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## Appeal Decision

Site visit made on 11 March 2025

**by K Stephens BSc (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

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### **Appeal Ref: APP/V3120/W/24/3356855**

#### **Land at Monks Farm, Grove, Oxfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by David Wilson Homes Southern against the decision of Vale of White Horse District Council.
  - The application Ref is P24/V1439/S73.
  - The application sought reserved matters for 83 dwellings (Phase 1B), including appearance, landscaping, layout and scale, and approval of details in relation to Phase 1B for conditions 1, 16, 19, 20 pursuant to planning permission P16/V09891/O, without complying with a condition attached to Reserved Matters P21/V3516/RM granted 28 September 2022.
  - The condition in dispute is No.4 which states that: *No more than 55 dwellings shall be occupied until such time that the proposed Letcombe Brook Bridge and associated Eastern Link Spine Road linking Kingside and the A338 Station Road have been constructed and opened for public use.*
  - The reason given for the condition is: *In the interest of highway safety and to protect the amenities of the occupants of adjacent uses during construction (Policy 33 of the VWHDC Local Plan 2031).*
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### **Decision**

1. The appeal is allowed and planning permission is granted for removal of condition 4 (Occupation restriction 55 dwellings until bridge complete) on application P21/V3516/RM for Reserved Matters approval for 83 dwellings (Phase 1B), including appearance, landscaping, layout and scale, and approval of details in relation to Phase 1B for conditions 1, 16, 19, 20 pursuant to planning permission P16/V0981/O, in accordance with the terms of the application Ref P24/V1439/S73 subject to the conditions in the attached schedule.

### **Main Issue**

2. The appellant contends that Condition 4 should not have been imposed on the Reserved Matters in the first instance as it is at odds with other restrictions already in place that limit the number of properties that can be occupied before the Letcombe Brook Bridge is constructed and opened for public use. The Section 106 agreement attached to the outline planning permission and Condition 12 of the outline planning permission restrict that no more than 150 properties can be occupied before the Letcombe Brook Bridge is built and opened.
3. Hence the main issue is whether condition 4 is necessary and reasonable having regard to the reserved matters approval.

## Reasons

4. During the course of the appeal, the appellant and the Council have continued discussions with Oxfordshire County Council and the Environment Agency about the details and design of the bridge that will eventually cross the Letcombe Brook as part of the Grove Northern Link Road.
5. The Council has confirmed that agreement on the details of the bridge has now been informally reached. The Council is also now satisfied that the existing restrictions and mechanisms in place, in the form of existing Condition 12 and the existing Section 106 Agreement, are sufficient should enforcement action need to be taken.
6. Consequently the Council is satisfied that Condition 4 of Reserved Matters application P21/V3516/RM is no longer required and can be removed. With both parties in agreement and from the evidence before me, I have no reason to take a different view.

## Other Matters

7. Grove Parish Council and a number of other interested parties maintain concerns about the increase in traffic and the safety of the junctions, and believe the appeal is a delaying tactic.
8. The appellant has reaffirmed that it continues to work with all parties to reach agreement on the bridge crossing as soon as possible. The Council also confirms that a safe and appropriate crossing of the Letcombe Brook is its priority and will continue to work with the various parties to reach full agreement on the bridge crossing. I have no reason to doubt the parties on this matter. I understand that since the appeal was lodged the appellant has submitted a revised submission pack for Phase 1A (application P22/V1031/RM) that includes the bridge over the Letcombe Brook and that this has been subject to consultation.
9. The permanent use of the Denchworth Road access has been assessed via a Road Safety Audit, which has been through a highway Section 278 Technical Approval process with Oxfordshire County Council and is considered safe. A Road Safety Audit of the temporary access also demonstrates a safe design. From the submitted evidence before me, and in the absence of substantial evidence to the contrary, I have no reason to doubt the safety of the highway junctions.

## Conditions

10. The Planning Practice Guidance makes clear that decision notices for the grant of an application under Section 73 should repeat the relevant conditions from the original permission, unless they have already been discharged. I have also considered the conditions against the advice in the Framework. For reasons of proper planning, highway safety, and visual and residential amenity I have repeated the other previous conditions

## Conclusion

11. For the reasons set out above I conclude the appeal should be allowed.

*K Stephens* INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans:

