



Appeal Decision

Site visit made on 29 October 2024

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/C3105/W/24/3341576

Barn Farm Plants, Thorpe Road, Wardington, Banbury, Oxfordshire, OX17 1SN

- 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 and Mrs Mark and Deborah Page against the decision of Cherwell District Council.
 - The application Ref is 23/01960/PIP.
 - The development proposed is described as 'To develop the site for 7-9 dwellings with associated access, parking and amenity space'.
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Decision

1. The appeal is allowed and permission in principle is granted to develop the site for 7-9 dwellings with associated access, parking and amenity space at Barn Farm Plants, Thorpe Road, Wardington, Banbury, Oxfordshire OX17 1SN in accordance with the terms of the application, Ref 23/01960/PIP.

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 permitted. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission is sought for a minimum of 7 and a maximum of 9 dwellings. I have treated the proposed layout plan submitted with the application as indicative only, given that the application only relates to the principle of the proposed development.

Main Issue

5. The 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 with particular regard to:

- whether the development would be in a suitable location having regard to the development strategy and access to services and facilities;
- the effect of the development on the character and appearance of the area;
- whether the development would represent an efficient use of land, having regard to the density of the development; and
- the loss of village facilities.

Reasons

Suitability of location

6. Policy BSC1 of the Cherwell Local Plan 2011-2031 Part 1, adopted July 2015 (LPP1) sets out the distribution strategy for the delivery of new housing in the district. It directs the majority of new residential development to Bicester and Banbury, with the remainder to be provided elsewhere in the district. Saved Policy H18 of the Cherwell Local Plan 1996 (LP) restricts the construction of new dwellings beyond the built-up limits of settlements unless specific criteria are met, none of which apply to the appeal proposal.
7. Policy Villages 1 of the LPP1 identifies Wardington as a Category B satellite village, which is considered suitable for minor development within the built-up limits of the village because of the benefits of access to a service centre within a village cluster. Accordingly, the proposed development would be in a suitable location having regard to Policies BSC1 and Policy Villages 1 of the LPP1 and Policy H18 of the LP providing the site was within the built-up limits of the village.
8. The Council contend that, despite its designation as a category B village in Policy Villages 1, the loss of facilities and the reduction in bus service has adversely affected its level of sustainability. However, Wardington still includes some services and facilities. In the event that the appeal is allowed, and the garden centre, café and antique centre are lost, these would include a village hall, public house, church, recreation ground and cricket pavilion. Nonetheless, it is a short distance from the village of Cropredy, a category A service village, which has a broader range of services and facilities, including a primary school. There is also a regular bus service from Wardington to Daventry and Banbury throughout the day, which runs from Mondays to Saturdays, with a bus stop close to the site. This would enable access to a broader range of services and facilities to meet day-to-day needs. Consequently, given the proximity to the settlement, this would offer some opportunities to minimise the need to travel by car and encourage sustainable modes of travel.
9. I am also mindful of the guidance contained in the Framework which sets out that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and where there are groups of smaller settlements, development in one village may support services in a village nearby.
10. In addition, the Framework sets out that local planning authorities should, among other things, identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. It indicates that local planning authorities, should take a proactive role

in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers.

11. The appeal site is included in Part 1 of the Council's Brownfield Land Register. The Glossary to the Framework defines a brownfield land register as a register of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017.
12. The site, which comprises brownfield land, is only a short distance from the main built-up part of Wardington, which is identified as an appropriate location for new development having regard to accessibility to services and facilities due to its relationship with the larger service village, Cropredy. The proposal would deliver 7-9 dwellings, which would support the Government's objective to significantly boost the supply of housing. It would also accord with the policies of the Framework which recognise the contribution small and medium sites, which are often built out relatively quickly, can make to meeting the housing requirement for an area. It would also give rise to economic benefits during construction, and upon occupation through local expenditure, and would reflect the aims of the Framework which encourage housing where it would enhance or maintain the vitality of rural communities.
13. However, while not isolated, the site is clearly located beyond the built form of the settlement, the edge of which is defined on this side of the road by a row of terraced properties that run perpendicular to the highway. The site is physically separated from these residential properties by intervening land. I recognise that the land between the two is not entirely free from development, including a glasshouse, planting beds and an area of hardstanding, and benefits from an extant permission for a tennis court. However, while it differs in character and appearance to the open countryside beyond, it cannot be said to form part of the built-up limits of the settlement. As such, notwithstanding the 20mph speed limit to the front of the appeal site, there is nonetheless a perceptible visual separation between the site and its immediate neighbour Oak House, and the existing edge of the village.
14. Therefore, the proposal would not conflict with Policy ESD1 of the LPP1 which seeks to distribute growth to the most sustainable locations, as future occupiers of the proposal would benefit from access to services and facilities. However, the proposal for new residential development beyond the built-up limits of the village would conflict with Policies BSC1 and Villages 1 of the LPP1, Policy PSD1 of the LPP1 which sets out the presumption in favour of sustainable development, and saved Policy H18 of the LP and would not be in a suitable location having regard to the development strategy.

Character and appearance

15. The appeal site comprises a garden centre, antiques centre, and café, including several substantial buildings of considerable volume and height, poly tunnels and a generous hardstanding area used for the parking of cars. By virtue of the adjoining agricultural land, and nearby residential development the immediate surrounding area is semi-rural in character. The commercial nature of the site means it differs somewhat from its setting.
16. Despite the presence of existing development at the site, the introduction of residential development as proposed, would inevitably change its character. The

proposal would not project beyond the extent of the existing development at the site and would therefore not encroach beyond the existing site boundaries into the open countryside.

17. Detailed matters including scale, position within the plot, orientation and design of the dwellings would form part of the second stage of the permission in principle process. However, there is no clear evidence before me that a scheme could not be designed that would complement the character and appearance of the area, including the rural setting of the village or the surrounding rural landscape. Furthermore, notwithstanding the detached nature of the site in relation to the main built-up form of the village, subject to the detailed design, a scheme would not appear unduly visually prominent or at odds with the surrounding land uses when viewed from the highway to the front of the site or the nearby public rights of way.
18. Overall, the proposed residential development in this location of the amount proposed would not harm the character and appearance of the area. Accordingly, it would not conflict with the combined aims of Policies ESD13 and ESD15 of the LPP1 which expect development to complement, respect and enhance local landscape character and the built environment.

Efficient use of land

19. Policy BSC2 of the LPP1 sets out that housing development will be expected to make effective and efficient use of land and should meet a density of at least 30 dwellings per hectare, unless there are justifiable planning reasons for lower density development. The density of the proposed development would fall below that required. The appellant contends that the density would result in development of a spacious character which would be sympathetic to the edge of settlement location, taking account of the inclusion of planting within the scheme, and the resultant plot sizes would not be dissimilar to others in the village.
20. I note the Council's suggestion that 20dph, which would equate to 15 dwellings, may be potentially appropriate given the site's rural edge of village location. However, given the site context, it is likely that a more intensive form of development of a greater density than that proposed, may be problematic in terms of effective integration within the surrounding area. Consequently, for the foregoing reasons, I conclude that the proposal would make efficient use of land having regard to the density of the development and would therefore accord with Policy BSC2 of the LPP1.

Loss of facility

21. Policy S29 of the LP seeks to resist proposals that involve the loss of existing services which serve basic needs of the local community. The supporting text acknowledges the importance of village services, particularly local shops and pubs. The proposal would result in the loss of the existing businesses at the site, including the café, which the Parish Council indicate is a well-used facility, by members of the local community.
22. While I recognise that the site is a popular village facility, as was evident by the frequency of visiting members of the public I observed at my site visit, it has not been shown that the businesses which operate from the site, including the garden centre or café constitute services which serve the basic needs of the local community, within the meaning of Policy S29 of the LP. Moreover, there is no clear

evidence that the site would continue to be a viable employment site, if appeal was dismissed. Accordingly, the loss of the facilities would not give rise to conflict with Policy S29 of the LP.

Other Matters

23. Wardington Manor, a Grade II* listed building, and its associated gate piers and wrought iron gates which are Grade II listed, lie close to the site. I am required to have special regard to the desirability of preserving the setting of the listed buildings. With respect to the scale and nature of the development and to its position relative to these, I am satisfied that the setting and significance of the listed buildings would not be adversely affected. Moreover, the Council indicate that, due to the lack of direct intervisibility between the appeal site and the listed buildings/structures, it has no objection to the proposal in relation to the effect on their setting. I have no reason to disagree with the Council's assessment in this respect.

Planning Balance

24. The proposed development would not be in a suitable location when judged against relevant development plan policies which set out the development strategy because the site is outside of the built-up limits of Wardington. However, while significant weight should be attached to the conflict with the development plan, the village, generally is one where new development can be permitted. The location close to the built-up area, which means that future residents of the site would have similar accessibility to services and facilities in other nearby settlements as those living within the built-up area, and support from a number of policies in the Framework, weigh in favour of the development.
25. Thus, in this particular case, the benefits that would arise in terms of the delivery of housing, when taken together with the compliance with policies in the Framework as a whole, indicate that the determination of the appeal should be made otherwise than in accordance with the development plan. Therefore, having regard to all other relevant material considerations, I conclude that planning permission should be granted.

Conclusion

26. For the foregoing reasons, the appeal is allowed. As set out in the PPG, it is not possible for conditions to be attached to a grant of permission in principle.

E Worley

INSPECTOR