

ATLAS

PLANNING GROUP

STATEMENT OF CASE

Land at the Old Vicarage, Fringford Road, Caversfield, OX27 8TH

February 2020

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EXECUTIVE SUMMARY

- 1.1 This Statement of Case accompanies an appeal against Cherwell District Council's decision to refuse planning application 19/02075/F on the 25th November 2019, which related to the erection of x4 dwelling houses (Use Class C3) with associated garages, access and landscaping.
- 1.2 The appeal site is currently part of the residential curtilage of a dwelling (The Old Vicarage) which is located within the village of Caversfield, which is also close to Bicester's built up area.
- 1.3 The application was refused on the grounds that the proposals were unacceptable in principle and that the application had not demonstrated an acceptable level of safety for road users when egressing from the site.
- 1.4 This Statement demonstrates how the development would represent a sustainable location and form of small-scale residential development owing to the site's proximity to Bicester. Additionally, it is demonstrated that there would be limited visual harm to the character and appearance of the area due to existing landscape features and the appearance of surrounding dwellings.
- 1.5 This Statement also considers how the development can be allowed whilst ensuring highway safety for road users when egressing the site.
- 1.6 Lastly, this Statement will set out how the development contributes to all three dimensions of sustainable development, as encouraged in the NPPF, whilst also contributing to local housing supply. As such, we commend the proposals to you.

INTRODUCTION

2.1 Atlas Planning Group Ltd have been instructed by Mr & Mrs Purewal (the appellants) to provide a Statement of Case to accompany an appeal submission, following Cherwell District Council's decision to refuse application 19/02075/F on the 25th November 2019.

2.2 In September 2019, an application seeking full planning permission was submitted to Cherwell District Council (CDC). The full planning application as described on the application form proposed: *"Erection of X4 dwelling houses with associated garages, access and landscaping"*.

2.3 The application was refused planning permission on 25th November 2019. Two reasons for refusal were stated on the Decision Notice:

"1. By virtue of their location, siting, scale, layout, design and overall appearance, the proposals would constitute unjustified development beyond the built-up limits to Caversfield, failing to relate well to existing built development, and which would intrude into open countryside causing significant and demonstrable visual harm to the valued rural landscape. In addition, the proposed development would be sited in an unsustainable location that would be contrary to the district's housing strategy without the demonstration of an essential need, resulting in future occupiers having no realistic choice of travel means other than the private car. This harm would significantly and demonstrably outweigh the limited public benefits arising from the proposal. The proposal is therefore in direct conflict with the provisions and aims of Saved Policies C28, C30 and H18 of the Cherwell Local Plan 1996, Policies ESD1, ESD10, ESD13, ESD15 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1 and guidance contained within the National Planning Policy Framework and is unacceptable in principle".

"2. By virtue of insufficient information being submitted, it has not been successfully demonstrated that the development can accommodate an acceptable level of safety for road users when egressing from the site. The proposal is therefore in direct conflict with the provisions and aims of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework".

2.4 This Statement of Case details the appellant's counter arguments to these reasons for refusal.

GROUNDS OF APPEAL

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

3.2 Therefore, the starting point for determination must be the policies of the adopted development plan, which consists of the Cherwell Local Plan (CLP) Part 1 (2015) and ‘Saved’ Policies from the Cherwell Local Plan (1996).

3.3 The two reasons for refusal can be summarised as follows:

- i. Whether the site is an acceptable location for residential development, and whether the design of the development would cause harm to the character of the area; and
- ii. Whether the development can accommodate an acceptable level of safety for road users egressing the site.

REASON 1 FOR REFUSAL

3.4 This section seeks to demonstrate the appellant’s arguments as to the first reason for refusal. The key issues to be addressed are:

- Principle of development; and
- Design and impact on the character of the area.

PRINCIPLE OF DEVELOPMENT

3.5 As the appeal site lies in the open countryside for the purposes of CDC policy, Policy Villages 1 is relevant as a starting point. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three categories.

3.6 Caversfield is classified as a Category C village, where new residential development is restricted to conversions and infilling within the built-up area of the settlement. This is because Category C villages are considered the least sustainable settlements, based on the following criteria:

- *Population size;*
- *The number and range of services and facilities within the village (shops, schools, pubs etc.);*
- *Whether there are any significant known issues in a village that could be materially assisted by an increase in housing;*
- *The accessibility (travel time and distance) of the village to an urban area by private car and public transport;*
- *Accessibility of the village in terms of walking and cycling; and*
- *Local employment opportunities.*

3.7 The proposal does not meet the criteria identified in Policy Villages 1 of CLP Policy H18 and is therefore not considered to be in accordance with the development plan. This matter is not disputed.

3.8 However, consideration should also be had as to whether the proposed development would be contrary to the general overarching aims and policies of the development plan, National Planning Policy Framework and any other material considerations. Particularly those that promote the need for new residential development to be located in sustainable locations.

3.9 CDC's Village Categorisation Update (2014) (included at Appendix A) provides further detail on each of the sustainability criteria, including 'Distances to Urban Centres' which is particularly relevant to the appeal site:

"If a village is close to a town this increases the opportunities for the use of public transport and walking and cycling to the town. It also means that car journeys made to the town will be shorter contributing to reducing carbon emissions".

3.10 Paragraph 8.6 of the Officer's Report (included at Appendix B) states that, "*the village is in **reasonable proximity** to the town of Bicester; however, pedestrians travelling from the application site itself cannot access*

Bicester directly via footpath, with the vehicle speed limit at national speed limit (60mph) and then 40mph coming into the village along Aunt Ems Lane. A footpath is then located further to the east on Fringford Road, giving pedestrian access to Bicester via an unlit road at national speed limit (60mph). Therefore, given this and the total distance, walking routes are undesirable to Bicester North Railway Station and any convenience store within the settlement of Bicester, thus encouraging the use of less sustainable travel options from the site".
(Our emphasis).

3.11 However, Caversfields's very close proximity to Bicester is likely to be a reason for the lack of services and amenities available within the village. Unlike any other Category C village, Caversfield is located within both walking and cycling distance of Bicester town centre. A footpath extension is also proposed as part of the development, which will link the site to the existing footpath that currently ends outside of the Old Vicarage.

3.12 Paragraph 8.5 of the Officer's Report states, inter alia, "*the village did not have a nursery, primary school, retail shop/post office, public house, village hall or any other service*". However, it should be recognised that the nearest convenience store is approximately a 4-minute cycle/ 12-minute walk from the application site at Tesco Express, Holm Way. There are also a range of local services at Buckingham Road which is within a 20-minute walk from the site, including:

- A pharmacy
- Medical surgery
- Co-operative food store
- Fast food restaurants
- A nursery
- Petrol filling station
- Betting shop

3.13 The approximate walking distance from the site to Bicester North Railway Station is 1.3 miles along a footpath (26 minutes walking or 8 minutes cycling). The site is also directly served by the E1 bus, providing services to and from Bicester every 30 minutes.

3.14 With regard to schools, Southwold Primary School is located 0.6 miles from the site which is approximately a 13-minute walk. Additionally, both Gagle Brook and Bure Park Primary Schools are 0.8 miles from the site,

approximately a 15-minute walk away. The nearest secondary schools are The Cooper School which is located within 1.2 miles from the site and The Bicester School which is circa 1.7 miles away.

3.15 The site's proximity to Bicester also provides access to a range of employment opportunities for future residents. Furthermore, any car journeys would be short with lower levels of carbon emissions in comparison to a similar development located in a village further away from Bicester. From the assessment of all villages listed in the Village Categorisation Update (2014) there is only one village closer to an Urban Centre than Caversfield's distance to Bicester.

3.16 Caversfield is also closer and more accessible to and from Bicester than other nearby villages (Launton, Ambrosden and Chesterton) which are all either Category A or B villages, as illustrated by Figure 1 below.



Figure 1: Bicester's surrounding villages

3.17 Policy Villages 2 of the CLP details the Council's rural housing allocation. It is understood that the majority of the 750 dwellings allocated to Category A Settlements are already committed. However, a recent appeal decision that allowed residential development at *Land off Blackthorn Road, Launton*¹ (Appendix C), sets out

¹ APP/C1305/W/17/3188671

how the housing delivery figures mentioned above are not ceilings and conflict would only arise if there was a material increase over and above the identified figures.

3.18 Although CDC consider they can demonstrate a 5-year housing land supply and notwithstanding the bespoke 3-year arrangement that currently exists in Oxfordshire², *Crown House Developments v Wychavon District Council*³ (Appendix D) establishes that,

“...the Framework seeks to boost significantly the supply of housing and the ability to demonstrate a 5-year housing land supply should not be seen as a maximum supply. Regardless of such a supply being available, the Framework advocates a presumption in favour of sustainable development and the application must be considered in these terms”.
(Our emphasis)

3.19 Paragraph 8.13 of the Officer’s Report states, inter alia, *“the site is not considered a sustainable location for unjustified, new residential development...”*. However, as set out above, the site is well connected to Bicester and is accessible by foot, cycle, and public transport, such factors are key to ensuring the location of the proposals represent a sustainable form of development.

