



Appeal Decision

Site visit made on 27 November 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2025

Appeal Ref: APP/D3125/W/24/3344330

Land between Carterton Football Club and Kilkenny Lane, Carterton OX18 1DA

- 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 Messrs McShane, Thomas, Yule and Harris against the decision of West Oxfordshire District Council.
 - The application Ref is 24/00538/OUT.
 - The development proposed is development of 5 age restricted dwellings with re-sited access conveyance of part of site as nature recovery network land (revised).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal and matters relating to access, appearance, landscaping, layout and scale are reserved for future consideration. I have considered the appeal accordingly and treated the plans as indicative.
3. During the course of the appeal the Government published a revised National Planning Policy Framework (the Framework) in December 2024. I sought further submissions from the main parties on the revised Framework which I have taken into account in coming to my decision.
4. I sought clarification on the appellants' names as they differ between the application form and the decision notice. It was confirmed that the decision notice is correct, so I have used the names stated on that document in the banner heading above.

Main Issues

5. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether the appeal site is a suitable location for housing having regard to the accessibility of services and facilities.

Reasons

Character and appearance

6. The appeal site comprises a tapered parcel of land located to the north of an existing football club. The site is accessed via Swinbrook Road which, adjacent to

the appeal site comprises a relatively narrow rural lane. A bridleway, Kilkenney Lane, runs along the northern boundary of the site. To the northeast of the site Kilkenney Lane is accessible by vehicular traffic for a short stretch, giving access to existing allotments. The nature of the lane gives a sense of leaving the settlement and transitioning into open countryside.

7. The site is an open field which is primarily laid to grass, bisected by a row of trees. It is part of a patchwork of small open spaces on the east side of Swinbrook Road including the area to the north of Kilkenney Lane, the grass areas associated with the football club and an area to the south of the football club which is mostly open. Larger fields exist beyond, to the north and west. The appeal site is located within the Shilton Downs character area of the West Oxfordshire Landscape Assessment and is typical of the local landscape character of the area comprising rural fringe which gives way to large scale rolling farmland.
8. The appeal site therefore has a rural character and a close association with the open countryside beyond and makes a positive contribution to the character and appearance of the area. The physical presence of the football club adjacent to the site does not detract from this to a significant degree.
9. The proposal is in outline and the layout of the proposed dwellings is not known. Nevertheless, the development would inevitably comprise the provision of an access leading into the site and 5 dwellings with associated hardstanding and structures. This would have a significantly urbanising effect on the site, resulting in the loss of open land, even taking into account that landscaping could be provided.
10. The proposed development would appear as an urban incursion into the countryside, introducing development adjacent to Kilkenney Lane and diminishing the contribution the appeal site makes to the transitional landscape character of the area. Furthermore, it would result in an incongruous pocket of development separate from other residential development to the south which would not relate to the pattern and grain of development in the area.
11. Consequently, the proposal would have a harmful effect on the character and appearance of the area. Therefore, it would conflict with policies OS4 and EH2 of the West Oxfordshire Local Plan 2031 (Adopted September 2018) (LP) insofar as they seek to ensure that development achieves high quality design and conserves and enhances landscape character.

Suitable location

12. The LP does not define the built-up area of Carterton. However, aside from the football club, the appeal site is separated from the developed parts of the settlement by open land. It is not contiguous with the main areas of residential development within the settlement and is surrounded by open land and allotment land on three sides. As such, it is experienced as being outside of the main built-up area of Carterton. Consequently, for the purposes of the development plan, the appeal site is within the open countryside.
13. Carterton has a good range of facilities and services in the town centre. The appellant estimates that it takes approximately 18 minutes to walk to the town centre from the appeal site. The proposed dwellings would be occupied by residents who are over 55 and it is likely that some of the future residents would have limited mobility. Whilst some residents might be capable of walking or cycling

this distance to access services and facilities, it would likely not be a realistic prospect for all residents. Furthermore, Swinbrook Road, is for a significant stretch, a narrow rural lane which does not benefit from pavements or cycle lanes. Therefore, safe and convenient pedestrian and cycle access would not be provided.

