



Appeal Decision

Site visit made on 28 October 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/Q3115/W/24/3342927

Land to the North of the Horse & Harrow, Main Street, West Hagbourne, Didcot, Oxfordshire OX11 0NB

- 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 Fruition Properties Limited against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S2094/O.
 - The development proposed is the erection of 6 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have altered the description of development above to remove wording that does not describe development.
3. The application is in outline with access and layout to be considered as a detailed matter, with landscaping, scale and appearance reserved for future consideration.

Main Issues

4. The main issues in this case are:
 - whether the appeal site is a suitable location for the proposal having regard to the development plan and national strategy;
 - whether the proposal would preserve or enhance the West Hagbourne Conservation Area (CA) and its effect on its setting; and
 - whether the proposed mix of dwellings would address the local need for housing.

Reasons

Location

5. Policy STRAT1 of the South Oxfordshire Local Plan (LP) 2011-2035 (2020) seeks to direct new residential development to the existing urban areas. It sets out that proposals for development will be assessed against national policy and guidance and the whole of the development plan. It seeks to support smaller and other villages by allowing for limited amounts of housing.

6. West Hagbourne is defined by the LP as a 'other village' in the district's settlement hierarchy. Amongst other criteria, LP Policy H1 allows for infilling within smaller and other villages. Similarly, SOLP Policy H16, in addition to other criteria, permits infill development within smaller and other villages. No other criteria are relied on.
7. West Hagbourne is identified within the LP as capable of accommodating some housing growth. Given the scale of the settlement, which includes recent development approved opposite the site and further along Main Street, there is no evidence before me that the proposed 6 dwellings would constitute a disproportionate addition to the village. The site has dwellings immediately to the east and on the opposite side of Main Street, and so cannot be said to be isolated. Moreover, I observed that there are bus stops nearby, which would prove access to close by services and facilities. Based on the evidence before me therefore, the proposal would be sustainably located.
8. LP Policy H16 defines infill development 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.*'
9. The site is surrounded by open countryside to the north and west. Neighbouring dwellings are situated on the opposite side of Main Street, and there is built form, with further building work underway at the time of my visit, immediately to the east of the site.
10. The term 'closely surrounded' is not defined in the policy, nevertheless, given the open space to the north and west, which is characterised by large, undeveloped, agricultural fields, the site cannot be said to be closely surrounded by buildings. It also does not represent a continuous built-up frontage, with no other dwelling to the east on this side of Main Street extending out of the settlement. Moreover, whilst 'small' is not defined in LP Policy H16, given the scale of the site, which would accommodate 6 detached dwellings in sizable plots mostly in a linear pattern, I do not consider the site to represent a small gap.
11. As such, regardless of whether the site could be considered to be within the village¹, I do not consider the proposal would constitute infill. The appeal decision² referenced by the appellant in relation to 1 dwelling was considered against a different policy context, and the Inspector concluded that the proposal would fill a small gap between buildings. As such, it is not directly comparable to the proposal in front of me. The appeal decision relating to 4 dwellings³ was not considered to represent infill, however the Inspector concluded that the benefits outweighed this conflict. This is discussed below.
12. I conclude therefore that the appeal site is not suitably located for the proposal as it would undermine the strategic objectives of the development plan and would conflict with the sustainable development principles and plan-led approach endorsed by the Framework. The proposal would conflict with LP Policies H16 and H1, and therefore STRAT 1.

¹ Including in relation to the numerous examples put forward by the appellant on this matter.