3.20 The proposed development also strongly accords with Paragraph 59 of the NPPF which sets out the Government’s objective of significantly boosting the supply of homes. Furthermore, Paragraph 68 of the NPPF identifies the importance of small sites to local housing supply and recognises they are often built-out relatively quickly.

3.21 Although the proposed development would make a relatively small contribution to the supply of homes, *Hayes Street Farm*⁴ (Appendix E) relates to an allowed appeal for 9 houses. Paragraph 41 of the Inspector’s decision establishes that any number of new houses must command substantial weight as a benefit,

² Housing Land Supply in Oxfordshire: Written Ministerial Statement – HCWS955 (12/09/2018)

³ APP/H1840/W/15/3005494

⁴ APP/G5180/W/18/3206947

*“...the NPPF seeks to boost significantly the supply of housing, which signals that **any new houses must command substantial weight as a benefit**. It would be nonsensical to consider otherwise, because if only a large amount of housing would be considered substantially beneficial then an equal cumulative benefit arising from a number of small sites would not have been afforded the same weight as a benefit.” (Our emphasis)*

DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

3.22 Saved Policy C8 of the Local Plan (1996) resists sporadic development in the countryside in order to maintain an attractive, open, rural character. However, as the site adjoins existing residential development in the broader village of Caversfield, the proposals are not sporadic. Moreover, they do not detract from the rural character adjoining the site to the north and west for the reasons set out below.

3.23 CLP Policy ESD 15 ‘*The Character of the Built and Historic Environment*’ requires new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design.

3.24 Saved Policy C28 from the Cherwell Local Plan (1996) similarly requires layouts, design and external appearance, including the choice of external-finish materials to be sympathetic to the character of the development. Saved Policy C30 is also concerned with the design of new residential development.

3.25 Policy ESD 13 ‘*Local Landscape Protection and Enhancement*’ sets out how development will be expected to respect and enhance local landscape character, proposals will not be permitted if they would:

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural landscape features and topography;*

3.26 The impact of the proposed development upon landscape character is limited by the existing mature hedgerow that provides a physical and visual distinction between the site, the wider village and the adjoining countryside to the west. The hedgerow effectively results in the containment of the site and this landscape feature presents a clear edge to the village.

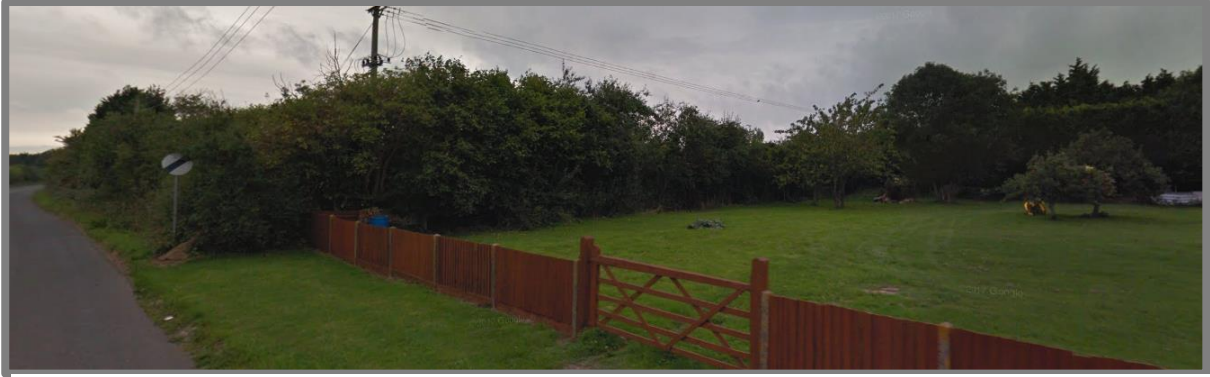


Figure 2: View towards western boundary of the site, Source: Google StreetView

- *Be inconsistent with local character;*

3.27 As the below historic map extracts show, the site has historically been detached from the adjoining countryside:

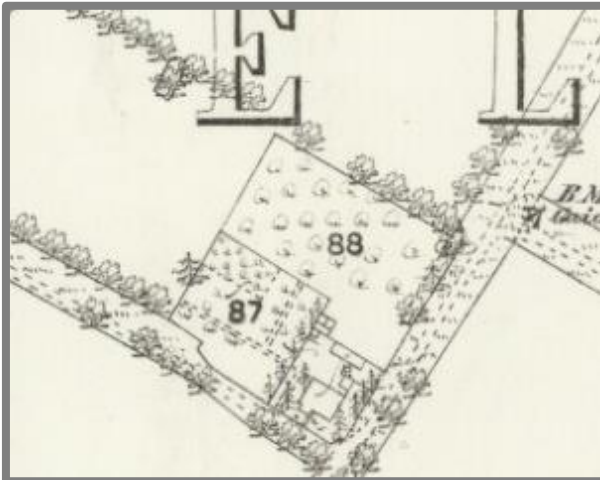


Figure 3: Oxfordshire XXIII.2, published 1881



Figure 4: Oxfordshire XXIII.2, published 1922

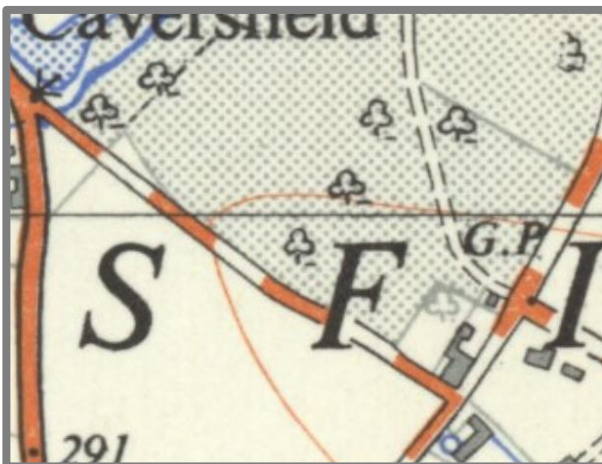


Figure 5: SP52 (includes: Bicester), published 1951



Figure 6: Sheet 219 - Buckingham (Hills), published 1905

3.28 The proposals seek to ensure that the scale and design are in keeping with the surrounding dwellings and Caversfield more generally which is largely characterised by traditional 2-storey dwellings. Local character of the properties in the residential area on Fringford Road is that of stone clad or rendered buildings with clay roof tiles presenting a cottage aesthetic, these are all detached properties; all are of two storeys and have garages either integral or detached. The Old Vicarage has areas of stone cladding and render visible to both Fringford Road and Aunt Ems Lane. The appearance of the new properties will use a similar material set, namely that of stone and white render.



Figure 7: View towards the site from Fringford Road, Source: Google StreetView

- Impact on areas judged to have a high level of tranquility;

3.29 The site is close to other existing residential dwellings as well as the Fringford Road which is one of the main arterial routes into the urban area of Bicester. The proposals are therefore not considered to cause a significantly adverse impact on the tranquility of the area.

- *Harm the setting of settlements, buildings, structures or other landmark features; or*
- *Harm the historic value of the landscape.*

3.30 The impact on views from within the RAF Bicester Conservation Area boundary are limited by the fact there is already built form along the Fringford Road, which is closer to the Conservation Area than the application site. Grade II* Listed, St Laurence Church is located in the grounds of Caversfield House is 0.3 miles to the west. However, the Church benefits from significant woodland cover and is not visible from the application site.

3.31 Overall, the character of the area will not be unacceptably altered. The site forms part of the curtilage of an existing dwelling and is physically and visually separated from the adjoining countryside by an established hedgerow running along the full length of the western boundary. Any views of the proposed small-scale residential development would be seen in the context of existing residential development along the Fringford Road.

REASON 2 FOR REFUSAL

HIGHWAY SAFETY

3.32 This section seeks to demonstrate the appellant's arguments as to the second reason for refusal. The issue to be addressed is whether the site can accommodate an acceptable level of safety for road users when egressing the site.

3.33 Paragraph 8.36 of the Officer Report states, *"The Local Highways Officer has objected to this application, on the basis that the submitted layout plan does not show the full extent of the visibility splay to the west of the access..."* It is therefore considered that visibility to the east (towards Fringford Road) is acceptable and the only issue is the extent of visibility to the west of the site's access point.

3.34 The site benefits from an existing gated access point for vehicles and although it is accepted that the proposed access is slightly further to the west, it is logical to assume that vehicles travelling from the west would be slowing down as they approach and pass the site to reach the junction with the Fringford Road.

3.35 It should also be recognised that Aunt Em's Lane is a relatively short stretch of road being approximately 450m in length overall, between the junction with the B4100 to the north west and Fringford Road to the south east. The width of this rural road is also expected to result in a lower average speed of the road, particularly when considering cars would also be passing each other at a closer distance.

3.36 The consultation response from the Local Highways Officer (included at Appendix F) includes wording of a pre-commencement condition relating specifically to visibility splays,

“Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays (to be informed by speed surveys at the location of the site access) and footways connecting with the existing provision on Aunt ems Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details”.

3.37 Overall, it is considered that the highway reason for refusal relating to visibility splays and works required can be overcome via the appropriate planning condition set out above. Indeed, the Local Highway Officer suggested a condition for this very matter to ensure this detail would be approved before development can commence at the site. For the avoidance of doubt, this condition is acceptable to the appellants.

3.38 Crow Nest Cottage⁵ (Appendix G) relates to an allowed appeal that included highway safety as the main issue. Paragraph 14 of the Decision states, *“I agree with the previous Inspector that highway safety could be adequately safeguarded by the imposition of a condition requiring an appropriate visibility splay to the east of the appeal site access point to be secured prior to the commencement of development on site”.* Applying such a condition is therefore considered to be a reasonable and acceptable solution.

3.39 In terms of other highway considerations, the development is acceptable, as confirmed by Paragraph 8.40 of the Officer Report, *“...the proposal is acceptable on cycle and vehicular parking”.*

AMENITY

3.40 With regard to residential amenity, and as summarised by Paragraphs 8.31-8.35 of the Officer’s Report, the Local Planning Authority consider the proposal to be acceptable and policy compliant in this respect.

3.41 Paragraph 8.35 of the Officer Report states that, *“Overall, the proposed dwellings are considered to be reasonably sited as to prevent any overlooking, loss of light, outlook or give rise to an over-dominant impact*

⁵ APP/D2320/A/09/2100430

on adjacent neighbours. The proposal is thus considered acceptable regarding residential amenity, compliant with Policy ESD15 of the Cherwell Local Plan 2031 Part 1 and relevant paragraphs of the National Planning Policy Framework”.

ECOLOGY

3.42 Similarly, with regard to ecology matters and as per Paragraph 8.42 of the Officer’s Report, the Council’s Ecologist raises no objections subject to conditions for the submitted ecological report being adhered to. The proposal is therefore acceptable on ecological grounds.

MATERIAL CONSIDERATIONS

SUSTAINABLE DEVELOPMENT

4.1 Paragraph 8 of the NPPF (2019) sets out the three dimensions of sustainable development; economic, social and environmental.

4.2 In economic terms, the proposal would provide a contribution during the construction stage, and subsequently from future occupiers using local services and participating in local employment. The development would also contribute an estimated total weekly expenditure of £565.80⁶ per household. Average household expenditure after three years would be £88,249.2. Cherwell District council would also gain directly due to Council Tax payments and New Homes Bonus payments.

4.3 In social terms, the proposal would contribute to local housing. The appellants accept that the contribution from 4 dwellings would be relatively modest, but all contributions are a significant benefit. Additionally, the future occupiers are likely to participate in the activities of the local community, which would also be a positive social benefit.

4.4 In environmental terms, the new dwellings would be located in a sustainable location, very near to the urban area of Bicester. As mentioned, Cherwell District Council’s Ecologist has not raised any objections subject to appropriate planning conditions.

4.5 On balance therefore, the proposed scheme would provide benefits for all three dimensions of sustainable development and so can be considered the type of sustainable development encouraged by the NPPF.

⁶ Source: ‘Detailed household expenditure by countries and regions: Table A35’ 2016-2018, produced by the Office of National Statistics (ONS). See Appendix H.

PLANNING BALANCE & CONCLUSIONS

5.0 This Statement of Case outlines the appellant's grounds of appeal against Cherwell District Council's decision to refuse application 19/02075/F.

5.1 Paragraph 11 of the NPPF details the presumption in favour of sustainable development, which lies at the heart of both plan-making and decision-taking. Although the Council can demonstrate a 5-year housing land supply, in line with *Crown House Developments v Wychavon District Council* the application must still be considered in the terms of the presumption in favour of sustainable development. Furthermore, the *Hayes Street Farm* appeal decision establishes that any number of new houses must command substantial weight as a benefit.

5.2 As set out above, the appellants contend that due to the site's location, namely its proximity and accessibility to and from Bicester, the site represents a sustainable location small-scale residential development such as the x4 dwellings proposed. Local facilities are within walking and cycling distance of the site and any car journeys to and from Bicester would be a short distance.

5.3 Additionally, this Statement of Case has set out how the proposal will not be out of character with the appearance of the area, particularly considering the adjoining residential development and clear separation that exists between the site and the open countryside. Any visual impact of the site when viewed from either Fringford Road or Aunt Ems Lane can also be mitigated by appropriate landscaping details to be agreed as part of a planning condition.

5.4 With regard to the highways reason for refusal, the issue is the visibility splays required to the west of the site. It is considered to be reasonable for this issue, including the undertaking of speed surveys to be dealt with via the appropriate pre-commencement condition previously recommended by the Local Highways Officer.

5.5 The submitted Ecological Report also demonstrates the proposed development can be implemented without unacceptable impact on biodiversity subject to the recommended conditions.

5.6 We therefore respectfully request that the Inspector allows this appeal.

A

Submission Cherwell Local Plan (January 2014) Proposed Modifications (October 2014)

Addendum to Topic Paper 2: Housing Village Categorisation Update 2014

Introduction

1. This addendum explains how in preparing Proposed Modifications to the Submission Local Plan updated information on village services and facilities, on population and on public transport services has been taken into account in reviewing village categorisation and Policy Villages 1. Further minor updates were made in October 2014 following representations received to the proposed modifications.
2. Topic Paper 2: *Housing* was prepared to assist the Examination of the Submission Local Plan (January 2014) and explained the process of preparing the Local Plan's policies for housing including those on village categorisation (Policy Villages 1) and on distributing housing growth across the rural areas (Policy Villages 2). A Technical Note on Village Categorisation and Village Clustering was included in the Topic Paper as Appendix 3. The Technical Note explains how Policy Villages 1 of the Submission Local Plan was prepared and how Cherwell's villages were categorised having regard to the following considerations:
 - Rural issues In Cherwell
 - Sustainability criteria including the provision of services and facilities, the distance to urban areas having regard to the availability of bus services, population size and the availability of potential sources of employment (established employment areas)
 - The weighting of different services and facilities as important amenities
 - Village clustering – the relationship between larger, service centre villages and 'satellite' villages
 - The Cherwell Rural Areas Integrated Transport and Land Use Study (CRAITLUS) – which assessed the transport sustainability of villages
 - The final balancing of services and facility provision against transport considerations
3. Policy Villages 1 of the Submission Local Plan included a proposed categorisation of villages having regard to the above considerations. It also proposed that different levels or types of 'windfall', residential development be 'allowed' for the three categories of villages identified. The assessment was also used as the starting point for Policy Villages 2 – Distributing Growth Across the Rural Areas before land availability considerations were taken into account.
4. The Category A villages in the Submission Local Plan (January 2014) are listed below in Table 1. In these villages, minor development, infilling and conversions were permitted within built-up limits.

Table 1 - A: Category A Villages in the Submission Local Plan, Jan 2014, Policy Villages 1

Adderbury	Ambrosden
Begbroke	Bloxham
Bodicote	Cropredy
Deddington	Fritwell
Hook Norton	Kidlington
Kirtlington	Launton
Steeple Aston	Sibford Ferris/Gower
Weston-on-the-Green (outside Green Belt)	Yarnton

5. The Category B villages in the Submission Local Plan (January 2014) are listed below in Table 2. In these villages, infilling and conversions were permitted within built-up limits. Satellite villages with a relationship with a larger service village were also included within category B:

Table 1 - B: Category B Villages in the Submission Local Plan, Jan 2014, Policy Villages 1

Arcott	<i>Satellite Villages</i>
Bletchington	Blackthorn
Chesterton	Claydon
Finmere	Clifton
Fringford	Great Bourton
Islip	Hempton
Middleton Stoney	Lower Heyford
Milcombe	Middle Aston
Wroxton	Milton
	Mollington
	South Newington
	Wardington

6. All other villages were considered to be category C villages in which only conversions were permitted within the built-up limits of villages.
7. The categorisation in Policy Villages 1 of the Submission Local Plan sought to ensure that unplanned, small-scale development within villages is directed towards those villages that are best able to accommodate limited growth. The Policy sought to ensure that unanticipated development within the built-up limits of a village would be of an appropriate scale for that village, would be supported by services and facilities and would not unnecessarily exacerbate travel patterns that are overly reliant on the private car and which incrementally have environmental consequences. Policy Villages 1 sought to manage small scale development proposals (typically but not exclusively for less than 10 dwellings) which come forward within the built-up limits of villages. It also informed Policy Villages 2.
8. The information presented in this addendum explains the reasons for the changes to village categorisation in the Proposed Modifications (August 2014) to the Submission Local Plan (January 2014). The revised categorisation has been used to inform the study area for the 2014 Update of the Strategic Housing Land Availability Assessment (SHLAA).