Location Plan 0749-PHB-101

Planning Layout (Sheet 1 of 2) 0749-PHB-102-1 Revision D

Planning Layout (Sheet 2 of 2) 0749-PHB-102-2 Revision D

External Works Layout (Sheet 1 of 2) 0749-PHB-104-1 Revision D

External Works Layout (Sheet 2 of 2) 0749-PHB-104-2 Revision D

External Detailing 0749-PHB-106 Revision B

POS Management Plan 0749-PHB-107 Revision C

Materials Layout 0749-PHB-108 Revision C

Building Heights Plan 0749-PHB-110 Revision B

Refuse Strategy Layout 0749-PHB-111 Revision B

Tenure Plan 0749-PHB-112 Revision B

Private Amenity Plan 0749-PHB-113 Revision B

Parking Matrix & Parking Standards 0749-102 Revision C

Electric Vehicle Charging Plan H8624/EVCP/001 Revision A

Phase 1B - Landscape Layout 2099.7/01L

Phase 1B - Ecological Area - Landscape Layout 2099.7/02C

Planting Strategy 2099.7/05C

Landscape layout with services 2099.7/06D

Landscape and Biodiversity Enhancement Plan 2099.7/08G

Landscape layout with tree pit locations and detail 2099.7/12B

Preliminary Levels Layout and Exceedance Flow Route 21-104-123 Revision G

Preliminary S38 Agreement Plan 21-104-122 Revision E

General Arrangement 21-104/100 Revision F

Refuse Vehicle Swept Paths 21-104-101 Revision E

Fire Tender Swept Paths 21-104-102 Revision D

Car Parking Swept Paths 21-104-103 Revision D

Bus Swept Paths 21-104-104 Revision D

Tree T67 Cross Section 21-104-124 Revision A

Tree T56 Cross Section 21-104-332 Revision B

Cow Lane B.O.A.T. Crossing - GA & Cross Section 21-104-127 Revision B

House Types

Type A Plans & Elevations 0749-PHB-600

Type A Plans & Elevations 0749-PHB-601

Type B Plans & Elevations 0749-PHB-602

Type B Plans & Elevations 0749-PHB-603 Revision A

Type B Plans & Elevations 0749-PHB-604

Type I Plans & Elevations 0749-PHB-605 Revision A

Type I Plans & Elevations 0749-PHB-606 Revision A

Type I Plans & Elevations 0749-PHB-607 Revision A

Type J Plans & Elevations 0749-PHB-608 Revision B

Type J Plans & Elevations 0749-PHB-609 Revision A

Type J Plans & Elevations 0749-PHB-610 Revision B

Type J Plans & Elevations 0749-PHB-611 Revision B

Type L Elevations 0749-PHB-612

Type L Elevations 0749-PHB-613

Type L Plans 0749-PHB-614

Type M Plans & Elevations 0749-PHB-615  
Type M Plans & Elevations 0749-PHB-616  
Type M Plans & Elevations 0749-PHB-617  
Type N Plans & Elevations 0749-PHB-618 Revision A  
Type N Plans & Elevations 0749-PHB-619 Revision A  
Type O Plans & Elevations 0749-PHB-620 Revision A  
Type O Plans & Elevations 0749-PHB-621 Revision A  
Type Q Plans & Elevations 0749-PHB-622 Revision A  
Type Q Plans & Elevations 0749-PHB-623 Revision A  
Type Q Plans & Elevations 0749-PHB-624 Revision A  
Type S Plans & Elevations 0749-PHB-625 Revision A  
Type S Plans & Elevations 0749-PHB-626 Revision A  
Type T Plans & Elevations 0749-PHB-627  
Type T Plans & Elevations 0749-PHB-628  
Type U Plans & Elevations 0749-PHB-629  
Type V Plans & Elevations 0749-PHB-630  
Type V Plans & Elevations 0749-PHB-631  
Block A Elevations 0749-PHB-632 Revision C  
Block A Elevations 0749-PHB-633 Revision C  
Block A Elevations 0749-PHB-634 Revision C  
Block A Ground Floor Plan 0749-PHB-635 Revision B  
Block A First Floor Plan 0749-PHB-636 Revision A  
Block A Second Floor Plan 0749-PHB-637 Revision A  
Block B Elevations 0749-PHB-638 Revision C  
Block B Elevations 0749-PHB-639 Revision C  
Block B Elevations 0749-PHB-640 Revision B  
Block B Elevations 0749-PHB-641 Revision C  
Block B Floor Plans 0749-PHB-642 Revision A  
Block B Floor Plans 0749-PHB-643 Revision A  
Block B Floor Plans 0749-PHB-644 Revision A

- 2) No dwelling shall be occupied until those parts of the roads (apart from the wearing course), parking and turning, footways and street lighting which are to serve that dwelling have been constructed. Thereafter, parking and turning areas shall be kept permanently free of any obstruction to such use, and the visibility splays shall be permanently maintained free from obstruction to vision.
- 3) All of the site's internal and external boundaries shall be enclosed in accordance with the details shown on approved drawings listed in condition 1. The approved boundary treatments for each dwelling shall be completed prior to the occupation of that dwelling, and all of the approved boundary treatments shall be completed prior to the occupation of the last dwelling on the site.
- 4) No more than 75 dwellings shall be occupied until such time as all hard and soft landscape works hereby approved are completed in accordance with the approved drawings listed in condition 1. Thereafter, the landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted.

## **End of conditions**