² Appeal reference APP/Q3115/W/19/3238404

³ Appeal reference APP/Q3115/W/17/3169045

Conservation Area

13. The majority of the appeal site is located outside but in close proximity to the West Hagbourne CA, however the CA boundary also includes the footpath and verge along the northern side of Main Street adjacent to the application site. As such the proposed new access would be located within the CA.
14. From my observations and the West Hagbourne CA Character Appraisal (2006)(CACA) insofar as it relates to this appeal, the significance of the CA is in part derived from its historic, including medieval, origins and number of heritage assets in the village core. The CACA states that the CA has a rural character and appearance, and I observed that this is partly derived from the surrounding open, agricultural land which historically has surrounded the village core.
15. The hedgerow and grass verge along the appeal site of Main Street contributes to this rural character and as such contributes positively to the significance of the CA.
16. However, although a small section of this would be removed, given the limited scale of the access, the general rural character of the lengthy verge would remain. The access would therefore preserve the character and appearance of the CA.
17. As set out above, the 6 proposed dwellings would sit outside the CA boundary, within an open currently agricultural field. I observed that the remaining open space along Main Street and surrounding fields contribute positively to the rural setting of the village and the significance of the CA, both visually and historically.
18. There are modern dwellings and the public house on one side of Main Street at this point, and recent development has, despite the retention of the large area of green space to the southeast of the appeal site, filled a gap and diminished the open nature of the street to some degree.
19. Nevertheless, the appeal site helps to ensure that there is partly an open, pastoral character to the entrance to the village from this direction, and a sense of transition into the historic settlement core from the surrounding countryside. As such, it contributes positively to the setting of the CA, and can be appreciated from within the CA and from views outside, such as a nearby public right of way.
20. The proposal would introduce 6 detached dwellings into this open space, in addition to associated hardstanding and domestic paraphernalia. Whilst there is development on the opposite side, the proposal would, despite being set back from the highway and even if ridge heights were limited, result in significant built form on both sides. Unlike the recent development on the other side of Main Street, the proposal would enclose this space and result in an urbanising linear development on both sides of the road that would erode the existing remaining open and rural character.
21. This would harm the experience of entering the CA from this direction and would have a detrimental impact on the existing and historic open rural character of its setting. The development would therefore lead to harm to the significance of the CA as a designated heritage asset.

22. Additional planting such as roadside hedgerows would not obscure the properties from view from each direction, and whilst the proposal is submitted in outline, with design reserved, given the harmful effect of the siting of the built form, the design of the dwellings, layout and wider development would not mitigate for this. Given that some open space around the development would be retained, this would amount to less than substantial harm, in accordance with the conclusions of the submitted Heritage Assessment⁴ (para 9.3.2).
23. Paragraph 208 of the Framework requires that where a development proposal will 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 including, where appropriate, securing its optimum viable use.
24. The proposal would provide 6 market dwellings. There would also be economic benefits associated with the construction process. However, given its limited scale, these factors would represent a modest benefit. Framework paragraph 205 states that great weight should be given to the asset's conservation. As such, the public benefits would not outweigh the harm identified to the heritage asset.
25. The development is therefore contrary to LP Policies ENV6 and ENV8 which seek to protect designated heritage assets and their settings, and historic environment policies in the Framework.

Local need for housing

26. The proposal would result in the erection of 2 x 3 bed dwellings and 4 x 4 bed dwellings.
27. LP Policy H11 requires a mix of dwelling types and sizes to meet the needs of current and future households, having regard to 'the council's latest evidence'. The Council set out that the current evidence, the Oxfordshire Strategic Housing Market Assessment 2014, (SHMA) found a shortfall in smaller units and recommended for most units to be 2 and 3 bedrooms.
28. The supporting text to the policy sets out that while the housing mix should be informed by this evidence it will also need to respond to the character of the site and its setting. In this respect, the appellant points to the '16 new homes granted permission on Main Street since 2017, which comprises of 7 x 3-bedroom dwellings and 9 x 4-bedroom dwellings.' The Council does not dispute these figures, and it is evident therefore that larger detached dwellings are part of the surrounding character.
29. It is also notable that the SHMA referred to in the policy is now some 10 years old. As 'latest evidence' therefore, this carries modest weight. Whilst not providing any 2 bed homes, the proposal would result in a mix of 3 and 4 bed units.
30. Therefore, in the circumstances of this case I find that the proposed housing mix would provide a suitable range of dwelling types and sizes to address current and future household needs, in accordance with LP Policy H11.

⁴ by oxford archaeology March 2023

Other Matters

31. There is some dispute between the parties regarding the 5 year housing and supply position, and the relevance of paragraphs 76 and 226 of the Framework. However, even if paragraph 11d were engaged, the application of policies in the Framework that protect areas or assets of particular importance, in this case a designated heritage asset, provides a clear reason for refusing the development proposed, in accordance with footnote 7.
32. Nevertheless, the proposal would align with the Framework where it seeks to significantly boost the supply of homes, in a location with some access to services and facilities. The Framework also acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. There would be social and economic benefits from the construction and occupation of the dwellings. However, given the quantum of development in this case, these benefits would be small.
33. The lack of any 'technical' objections is a neutral matter which does not weigh in favour of the proposal.
34. Planning decisions should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, the proposal would not be sited in a suitable location having regard to the development plan and national strategy, and would harm the setting of the West Hagbourne CA. The minor benefits outlined above do not outweigh this identified harm.

Conclusion

35. The identified harm means the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude the appeal is dismissed.

B Phillips

INSPECTOR