14. According to the appellant there is a bus stop a 10-minute walk from the site, however I have not been provided with details regarding the frequency of the service available. In any event, given my findings in respect of the accessibility of the site, there would not be a safe and convenient route to the bus stop. I am therefore not convinced that this would provide a realistic alternative to car travel for most residents. As such it is likely that most residents would be reliant on a private car to access facilities and services to meet their day-to-day needs.
15. I conclude that the appeal site is not a suitable location for housing having regard to the accessibility of services and facilities. It would therefore conflict with Policies OS2, H2, T1, T3 and CA5 of the LP insofar as they seek to focus the delivery of new homes to locations within or adjoining the main service centres with convenient access to services and facilities, where the need to travel by private car can be minimised and opportunities to encourage modal shift are maximised.

Other Matters

16. I understand that Carterton is a focus for growth in the district with allocated sites not far from the appeal site. However, I noted at my site visit that the new housing to the south of the appeal site is either directly adjacent to, or a very short distance from pavements, therefore providing a safer and more convenient route to the town centre. This planned growth nearby does not justify harmful development in the countryside.
17. The appellant suggests that the redevelopment of the football club is being considered, however I have been provided with limited detail on how and when this may occur. Consequently, this is of limited relevance to my considerations on this current appeal.
18. The appellant has referred to a case in Bampton which was allowed, which is said to be similar to the appeal proposal. I have been provided with limited details of this case and therefore, I cannot be certain that there are any parallels with this appeal and attach little weight to it.

Other Considerations

19. The Council is unable to demonstrate a five-year supply of housing land. It states that it is not currently in a position to provide an accurate figure with respect to the current shortfall. However, it anticipates that the figure will be 'significantly lower' than the 4.3 years previously stated, as a result of the provisions of the 2024 Framework.
20. Set against the shortfall the proposal would result in the provision of 5 dwellings. Whilst this represents a relatively modest contribution it would nonetheless be valuable and support the objective of boosting the supply of homes. Given the scale of the scheme, I give moderate weight to this benefit.
21. The proposal would result in the provision of 5 units of elderly persons accommodation. I have been provided with limited evidence which demonstrates a

local need for this type of accommodation. However, I acknowledge that there is a shortage of elderly persons accommodation nationally and Policy H4 of the LP offers some support for specialist housing for older people. As such this is a benefit of the proposal, however the poor access to services and facilities somewhat limits the weight I can attach to it. I therefore give this matter moderate weight. I recognise that the scheme has received some local support on this basis.

22. It is the appellants intention to convey an area of the site to the local community to create a nature enhancement scheme as part of the 'nature recovery network'. Limited details of the network and how the appeal scheme would contribute to it have been provided. Furthermore, no mechanism to secure the conveyance of the land has been put to me. Accordingly, the weight I can give to this benefit is limited.
23. Whilst the indicative plans indicate the provision of new and enhanced planting, landscaping is a matter reserved for future consideration and therefore not before me at this stage. Accordingly, little weight can be given to landscaping as a benefit of the scheme.

Planning Balance

24. The Framework does not change the statutory status of the development plan as the starting point for decision making. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
25. The proposal is not in accordance with Policies OS2, OS4, H2, T1, T3, EH2 and CA5 of the LP insofar as it would have a harmful effect on the character and appearance of the area and have poor access to services and facilities. These policies are consistent with the Framework insofar as it seeks to ensure that developments reflect local character and to direct development to sustainable locations, prioritise sustainable modes of transport and actively manage patterns of growth to support the objective of promoting sustainable transport. Consequently, I attach significant weight to the conflict with these policies.
26. Because the Council is unable to demonstrate a five-year supply of deliverable housing sites in line with Government expectations, paragraph 11d) of the Framework is engaged.
27. Set against the moderate weight I attach to the benefits identified above in respect of housing supply and the provision of elderly persons accommodation, the proposal would cause harm to the character and appearance of the area and would fail to provide adequate access to services and facilities. I give significant weight to these harms.
28. Therefore, even if the shortfall in housing supply were to be substantial, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

29. The proposal conflicts with the development plan as a whole and the material considerations including the Framework do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR