

Appeal Decision

Site visit made on 10 September 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2024

Appeal Ref: APP/C3105/W/24/3344393

Land to west of 42 Green Lane, Arncott OX25 1PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs Adamberry against the decision of Cherwell District Council.
 - The application Ref is 23/02772/PIP.
 - The development proposed is permission in principle for residential development of up to two dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 2 dwellings at Land to west of 42 Green Lane, Arncott OX25 1PA in accordance with the terms of the application, Ref 23/02772/PIP, dated 5 October 2023.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. 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.

Main Issue

4. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

5. Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015 (LP1) seeks to mitigate the impacts of climate change by distributing growth to the most sustainable locations as designated in the Local Plan.
6. Policy Villages 1 of the LP1 provides a categorisation of villages to guide the consideration of small-scale proposals for residential development. It states that Arncott is a Category A village which is considered to be suitable for residential development within the built-up limits and is generally regarded as having good access to day to day services. The Local Plan provides no definition of the built up limits of villages, however, the Council consider that for an area to be within the built limits it should contain a significant amount of built form and have a clear physical and visual connection with the surrounding built development.
7. The appeal site is a vacant parcel of land which is located to the rear of No 42 Green Lane. To the rear of the site is an MOD compound and as such there is tall, secure fencing that forms the site boundary to the rear. Green Lane is residential and is made up of a number of dwellings that generally differ in size and appearance.
8. The Council consider that appeal sites location, is outside of the village's built up limits. Moreover, due to its set back from Green Lane would not follow the prevailing layout and form of development within the area. While the dwellings immediately next to the appeal site tend to follow a linear pattern, the overall layout and form on Green Lane is mixed with some properties, particularly on the same side of the lane as the appeal site, being set back from the lane and accessed by small driveways.
9. It is also noted that Green Lane gives access, very close to the appeal site to playing fields and Arncott village hall with the areas next to this continuing the residential built form. I therefore consider that the appeal site is not visually outside of the build up limits of Arncott due to its position next to houses, the playing field and general residential built form that continues on the other side of the playing fields.
10. I acknowledge that from the Council's evidence that the appeal site historically appeared to be towards the edge of the village. However, the village has changed significantly and the appeal site is no longer at the edge of the village. The playing fields provide a visual break from built form on Green Lane, however, residential development still continues afterwards.
11. The Council consider that the appeal sites undeveloped appearance plays an important role in preventing total coalescence between Arncott and the MOD land. However, many properties along Green Lane abut the MOD land, some of which have been close to the boundary. However, I am mindful that the woodland next to and outside the appeal site would remain and the layout of the dwellings could be controlled to retain an aspect of openness between MOD land and the properties on Green Lane.

12. For the above reasons, I consider that there is a clear physical and visual connection with the surrounding built development and the site would therefore be within the built up limits of the village of Arncott. I find no conflict with Policies ESD1 and Villages 1 of the LP1 and Policy H18 of the Cherwell Local Plan November 1996. Amongst other things, these seek to ensure that development is appropriately located and within the built-up limits of settlements.

Other Matters

13. Notwithstanding the representations received and the Council's comments there is no reason to suggest that an appropriate layout could not be secured at technical details stage that does not harm highway safety, protects the living conditions of neighbouring occupiers and ensures adequate living conditions for future occupiers.

14. Concern has been raised in relation to the ownership of parts of the appeal site and restrictive covenants that may be present on the land. However, I am only in a position to consider the planning merits of the case.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be allowed.

D Wilson

INSPECTOR