National Policy

9. The Local Plan is informed by the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). The paragraphs in the NPPF most pertinent to village policy are as follows:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.' (Paragraph 28)

'To promote a strong rural economy, local and neighbourhood plans should: promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.' (Paragraph 55)

10. The NPPG advises:

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements.
- A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Housing Needs

11. The 2014 SHMA identifies a need for 1,140 homes per annum to be provided in Cherwell from 2011-2031. Housing is needed in rural areas to help meet local needs but also to make a sustainable contribution in meeting overall housing need. Village categorisation and village clustering helps ensure that development is located so that it will enhance or maintain the vitality of rural communities in accordance with the NPPF and NPPG.

Updated Surveys of Village Services and Facilities

12. To help update the categorisation, new village surveys of services and facilities were undertaken in June 2014. The same criteria were used as for the previous survey in 2007:

- children’s nurseries;
- primary schools;
- retail/services/businesses
- retail outlets (food);
- post offices;
- public houses;
- recreational facilities;
- community facilities;
- other services

13. Table 3 below provides the results of the new village surveys:

Table 3: Village Survey Results

Village Name	Nursery	Primary School	Retail Service (outlet)	Food Shop	Post Office	Public House	Recreational Facilities	Village/Community Hall	Other Services
Adderbury	√	√	√	√	√	√	√	√	Library
Alkerton	0	0	0	0	0	√	0	0	0
Ambrosden	√	√	√	√	√	√	√	√	Doctor's Surgery (not full time)
Ardley	0	0	0	0	0	√	√	√	0
Arcott	0	0	√	√	0	√	√	√	0
Balscote	0	0	0	0	0	√	0	0	0
Barford St John	0	0	0	0	0	0	0	0	0
Barford St Michael	0	0	0	√	√	√	0	√	0
Begbroke	√	0	√	√	0	√	√	√	0
Blackthorn	0	0	0	0	0	0	√	√	0
Bletchington	0	√	√	0	0	√	√	√	0
Bloxham	√	√	√	√	√	√	√	√	Dental Practice, Doctor's Surgery, Secondary School
Bodicote	√	√	√	√	√	√	√	√	0

Broughton	0	0	0	0	0	√	0	0	0
Bucknell	0	0	0	0	0	√	0	√	0
Caulcott	0	0	0	0	0	√	0	0	0
Caversfield	0	0	0	0	0	0	√	0	0
Charlton on Otmoor	√	√	0	0	√	√	√	√	0
Chesterton	√	√	0	0	0	√	√	√	0
Claydon	0	0	0	0	0	0	√	√	0
Clifton	0	0	0	0	0	√	√	0	0
Cottisford	0	0	0	0	0	0	√	0	0
Cropredy	√	√	√	√	√	√	√	√	GP Surgery
Deddington	√	√	√	√	√	√	√	√	Health Centre, Dentist, Library,
Drayton	0	0	0	0	0	√	0	√	0
Duns Tew	0	0	0	0	0	√	√	√	0
Enslow	0	0	√	0	0	√	0	0	0
Epwell	0	0	0	0	0	√	√	√	0
Fencott	0	0	0	0	0	0	0	0	0
Fewcott	0	0	0	0	0	√	0	0	0
Finmere	0	√	√	0	0	√	√	√	0
Fringford	√	√	√	0	0	√	√	√	0
Fritwell	√	√	0	√	√	√	√	√	0
Godington	0	0	0	0	0	0	0	0	0
Great Bourton	0	0	0	0	0	√	√	√	0
Hampton Gay	0	0	0	0	0	0	0	0	0
Hampton Poyle	0	0	0	0	0	√	0	0	0
Hanwell	0	0	0	0	0	√	√	√	0
Hardwick	0	0	0	0	0	0	0	0	0
Heathfield	0	0	0	0	0	√	√	0	0
Hempton	0	0	0	0	0	0	√	√	0
Hethe	0	0	0	0	0	√	√	√	0
Hook Norton	√	√	√	√	√	√	√	√	GP Surgery, Library, Dentist
Horley	0	0	0	0	0	√	√	√	0
Hornton	√	√	0	0	0	√	√	√	0

Horton-cum-Studley	0	0	0	0	0	√	√	√	0
Islip	√	√	√	√	0	√	√	√	Medical Practice
Juniper Hill	0	0	0	0	0	0	√	0	0
Kirtlington	√	√	0	√	√	√	√	√	0
Launton	√	√	√	√	√	√	√	√	Private GP
Little Bourton	0	0	0	0	0	√	√	0	0
Lower Heyford	0	0	√	0	0	√	√	0	0
Merton	0	0	0	0	0	0	√	√	0
Middle Aston	0	0	0	0	0	0	0	0	0
Middleton Stoney	0	0	0	0	0	√	√	√	0
Milcombe	0	0	0	√	0	√	√	√	0
Milton	0	0	0	0	0	√	0	0	0
Mixbury	√	0	√	0	0	0	0	0	0
Mollington	0	0	0	0	0	√	√	√	0
Murcott	0	0	0	0	0	√	√	√	0
Newton Purcell	0	0	0	0	0	√	0	0	0
Noke	0	0	0	0	0	0	√	0	0
North Aston	0	0	√	0	0	0	√	0	0
North Newington	0	√	0	0	0	√	√	√	0
Oddington	0	0	0	0	0	0	0	0	0
Piddington	0	0	0	0	0	0	√	√	0
Prescote	0	0	0	0	0	0	0	0	0
Shenington	√	√	0	0	0	√	0	√	GP Surgery
Shipton on Cherwell	0	0	0	0	0	0	0	√	0
Shutford	0	0	√	0	0	√	√	√	0
Sibford Ferris	0	0	0	√	√	0	√	0	0
Sibford Gower	√	√	0	0	0	√	√	√	GP Surgery in Burdrop
Somerton	0	0	0	0	0	0	0	√	0
Souldern	0	0	√	0	0	√	√	√	0

South Newington	0	0	0	0	0	√	√	√	0
Steeple Aston	√	√	0	√	√	√	√	√	0
Stoke Lyne	0	0	0	0	0	√	√	0	0
Stratton Audley	0	0	0	0	0	√	√	0	0
Swalcliffe	0	0	0	0	0	√	0	√	0
Tadmarton	0	0	0	0	0	√	√	√	0
Thrupp	0	0	0	0	0	√	0	0	0
Upper Heyford	0	0	√	0	0	√	√	√	0
Wardington	0	0	√	0	0	√	√	√	0
Wendlebury	0	0	0	0	0	√	√	√	0
Weston on the Green	√	0	√	√	√	√	√	√	0
Wigginton	0	0	0	0	√	0	√	√	0
Williamscot	0	0	0	0	0	0	0	0	0
Wroxton	0	√	0	0	0	√	√	√	0
Yarnton	√	√	√	√	√	√	√	√	Medical Practice

14. There has been little change to the services and facilities in Cherwell since the last survey was undertaken. Nearly all category A villages still have a primary school and/or shop, which are considered to be particularly important in determining the level of sustainability. There have also been no new shops or new primary schools since 2007.
15. The villages identified as having the most services and facilities in the Submission Local Plan have generally retained these services and facilities. A re-examination of the capacity of village primary schools was also undertaken which showed that some schools remain near capacity in the rural areas. In general terms, the information collected for villages confirms the fact that the District has, in sustainability terms, a few large, well-served villages, some villages with some services and facilities and many less well-served, smaller villages. There are differences between villages, but with the exception of Kidlington, there are no small towns or large villages that are significantly more sustainable than other settlements.

Population

16. The village categorisation included in the Submission Local Plan has regard to parish population figures from the 2001 census. In reviewing Policy Villages 1,

consideration has been given to parish populations from the 2011 census as set out in Table 4 below:

Table 4: Parish Populations

Parish	Population
Adderbury	2819
Ambrosden	2248
Ardley with Fewcott	751
Arccott	1738
Barford St John and Barford St Michael	549
Begbroke	783
Blackthorn	317
Bletchingdon	910
Bloxham	3374
Bodicote	2126
Bourton	614
Broughton	286
Bucknell	260
Caversfield	1788
Charlton-on-Otmoor	449
Chesterton	850
Claydon with Clattercote	306
Cottisford	216
Cropledy	717
Deddington	2146
Drayton	242
Duns Tew	478
Epwell	285
Fencott and Murcott	285
Finmere	466
Fringford	602
Fritwell	736
Godington (included in Stratton Audley)	
Gosford and Water Eaton	1323
Hampton Gay and Poyle	141
Hanwell	263
Hardwick with Tusmore (included in Cottisford).	
Hethe	275
Hook Norton	2117
Horley	336
Hornton	328
Horton-cum-Studley	455
Islip	652
Kidlington	13723
Kirtlington	988
Launton	1204
Lower Heyford	492
Merton	424
Middle Aston (included in North Aston)	
Middleton Stoney	331
Milcombe	613
Milton	192
Mixbury	370

Parish	Population
Mollington	479
Newton Purcell with Shelswell Parish Meeting : included in Mixbury Parish Meeting figure.	
Noke	117
North Aston	316
North Newington	324
Oddington	129
Piddington	370
Prescote (included in Cropredy)	
Shenington with Alkerton	425
Shipton-on-Cherwell and Thrupp	493
Shutford	476
Sibford Ferris	476
Sibford Gower	508
Somerton	305
Souldern	370
South Newington	285
Steeple Aston	947
Stoke Lyne	218
Stratton Audley	434
Swalcliffe	254
Tadmarton	541
Upper Heyford	1295
Wardington	602
Wendlebury	421
Weston-on-the-Green	523
Wigginton	194
Wroxton	546
Yarnton	2545

17. The population of villages has changed slightly since 2001 but in most cases this is minimal. For example at Cropredy the population has only increased by 5 people. At Adderbury the population has increased by about 300 people since the 2001 census. There have been some larger increases, for example at Ambrosden the population has increased by about 500 people. Changes to population alone do not necessitate a change in village categorisation.

Village Bus Services and Distance to Urban Centre (2014)

18. The following table shows the updated information used for bus services in each village and for the distance of each village to an urban centre.

Table 5: Bus Services & Accessibility to an Urban Centre

Village Name	Distance to nearest urban centre	Bus services
Adderbury	5.3km (Banbury)	Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 2ThF 4Sa

Village Name	Distance to nearest urban centre	Bus services
		OCC Special Transport Services Banbury-Upper Heyford 2 Th Stagecoach S4 Banbury-Oxford 28 MTuWThF 25 Sa 8 Su
Alkerton	9.7km (Banbury)	None
Ambrosden	5.3km (Bicester)	Thames Travel 94 Bicester-Oxford 5 MTuWThF Stagecoach S5 Arncott-Oxford 25 MTuWThF 26 Sa 4Su Charlton Services 94 Bicester/Ambrosden-Oxford 8 MTuWThF 2 Sa
Ardley	15.4km (Bicester)	Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 4TThF 5Sa
Arncott	7.9km (Bicester)	Stagecoach S5 Arncott-Oxford 25 MTuWThF 26 Sa 4Su
Balscote	7.7km (Banbury)	Johnsons Coaches 270 Banbury- Stratford-upon-Avon 8 MTuWThF
Barford St John	9.3km (Banbury)	None
Barford St Michael	9.3km (Banbury)	OCC Special Transport Services Banbury-Upper Heyford 2 Th
Begbroke	5km (Kidlington)	goride K2 Kidlington circular 8 MTuWThFS goride K3 Kidlington circular 3 MTuWThF Stagecoach S3 Chipping Norton-Oxford 80 MTuWThF 66 Sa 44Su
Blackthorn	5.3km (Bicester)	Thames Travel 94 Bicester-Oxford 3 MTuWThF Charlton Services 94 Bicester/Ambrosden-Oxford 2 MTuWThF 2 Sa
Bletchington	8.8 (Kidlington)	Thames Travel 25/25A Bicester-Oxford 37 MTuWThF
Bloxham	5.6km (Banbury)	Stagecoach 488/489 Banbury-Chipping Norton 29 MTuWThF 26 Sa
Bodicote	2.9km (Banbury)	Stagecoach S5 Arncott-Oxford 25 MTuWThF 26 Sa 4Su Stagecoach B2 Banbury-Bodicote circular 24 MTuWThF 25 Sa 5 Su
Broughton	4.2km (Banbury)	Stagecoach 50A Stratford-upon-Avon-Oxford 14 MTuWThF
Bucknell	4.5km (Bicester)	Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 4Tu 4ThF 5Sa
Caulcott	9.2km (Bicester)	None
Caversfield	2.7km (Bicester)	Thames Travel 22 Bicester circular 14 MTuWThF Thames Travel 23 Bicester circular 10 MTuWThF
Charlton on Otmoor	9.7km (Kidlington)	Thames Travel 94 Bicester-Oxford 5 MTuWThF Charlton Services 94 Bicester/Ambrosden-Oxford 8 MTuWThF 2 Sa
Chesterton	4.2km (Bicester)	Thames Travel 25/25A Bicester-Oxford 12 MTuWThF
Claydon	10.8km (Banbury)	Stagecoach 277 Banbury-Lighthorne Heath 4 MTuWThF
Clifton	12.2km (Banbury)	Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 2ThF 4Sa
Cottisford	9.7km (Bicester)	Stagecoach 8 Northampton-Bicester 9 MTuWThFSa
Cropredy	7.2km (Banbury)	Stagecoach 277 Banbury-Lighthorne Heath 4 MTuWThF
Deddington	9.7km (Banbury)	Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 2ThF 4Sa OCC Special Transport Services Banbury-Upper Heyford 2 Th Stagecoach S4 Banbury-Oxford 28 MTuWThF 25 Sa 8 Su

Village Name	Distance to nearest urban centre	Bus services
Drayton	2.9km (Banbury)	Johnsons Coaches 270 Banbury- Stratford-upon-Avon 11 MTuWThF
Duns Tew	13.8km (Banbury)	OCC Special Transport Services Banbury-Upper Heyford 2 Th Stagecoach S4 Banbury-Oxford 9 MTuWThF 9 Sa
Enslow	3 km (Kidlington)	Thames Travel 25/25A Bicester-Oxford 6 MTuWThF
Epwell	11.6km (Banbury)	Stagecoach 50A Stratford-upon-Avon-Oxford 2 MTuWThF
Fencott	10.5 km (Kidlington)	None
Fewcott	(15.8km) (Bicester)	Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 4TThF 5Sa
Finmere	12.2km (Bicester)	Heyfordian Travel 37 Finmere-Bicester 4 Tu Redline 132/133 Brackley-Buckingham 6 MTWThF Redline 132/133 Brackley-Buckingham-Banbury 7 Sa
Fringford	7.1km (Bicester)	Stagecoach 8 Northampton-Bicester 9 M-S
Fritwell	10.6km (Bicester)	Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 4TThF 5Sa
Godington	9.7km (Bicester)	None
Great Bourton	5.5km (Banbury)	Stagecoach 277 Banbury-Lighthorne Heath 4 MTuWThF
Hampton Gay	3.5 km (Kidlington)	None
Hampton Poyle	3.7km (Kidlington)	Thames Travel 25/25A Bicester-Oxford 33 MTuWThF
Hanwell	4.8km (Banbury)	Catterrall's Coaches 503 Long Itchington-Banbury 2 Th
Hardwick	8km (Bicester)	Heyfordian Travel 37 Finmere-Bicester 4 Tu
Heathfield	4km (Kidlington)	None
Hempton	11.9km (Banbury)	OCC Special Transport Services Banbury-Upper Heyford 2 Th
Hethe	9.0km (Bicester)	Stagecoach 8 Northampton-Bicester 9 MTuWThFS
Hook Norton	15.1km (Banbury)	Stagecoach 488/489 Banbury-Chipping Norton 22 MTuWThF 23 Sa
Horley	6.4km (Banbury)	Heyfordian Travel 504 Banbury-Hornton 2 Th
Hornton	10.3km (Banbury)	Heyfordian Travel 504 Banbury-Hornton 2 Th
Horton-cum-Studley	17.9km (Kidlington)	Heyfordian Travel 118 Oxford-Brill 2 MTTh 6 WFSa
Islip	4.5km (Kidlington)	Thames Travel 94 Bicester-Oxford 5 MTuWThF Charlton Services 94 Bicester/Ambrosden-Oxford 8 MTuWThF 2 Sa
Juniper Hill	11.0km (Bicester)	None
Kirtlington	8.5km (Kidlington)	Thames Travel 25/25A Bicester-Oxford 33 MTuWThF
Launton	3.5km (Bicester)	Langston & Tasker 18 Bicester-Aylesbury 10 MTuWThF Stagecoach S5 Arcott-Oxford 24 MTuWThF 22 Sa
Little Bourton	3.9km (Banbury)	Stagecoach 66 Banbury-Leamington Spa 10 MTuWThF Stagecoach 277 Banbury-Lighthorne Heath 4 MTuWThF
Lower Heyford	11.1km (Bicester)	Thames Travel 25/25A Bicester-Oxford 29 MTuWThF OCC Special Transport Services Banbury-Upper Heyford 2 Th
Merton	7.7km (Bicester)	Thames Travel 94 Bicester-Oxford 5 MTuWThF Charlton Services 94 Bicester/Ambrosden-Oxford 8 MTuWThF

Village Name	Distance to nearest urban centre	Bus services
		2 Sa
Middle Aston	14.5km (Bicester)	None
Middleton Stoney	5.6km (Bicester)	Thames Travel 25/25A Bicester-Oxford 29 MTuWThF
Milcombe	8.2km (Banbury)	Stagecoach 488/489 Banbury-Chipping Norton 28 MTuWThF 24 Sa
Milton	7.2km (Banbury)	OCC Special Transport Services Banbury-Upper Heyford 2 Th
Mixbury	16.1km (Bicester)	None
Mollington	7.7km (Banbury)	Stagecoach 66 Banbury-Leamington Spa 10 MTuWThF Stagecoach 277 Banbury-Lighthorne Heath 4 MTuWThF
Murcott	12.9km (Bicester)	None
Newton Purcell	9.5km (Bicester)	Heyfordian Travel 37 Finmere-Bicester 4 Tu
Noke	7.1km (Kidlington)	None
North Aston	13.7km (Banbury)	None
North Newington	4.2km (Banbury)	Johnsons Coaches 269 Banbury- Stratford-upon-Avon 2 MTuWThF
Oddington	7.9km (Kidlington)	Thames Travel 94 Bicester-Oxford 5 MTuWThF Charlton Services 94 Bicester/Ambrosden-Oxford 8 MTuWThF 2 Sa
Piddington	9.0km (Bicester)	Thames Travel 94 Bicester-Oxford 3 MTuWThF Charlton Services 94 Bicester/Ambrosden-Oxford 2 MTuWThF 2 Sa
Prescote	8km (Banbury)	None
Shenington	9.7km (Banbury)	Johnsons Coaches 269 Banbury- Stratford-upon-Avon 11 MTuWThF
Shipton on Cherwell	3.9km (Kidlington)	goride W10 Woodstock-Water Eaton Park and Ride 9 MTuWThFSa Stagecoach S4 Banbury-Oxford 26 MTuWThF 24 Sa 8 Su
Shutford	7.9km (Banbury)	Johnsons Coaches 269 Banbury- Stratford-upon-Avon 2 MTuWThF
Sibford Ferris	12.0km (Banbury)	Stagecoach 50A Stratford-upon-Avon-Oxford 14 MTuWThF
Sibford Gower	12.2km (Banbury)	Stagecoach 50A Stratford-upon-Avon-Oxford 14 MTuWThF
Somerton	15.3km (Banbury)	Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 4TThF 5Sa
Souldern	14.2km (Banbury)	Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 4TThF 5Sa
South Newington	9.2km (Banbury)	Stagecoach 488/489 Banbury-Chipping Norton 8 MTuWThF 4 Sa
Steeple Aston	13.2km (Bicester)	Stagecoach S4 Banbury-Oxford 28 MTuWThF 25 Sa 8 Su
Stoke Lyne	7.6km (Bicester)	Heyfordian Travel 37 Finmere-Bicester 4 Tu Heyfordian Travel 81/81A Banbury-Ardley-Souldern-Bicester 3ThFSa
Stratton Audley	5.6km (Bicester)	Stagecoach 8 Northampton-Bicester 9 MTuWThFSa
Swalcliffe	9.3km (Banbury)	Stagecoach 50A Stratford-upon-Avon-Oxford 14 MTuWThF

Village Name	Distance to nearest urban centre	Bus services
Tadmarton	7.9km (Banbury)	Stagecoach 50A Stratford-upon-Avon-Oxford 14 MTuWThF
Thrupp	1.2km (Kidlington)	goride W10 Woodstock-Water Eaton Park and Ride 9 MTuWThFSa
Upper Heyford	9.2km (Bicester)	Thames Travel 25/25A Bicester-Oxford 29 MTuWThF OCC Special Transport Services Banbury-Upper Heyford 2 Th
Wardington	8.9km (Banbury)	Stagecoach 200 Daventry-Woodford Halse-Banbury 16 MTuWThF 14 Sa
Wendlebury	4.8km (Bicester)	Thames Travel 25 Bicester-Oxford 9 MTuWThF
Weston on the Green	8.4km (Bicester)	Thames Travel 25 Bicester-Oxford 9 MTuWThF
Wigginton	10.6km (Banbury)	Stagecoach 488/489 Banbury-Chipping Norton 4 MTuWThF 3 Sa
Williamscot	8 km (Banbury)	None
Wroxton	8.9km (Banbury)	Johnsons Coaches 270 Banbury- Stratford-upon-Avon 11 MTuWThF
Yarnton	6.0km (Bicester)	goride K2 Kidlington circular 8 MTuWThFSa goride K3 Kidlington circular 3 MTuWThF Stagecoach S3 Chipping Norton-Oxford 80 MTuWThF 66 Sa 44Su

19. There has been some significant reduction in bus services since the last review. For example at Shutford there were four services previously but now there is only one, and there is now no service at Barford St John. However, there remains a bus service at all the category A villages.

Updating Sustainability Conclusions

20. As explained in Appendix 3 of Topic Paper 2, a range of criteria was used to establish the level of ‘sustainability’ for villages in land use terms. The criteria needed to capture an understanding of access to services and facilities, the availability of employment opportunities, the village’s population, and the village’s location. Table 6 below explains why these criteria were considered relevant in determining the sustainability of a village (reproduced from Appendix 3 of Topic Paper 2).

Table 6: Village Categorisation – Sustainability Criteria

Criteria	Commentary
Children’s Nursery	<ul style="list-style-type: none"> It provides local education potentially accessible to the residents of a village or nearby village It provides a social focus for the community It can be multi-functional in terms of hosting other events such as fitness classes and meetings It may provide employment for local people
Primary School	<ul style="list-style-type: none"> It provides local education potentially accessible to the residents of a village or nearby village It provides a social focus for the community It can be multi-functional in terms of hosting other events such

	<ul style="list-style-type: none"> as fitness classes and meetings It may provide employment for local people
Retail/services/businesses	<ul style="list-style-type: none"> It will provide a service It could provide employment for local people
Food Shops	<ul style="list-style-type: none"> It provides essential items (food and drink) for residents, in particular for those not able to travel longer distances It provides a social focus for the community Provides potential employment
Post Offices	<ul style="list-style-type: none"> It provides a postal service particularly for older people who may require assistance and support with matters such as pension collections It provides a social focus for the community Provides potential employment
Pubs	<ul style="list-style-type: none"> It provides food and drink for local people and visitors
Recreation Areas	<ul style="list-style-type: none"> Recreation areas provide facilities for local people, particularly for young people to play and socialise
Community Halls	<ul style="list-style-type: none"> It provides a social focus for the community
Bus Services	<ul style="list-style-type: none"> A bus service means that people are provided with the opportunity to travel by means other than the private car to the urban centres and possibly elsewhere.
Distance to Urban Centres	<ul style="list-style-type: none"> If a village is close to a town this increases the opportunities for the use of public transport and walking and cycling to the town. It also means that car journeys made to the town will be shorter contributing to reducing carbon emissions.
Population	<ul style="list-style-type: none"> A village is more sustainable if it has a higher population as this population is more likely to provide custom, helping to maintain a service or facility.
Employment Areas	<ul style="list-style-type: none"> Could provide employment for local people

21. Having regard to the above criteria and the updated information on services, population and bus services, the conclusions of the village review were that there was little overall material change to the relative differences between villages despite there being some changes in service provision and population size. However, within those villages considered to be more sustainable, it was determined that the relative 'ranking' of Middleton Stoney needed to change having regard to less availability of sources of employment (only a single company) and food shops.

Policy Implications

22. The preparation of Proposed Modifications entailed a review of Policy Villages 1 in the context of national policy requirements and guidance, the updated review of villages and the need to meet objectively assessed housing needs as identified in the 2014 SHMA.
23. It was considered that in the interests of meeting housing needs positively and sustainably, there was justification to 'merge' the previously identified category B

villages with the previously identified Category A villages. This would provide more opportunities for ‘minor development’ within villages and would also inform the review of Policy Villages 2, i.e. the villages to which larger scale development outside existing built-up limits would be directed. In merging the category A and category B villages, it was considered that while the village of Islip would ‘score’ sufficiently highly to be included as a category A village, it could not be categorised as such due to it being completely within (i.e. ‘washed-over’ by) the Green Belt.

