
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: 28 March 2025

Appeal Ref: APP/V3120/W/24/3353334

**Land adjacent to 3 High View Court, Drayton Road, Sutton Courtenay,
Abingdon OX14 4HB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Stuart Wilson against the decision of Vale of White Horse District Council.
 - The application Ref is P24/V0678/FUL.
 - The development proposed is erection of a self-build infill dwelling and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2024 and replaces the previous version published in December 2023. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.
3. There is no dispute between the parties that the emerging Joint Local Plan 2041 is at an early stage of preparation such that its policies can only attract limited weight and I concur.

Main Issues

4. The main issues in this appeal are:-
 - Whether the appeal site would be a suitable location for housing with regard to local and national policies, and
 - Whether sufficient information has been provided regarding the effect of the proposed development on archaeological remains.

Reasons

Location of housing

5. The Council has a spatial strategy to guide the location of housing and to help deliver sustainable development. Core Policy 3 (Policy CP3) of the Local Plan 1¹ (the LP1) sets out the settlement hierarchy and defines settlements into four tiers

¹ Local Plan 2031: Part One - Strategic Sites and Policies (adopted December 2016)

based on an assessment of their facilities, characteristics and functional relationship with their surrounding areas. Drayton and Sutton Courtenay are both identified as 'larger villages' which have a more limited range of services and facilities compared to Local Service Centres and Market Towns higher up the settlement hierarchy.

6. LP1 Core Policy 4 (Policy CP4) explains that housing will be mostly delivered through strategic allocations and sites identified through the Local Plan and Neighbourhood Plans. Non-identified or windfall sites that come forward, such as the appeal site, will be assessed through the development management process in accordance with policies in the Local Plan. There is a presumption in favour of sustainable development within the existing built up area of 'larger villages'.
7. Drayton and Sutton Courtenay do not have settlement or built-up area boundaries denoted by the development plan. Following consideration of whether a particular site fell within a village for the purposes of Green Belt exceptions, the courts² established that to determine whether a site lies within a village requires consideration to be given to the situation 'on the ground' as well as to any relevant policies, as a 'boundary' defined by a Local Plan is not necessarily determinative.
8. I saw that the appeal site is an undeveloped parcel of land situated about equidistant between the villages of Drayton to the west and Sutton Courtenay to the east. The site is located to the rear of three new dwellings and adjacent to a new dwelling under construction³. There is some ribbon development to the east of the site fronting Drayton Road, shortly before the turning for Milton Road that leads to Milton Highways Depot and the employment site at Milton Park further afield. Some of the Highway industrial buildings lie close to the rear of the appeal site. The appeal site and the aforementioned new dwellings are reached via a private road, High View Court, off the Drayton Road.
9. Both villages are nucleated and fairly compact. Apart from the small clusters of ribbon development along Drayton Road, which is not uncommon in rural areas, I saw that the villages of Drayton and Sutton Courtney are separated from each other by fields, substantial tracts of open countryside and roadside hedgerows. This separation is reinforced by the village name signs at the arrival in each village, which are located some distance away from the appeal site in either direction. Furthermore, the appellant's Village Context map in the Design and Access Statement shows the extent of the built-up areas of the two villages in white and the appeal site located between them, clearly out with either village in the intervening countryside.
10. My observations 'on the ground' lead me to conclude that the appeal site is not located within either of the villages of Drayton or Sutton Courtenay, nor is it adjacent to their built-up areas. The site is also located well beyond the named confines of each village. Whilst the proximity of some existing built development means the site cannot be regarded as 'isolated', the site is clearly located in the countryside.
11. Policy CP4 states that development in the open countryside will not be appropriate unless specifically supported by other relevant policies as set out in the development plan or national policy. I have not been directed to any such exception

² *Julian Wood v SSCLG and Gravesham Borough Council* [2015] EWCA Civ 195

³ This was a barn that had permission to be converted to a dwelling, and separately is now being replaced by a new dwelling.

or other development plan policies. Development Policy 1 (Policy DP01) of the Local Plan 2⁴ (the LP2) seeks to support self and custom-build housing but the supporting policy text makes clear this will be in accordance with spatial strategy Policies CP3 and CP4 and the Development Plan as a whole to ensure that self-build housing is to be directed to sustainable locations, and not just allowed anywhere.

