dwellings on this side of the road which simply would not appear as an infill development but rather would be an extension of an existing linear pattern of development.
9. The appellant has referred to a previous appeal decision¹ where the Inspector in that case set out that they did not favour the Council's suggestion that buildings located on the far side of a road could never be closely related to a development site. However, the Inspector went on to say that whether that is the case would be dependent on the circumstances. That is clearly correct, and it is necessary for me to undertake that exercise based on the very particular circumstances that exist here.
10. In any event, the Inspector in that case did not ultimately find that the proposal met the definition of infilling. Moreover, the circumstances of that case are materially different as it did not involve a proposal within the Green Belt and unlike here, it was common ground that the appeal site was located within the settlement boundary. So overall I afford that other appeal decision limited weight in the determination of the appeal. Similarly, given the very circumstantial nature of the exercise to ascertain whether a particular proposal would involve infilling the appellant's reference to other development proposals does not alter my view in this case.
11. Given that finding, strictly speaking it is unnecessary for me to determine whether the appeal site is located within the village. However, for the sake of completeness I consider that the appeal site does not fall within the village.
12. I say that because, although as outlined there is linear development to the west, there are no buildings to the east. There are residential dwellings on the

¹ APP/Q3115/W/22/3296061

opposite side of the road, but these have an entirely different appearance to the open fields to the east of the appeal site and although I accept that the dwellings on the opposite side of the road could be considered to fall within the village, I do not reach the same view in relation to the appeal site. Rather, I consider that the extent of the village on the south side of Thame Road is defined by the eastern boundaries of the properties in Oxen Piece.

13. The appellant has brought to my attention an appeal decision² where the Inspector highlighted that the determination as to whether a site is located within any given settlement for the purposes of Policy H16 of the SOLP is down to a consideration of the current site and its setting, along with its relationship with the village. I agree. Overall, whether the appeal site is located within the village and whether it constitutes limited infilling are questions of planning judgement taking account of an assessment of the position on the ground.
14. Having considered the situation, I find that the appeal site is not located within the village and even if I had found it was, the proposal would not amount to limited infilling. Consequently, the appellant is unable to rely on any of the exceptions contained in paragraph 154 of the Framework.
15. I therefore conclude that the proposal would amount to the construction of new buildings in the Green Belt and would be inappropriate development, which is, by definition, harmful to the Green Belt and consequently I give substantial weight to that harm. It follows that the proposal would conflict with Policy STRAT 6 of the SOLP and with the relevant policies that deal with the Green Belt contained within the Framework.

Openness

16. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Spatially, the introduction of a four-bedroom house with associated floor space and volume would be significant. Also, by occupying space that was largely undeveloped, the proposed development would harmfully reduce the openness of the site. Visually, the proposed house would have a significant presence in public views from Thame Road. As a result, there would be considerable harm to openness to which I give substantial weight.

Whether or not an appropriate location

17. As outlined, I have found that the appeal site is located outside the existing village of Great Milton. Policy H1 of SOLP deals with delivering new homes and sets out that residential development on sites not allocated in the development plan in smaller villages, such as the appeal site, will only be permitted if it is infilling. Policy H8 sets out that development within the smaller villages will be supported in accordance with Policy H16 of SOLP which reiterates that within smaller villages development should be limited to infill and redevelopment of previously developed land.
18. Given my findings above, that does not apply here. As a result, development plan policies, do not support residential development on the appeal site. The proposal would consequently be at odds with Policies H1, H8 and H16 of SOLP for the reasons set out above.

² APP/Q3115/W/22/3297007

Character and appearance

19. I observed that although there were some items stored on the site including a container, the appeal site was largely undeveloped and had a sense of spaciousness which made a positive contribution to the character and appearance of the area. The introduction of the proposed development would disrupt the spacious appearance and would harmfully extend the built form to the east and would fail to complement its surroundings.
20. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. The proposal would therefore conflict with Policies DES1, DES2 and ENV1 of the SOLP which seek to ensure that development respects the existing landscape character and responds positively to the site and its surroundings. It would also conflict with the Framework which promotes development that is sympathetic to local character.

Other Considerations

21. I have taken account of other developments that have been granted permission within Great Milton, that have been brought to my attention. However, these involve different sites for different schemes and consequently the circumstances and the impact on their surroundings are materially different from the proposal before me. Further, the question of whether those proposals met the definition of infill development and whether the relevant sites are located within the village would necessarily be based on an assessment taking account of the individual circumstances of each site and each proposal. The fact that a different conclusion has been reached on those other sites does not change my view in relation to the appeal site. In any event, the existence of these other examples does not justify harmful development at the appeal site.
22. I have also taken account of the fact that the proposal would result in an additional dwelling. Although the proposal would undoubtedly be valuable in boosting housing stock given that it would result in the addition of only one dwelling that tempers its weight and I afford this matter limited weight.

Green Belt Balance

23. Overall, the proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. For the reasons set out above, the harm to the Green Belt and the other harm I have identified would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.

Conclusion

24. The proposed development conflicts with the development plan and the Framework taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and having had regard to all other considerations raised the appeal is dismissed.

S Rawle

INSPECTOR