24. It was also considered, again in the interest of meeting higher levels of housing need, that the identified satellite villages, with their relationship with larger service villages, would be appropriate locations for minor development within built-up limits (in addition to infilling and conversions) but should remain in a second ‘B’ category. The satellite villages do not ‘score’ highly enough in their own right to be included as category A villages but are considered to be appropriate for minor development because of the benefits of access to a service centre within a village cluster. For example, Claydon, Great Bourton, Mollington and Wardington benefit from their relationship with Cropredy. As smaller settlements, they would not be suitable for larger scale development provided for by Policy Villages 2.
25. All other villages should be category C villages (including Middleton Stoney because of its lowered, relative sustainability ‘score’), but again, in the interest of meeting higher levels of housing need, it was considered that the scope of residential development permitted within category C villages should be broadened beyond conversions (as in the Submission Local Plan) to including infilling.

Conclusion

26. In preparing Proposed Modifications to the Local Plan, to meet the objectively assessed housing needs identified in the 2014 SHMA, the relative sustainability of Cherwell’s villages has been updated with new surveys of village services and facilities, current census information on population size and the availability of bus services. The relative sustainability of villages has not materially changed for the purpose of village categorisation other than in the case of Middleton Stoney. The reviewed categorisation informs Proposed Modifications to Policies Villages 1 and Villages 2, the latter providing for larger scale rural housing distribution (see Main Modifications 139 and 147).
27. In policy terms, having regard to the NPPF and NPPG and the higher level of housing need identified in the 2014 SHMA, it was concluded that the Proposed Modifications needed to provide a broader scope of opportunity for residential development within the built up limits of villages. It is therefore proposed that all villages should now be permitted to consider infilling development and conversions, and that a wider range of villages should be allowed to consider minor development. The policy approach is set out in the table below:

Category	Villages by Category	Type of Development
<i>A</i>	<i>Service Villages</i> <i>Adderbury, Ambrosden, Arncott, Begbroke, Bletchington (*), Bloxham, Bodicote, Chesterton, Cropredy, Deddington, Finmere, Fringford, Fritwell, Hook Norton, Kidlington, Kirtlington, Launton, Milcombe, Sibford Ferris/Sibford Gower, Steeple Aston, Weston -on -the-Green (*), Wroxton, Yarnton</i>	<i>Minor Development</i> <i>Infilling</i> <i>Conversions</i>
<i>B</i>	<i>Satellite Villages</i>	<i>Minor</i>

	<i>Blackthorn, Claydon, Clifton, Great Bourton, Hempton, Lower Heyford, Middle Aston, Milton, Mollington, South Newington, and Wardington.</i>	<i>Development Infilling Conversions</i>
<i>C</i>	<i>All other villages</i>	<i>Infilling Conversions</i>

B

Case Officer: George Smith

Recommendation: Refuse

Applicant: Mr & Mrs Purewal

Proposal: Erection of 4 No dwelling houses with associated garages, access and landscaping

Expiry Date: 21 November 2019

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located off Aunt Ems Lane, to the rear of a cluster of residential dwellings at Caversfield, with the site forming the vast garden land of The Old Vicarage. The host property is a dwelling which is located furthest south in this small cluster of 4 dwellings, which also includes (south to north); Aries, Prospect House and South Lodge which all front onto Fringford Road in a linear, ribbon pattern. Each dwelling in the cluster is detached with varying styles, footprints and forms. The Old Vicarage is the tallest of the dwellings at 2 ½ storey height and appears to be the oldest, constructed in stone under a tiled roof, but with some later additions that are clad in cream/light render.
- 1.2. The application site is not within any Conservation Area designation; however, the RAF Bicester Conservation Area is located approximately 40m to the east, covering a large area beginning the opposite side of Fringford Road and which includes Bicester Garden Quarter and Bicester Airfield.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The proposal seeks planning consent for 4 residential dwellings, each being two-storey in height. The dwellings at Plots 1-2 would be 3 bedroom semi-detached, whilst Plots 3 and 4 would each feature a detached 4-bedroom dwelling.

Plots 1 and 2

- 2.2. These semi-detached dwellings would have a ridge height of 9.5m and an eaves height of 5.5m. The dwellings would be externally faced predominantly in white render, but with stonework on the upper façade on each elevation, under a clay tiled roof with uPVC doors and windows. Each dwelling would feature an attached flat roof garage and be 55.8 sq m each in footprint.

Plot 3

- 2.3. This detached dwelling would have a ridge height of 8.5m with an eaves height of 5.5m. The dwelling would be externally faced in white render under a clay tiled roof with uPVC windows and doors. The dwelling would feature an attached flat roof garage and be 72 sq m in footprint.

Plot 4

- 2.4. This detached dwelling would have a ridge height of 8.5m with an eaves height of 5.5m. The dwelling would be externally faced in stonework under a clay tiled roof

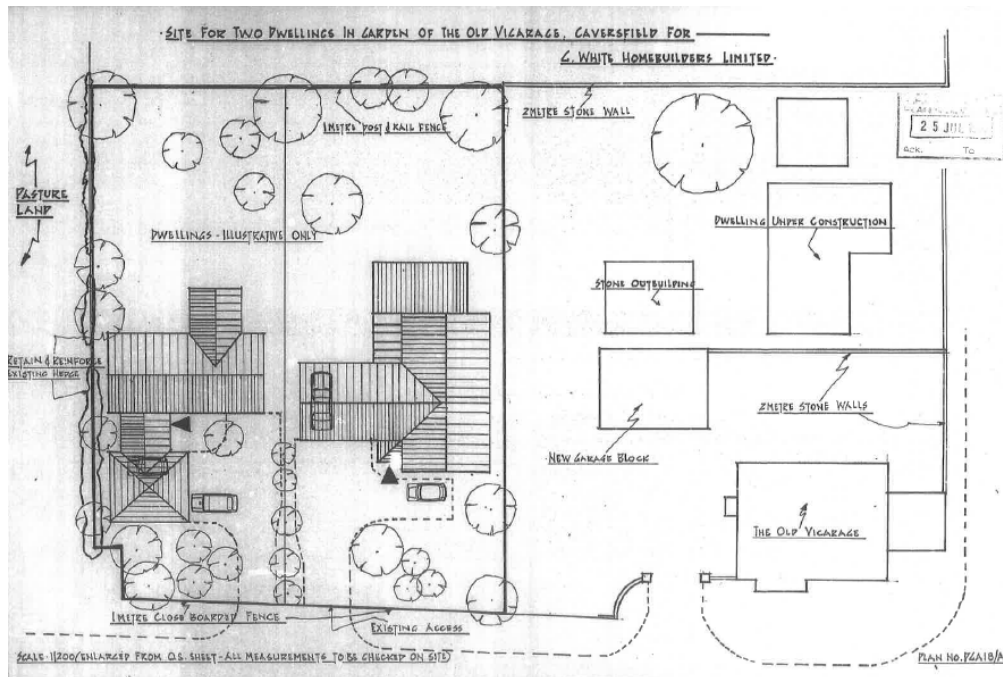
with uPVC windows and doors, with a footprint of 72 sq m. The dwelling would feature a detached, two-bay garage constructed in white render, located to the front.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

3.2. CHS.646/88 – Erection of two detached dwellings & access (outline) – Application refused and dismissed at appeal (site plan and appeal summary below)

3.3.



3.4. Appeal ref: T/APP/C3105/A/89/112418/P3 – The Inspector found that the above application would not represent infilling, not filling a small gap in an otherwise built-up frontage and that the development would create a ribbon of development stretching out of the village. Whilst the inspector acknowledged that the site had a relatively suburban appearance due to recent development, this would only be reinforced on this site by the erection of dwellings. The Inspector maintained that the erection of dwellings would have detracted from the rural character of the immediate surroundings, due to the site retaining an open appearance which complimented the adjoining countryside.

3.5. The Inspector considered that the proposals were not in accordance with policy with no justifiable exception. The Inspector thereby dismissed the appeal.

3.6. CHS.452/93 - Two storey extension and conversion of existing double garage and carport to provide for boarding house accommodation (4 bedrooms). Application refused on the grounds on extending the built-up limits and being detrimental to the rural character and appearance of the approach into the village.

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

4.2. 19/00124/PREAPP – Construction of four dwellings on land to the side of the existing property

- 4.3. Advice given by the LPA stated that a proposal of this nature could not be supported on this site. The pre-application enquiry proposal constituted unjustified unsustainable development beyond the built-up limits of the settlement, intruding into the open countryside and thus causing significant visual harm at this rural edge of village location. The proposal was also considered to provide an unacceptable level of residential amenity.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **11 November 2019**, although comments received after this date and before finalising this report have also been taken into account.