12. LP1 Core Policies 33 and 35 (Policies CP33 and CP35) seek to ensure, amongst other things, that new development promotes sustainable transport access and links with surrounding facilities and promotes the use of public transport, walking and cycling. Policy SC17 of the Sutton Courtenay Neighbourhood Plan (the SCNP) expects all new development to maximise opportunities for sustainable transport, pedestrian and cycle movements.
13. Drayton and Sutton Courtenay have a limited range of services and facilities. The appellant does not dispute that future residents would need to travel by car to access services for day-to-day needs. Not every settlement can have a full range of services and facilities and therefore residents would need to travel elsewhere to access higher-order services and facilities such as secondary education, health and medical facilities, retail and some other places of employment or leisure activities. The Framework does acknowledge that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that development in one village may support services in a nearby village. However, no substantive evidence has been presented to show that local services and facilities in either Drayton or Sutton Courtenay are under threat. To promote sustainable transport the Framework advocates that development should be focused on locations which are sustainable, or can be made sustainable, to reduce the need to travel and offer a genuine choice of transport, whilst recognising that opportunities to maximise sustainable transport solutions will also vary between urban and rural areas. There is limited public transport and no continuous pavement between the appeal site and either village such that Drayton Road would not be conducive to encourage pedestrians or cyclists. Hence there would be no genuine choice of alternative modes of transport beyond the private car.
14. The Council's spatial strategy and settlement hierarchy do this because it has already assessed facilities and the functional relationship with the surrounding area in identifying the four tiers of settlements and which settlements are suitable to receive new housing. To allow new dwellings to be built outside of these selected villages in the countryside just because there are some services/facilities/employment that residents can drive to, even if distances are relatively short, could be a scenario too easily repeated that would give rise to ad-hoc and unsustainable patterns of development that would undermine the Council's spatial strategy for the sustainable location of housing in settlements and the countryside.
15. Drawing together all the above points, I find the appeal site lies outside the villages of both Drayton and Sutton Courtenay and is located in the countryside. To allow a new dwelling in this location would undermine the Council's spatial and settlement strategy for the location of housing and promoting sustainable patterns of development and would result in future residents being reliant on the private car.

⁴ Local Plan 2031: Part Two – Detailed Policies and Additional Sites (adopted October 2017)

16. Hence the appeal site would not be a suitable location for housing with regard to local and national policies. Accordingly, the proposed development would be contrary to LP1 Policies CP3, CP4, CP33, CP35; LP2 Policy DP01 and Policy SC17 of the SCNP.

Archaeology

17. The appeal site lies in the proximity of Anglo Saxon burial site and prehistoric activity to the south and south west and to the remains of an Anglo Saxon settlement to the North, and a Scheduled Monument (settlement site) lies about 230m to the south of the appeal site.
18. LP2 Development Policy 39 (DP39) states that development will be permitted where it can be shown that it would not be detrimental to the site or setting of Scheduled Monuments or nationally important designated or non-designated archaeological remains. The supporting policy text states that the Vale has an important archaeological heritage with remains dating back to prehistoric times and is home to an extensive range of archaeological features. Applicants are expected to undertake an assessment to determine whether the site is likely to contain archaeological remains and demonstrate how the development proposal would impact on any remains. Applicants will be expected to submit an appropriate archaeological desk-based assessment and, if necessary, undertake a field evaluation.
19. Similarly, in determining applications with heritage assets with archaeological interest Framework paragraph 207 requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 218 goes on to state that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
20. The appellant acknowledges that the appeal site has the potential to contain archaeological features of interest, but any interest would likely have a low level of heritage importance. This view is based on the archaeological evaluations undertaken in 2013 for a nearby development at Peewit Farm, for which a condition was imposed. The appellant has not undertaken a desk-based assessment nor a field evaluation to determine the significance of the archaeological heritage assets on the appeal site.
21. The County Archaeologist states that the extent of the archaeology in the area is not fully realised. The appeal site has not been subject to even a preliminary archaeological desk-based assessment, and to rely on findings from another site does not inform the archaeological situation on the appeal site. It appears from the County Archaeologist response that the Peewit Farm application was subject to an archaeological field evaluation in line with the Framework, and this then informed the approach and allowed the imposition of a condition.
22. The presence of archaeological remains is a material consideration to be taken into account when assessing development proposals. I find reliance on information from an adjacent site and extrapolation to the appeal site does not provide sufficient evidence to assess the impact of the proposed development on any surviving archaeological deposits prior to determination. The omitted information is important to understanding the impact the proposal might have on the significance of archaeological assets. In my view it would not be acceptable to leave such

fundamental matters to a condition requiring various pre-development assessments once planning permission is granted.

23. I therefore find that insufficient information has been provided regarding the effect of the proposed development on archaeological remains. Accordingly, the proposal would be contrary to LP2 Policy DP39 and the Framework.

Planning Balance and Conclusion

24. The proposed dwelling would be a self-build dwelling and I am informed that the appellant is on the SBCH register. The Framework identifies “people wishing to commission or build their own homes” as a distinct section of the community that should be reflected in policies. Under legislation⁵ the Council has a legal obligation to maintain a three-year rolling programme of self-build custom housing (SBCH). The Council states it has not met demand for SBCH. Hence the proposed dwelling would be a modest contribution towards meeting the shortfall. The proposed dwelling would also help achieve the Framework’s requirement to boost the supply of homes and development of small sites. However, given the proposal is for a single dwelling the contribution would be modest.
25. To be appropriately delivered as SBCH, the Council must be satisfied that the initial owners of the self-build dwelling will have primary input into its final design and layout, otherwise it will not meet the legal definition of SBCH. Whilst the term ‘self-build’ is included in the description of the development proposal there is no mechanism, such as a legal planning agreement⁶, submitted with the application or appeal to secure the tenure. Even if the appellant is willing to enter into such an agreement, there is no signed and executed legal obligation before me that I would need to have should I be minded to allow the appeal. The absence of a duly executed legal obligation to control the SBCH therefore means the proposal is open-market housing, which I have found would be contrary to the Council’s spatial strategy.
26. There would be some modest associated short-term economic benefits from jobs and the supply chain during the construction phase and some longer-term spending by future occupiers, at least some of which would be spent in the local area. There would also be a modest biodiversity net gain which also attracts moderate weight.
27. The proposal would be in the countryside in an unsuitable location for residential development. Future residents would have poor access to day-to-day services and facilities and would have limited or no choice about transport modes and would therefore be heavily reliant on the private car, despite the provision of electric charging points to help reduce carbon emissions. The proposal would therefore undermine the Council’s spatial strategy for the location of housing and promoting sustainable patterns of development. There is also insufficient information to show that archaeological remains would not be adversely affected. Hence the proposal would conflict with the environmental and social aims of the Framework. These are serious planning objections to which I give significant weight.

⁵ The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and the Self-build and Custom Housebuilding Regulations.

⁶ Pursuant to Section 106 of the Town and Country Planning Act 1990.

28. I am also mindful that the Framework recognises that the planning system should be genuinely plan led. To develop the appeal site for housing would be at odds with, and would undermine public confidence in, the plan-led system.
29. There is some dispute as to whether the Council can demonstrate a 5 year supply of housing based on different calculation methods yet to be carried out arising from the revised Framework. The Council considers that until this has been confirmed, it can demonstrate 6.56 years. Even if I were to consider that the Council did not have a five-year housing land supply, the harm which I have identified would significantly and demonstrably outweigh the modest benefits resulting from the provision of one additional dwelling.
30. In conclusion, the proposal would be contrary to the development plan as a whole and this conflict is not outweighed by other material considerations. Accordingly, for the reasons given, the appeal should not succeed.

K Stephens
INSPECTOR