The comments raised by third parties are summarised as follows:

- Only infill or extension is allowed in Category C villages and the plans do not constitute either. The refused application (CHS.646/88) confirms that building on this site does not constitute infill, and this application runs contrary to paragraph C.264 of the CLP 2031.
 - No agricultural need or conversion of redundant buildings has been demonstrated
 - The development would result in a detrimental impact on the adjoining conservation area and surrounding houses. Would significantly impact on adjoining open countryside.
 - Plot No. 4 dwelling is located too close to boundary of Prospect House.
 - Guidance for 22m distance on back-to-back separation is unacceptable in a village with countryside views. Detrimental to resident enjoyment.
 - No access from front of property to rear. Pedestrian garden access would be required on boundary of Prospect House, leaving no space whilst also contributing light pollution onto this neighbour.
 - Would impact highway due to additional traffic on a narrow country lane.
 - Diverse wildlife at Caversfield.
 - Land is perceptible to flooding, impacts on foul sewage and surface water drainage.
 - Issues regarding waste collection and inconvenience/safety of such.
 - Concern regarding density and the development is not as envisioned in Policy BSC2.
- 5.2. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. CAVERSFIELD PARISH COUNCIL: **Objects** – on principle, visual impact, neighbour impact, flood impact, drainage impact, loss of trees, potential loss of bus service and no affordable housing.

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **Objects** – as no visibility splays have been demonstrated when considering views to the west, whereby cars travel into the village at speeds faster than the 40mph limit due to sites proximity to the change of this speed limit.

NON-STATUTORY CONSULTEES

- 6.4. CDC ARBORICULTURE: **Objects** – due to conflict caused through the siting of Plot 4 to the hedgerow on the northern boundary.
- 6.5. CDC ECOLOGY: **No objections** – as the ecological report submitted is acceptable in recommending enhancements for biodiversity. However, a landscape and ecological management plan could be required prior to determination, whilst the proposed landscaping is not acceptable i.e. hedging and

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- Villages 2: Distributing Growth Across the Rural Areas
- BSC 2: The Effective and Efficient Use of Land
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 6: Sustainable Flood Risk Management
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Development likely to cause detrimental levels of pollution
- H18: New dwellings in the countryside

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology

Principle of development

- 8.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. The general thrust of the NPPF is one of supporting the achievement of sustainable development through the planning system; recognising the need to secure gains in the overarching objectives (economic, social and environmental). In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should also contribute to protecting and enhancing our natural, built and historic environment, as well as fostering a well-designed and safe built environment (Para. 8). These aims are echoed within the policies of the CLP 2031 which looks to support sustainable development.
- 8.4. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites. In addition to this, the Written Ministerial Statement of 12th September 2018 provides for a temporary change to housing land supply policies as they apply in Oxfordshire. Until the adoption of the Joint Statutory Spatial Plan, the Oxfordshire Authorities are required to demonstrate a 3-year supply of deliverable housing sites (as well as meeting their requirements in respect of the Housing Delivery Test). As such, policies for determining the application are only to be considered out of date (in accordance with paragraph 11d – footnote 7 of the NPPF) where a 3-year supply of deliverable sites cannot be demonstrated. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 8.5. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Caversfield is recognised as a Category C village. Category C villages are the least sustainable settlements in the District's rural areas (which is highlighted by the village's lack of amenities) and as such new residential development will be

restricted to conversions and infilling within the built-up area of the settlement. Caversfield was identified in the Cherwell Village Characterisation Update (2014) as having no village service amenities or facilities, but for a recreation facility. The village did not have a nursery, primary school, retail shop/post office, public house, village hall or any other service.

- 8.6. The village is in reasonable proximity to the town of Bicester; however, pedestrians travelling from the application site itself cannot access Bicester directly via footpath, with the vehicle speed limit at national speed limit (60mph) and then 40mph coming into the village along Aunt Ems Lane). A footpath is then located further to the east on Fringford Road, giving pedestrian access to Bicester via an unlit road at national speed limit (60mph). Therefore, given this and the total distance, walking routes are undesirable to Bicester North Railway Station and any convenience store within the settlement of Bicester, thus encouraging the use of less sustainable travel options from the site.
- 8.7. The application site is garden land associated with the Old Vicarage, which is extensive, located to the rear of both the host property and Aries (north). The residential garden land of Prospect House (further north) also stretches back to follow the same rear boundary line as The Old Vicarage, which both back on to an agricultural field. Despite being residential garden, the site has a rural and verdant nature, providing a welcome transition to the rural land to the south and west.
- 8.8. The built limits are defined by the extent of the built form of the village. This extensive area of garden land, without any built form, is located to the rear of a small cluster of dwellings on the periphery of the village. Notwithstanding that the site forms land associated with the Old Vicarage, officers conclude that the site is also clearly not within the built-up limits of the village, and therefore cannot be assessed against the provisions of Policy Villages 1 of the CLP 2031.
- 8.9. For the avoidance of doubt, the application proposal would clearly not constitute infilling or a conversion, which are permissible within the built-up limits of Category C villages. There are no buildings to be converted to form any of the 4 dwellings proposed. Furthermore, Paragraph C.264 of the CLP 2031 defines infilling, which is *"the development of a small gap in an otherwise continuous built-up frontage"*. Given that the site is located to the rear of a run of 4 dwellings, with no built-form on either side of the development pattern proposed is clearly not infilling.
- 8.10. Given that the proposal cannot be assessed against the provisions of Policy Villages 1 of the CLP 2031, it stands to be assessed against Saved Policy H18 of the CLP 1996.
- 8.11. Policy H18 of the Cherwell Local Plan 1996 sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan.
- 8.12. No case has been made for consideration as a rural exception site for affordable housing or for an essential undertaking. As the proposal cannot be justified based on an identified essential need, the proposal clearly does not comply with policy criterion and it therefore represents a departure from the Development Plan.
- 8.13. As can be seen from the planning history of the site there have been previous refusals of applications, and the dismissal of a subsequent appeal against the refusal of CHS.646/88, for development of the site considered to be extending the built form westwards. The Inspector considered that this site was located outside the

built-up limits of the village. Whilst the policy context has changed since previous refusals at the site, proposals for new residential development at this location would find no greater support in the policy context of current Development Plan than has previously been the case. The context of the site and wider area has not changed significantly to the extent that would lead officers to a different view, whereby the site is located outside the built-up limits of the village. The site is not considered a sustainable location for unjustified, new residential development, and development of the site is likely to have a detrimental impact on the rural edge of village character.

- 8.14. The proposed development is therefore considered to be unacceptable in principle and would fail to comply with Policies PSD1 and ESD1 of the Cherwell Local Plan 2031 Part 1, saved Policy H18 of the Cherwell Local Plan 1996 and relevant paragraphs of the National Planning Policy Framework.

Design, and impact on the character of the area

- 8.15. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.16. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character and scale of existing dwellings in the vicinity.
- 8.17. Policy ESD13 of the Cherwell Local Plan Part 1 states that development proposals will not be permitted if they would cause undue visual intrusion into open countryside or cause undue harm to important natural landscape features. Furthermore, development will be expected to respect and enhance local landscape character.
- 8.18. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.
- 8.19. Policy BSC2 has provision for housing density, which supports housing to be at a density of at least 30 dwellings per hectare. Paragraph C.102, the supporting text of this policy, states that; “...*the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites.*”
- 8.20. The dwelling would be located outside of the built-up limits of the village. The small cluster of dwellings fronting onto Fringford Road are considered to constitute the limits of the village and following this the countryside opens to agricultural fields from the transition of vast residential gardens. It is considered that the proposed development on this site would have a detrimental impact on the local landscape and rural character of the area and the openness of the countryside and its setting to the village. The removal of several trees on the site to facilitate the development is considered harmful to the verdant appearance of the site.

- 8.21. Notwithstanding the general location of the 4 proposed dwelling as being unacceptable to the open and rural character of the site, the layout/density, volume and appearance of the dwellings proposed is considered to cause significant and demonstrable harm to the character and appearance of the area.
- 8.22. The existing cluster of properties located to the east of the site have accesses which front onto Fringford Road in a ribbon pattern. Whilst the vehicular access and orientation of the Old Vicarage is onto Aunt Ems Lane, there is a continuation of this ribbon pattern around the street corner. The current application seeks consent for a new cul-de-sac which would give individual vehicular access to each property. This development pattern is not a character of this immediate area and would contribute to an urbanisation of this area of land and thus impacting negatively on the rural character of the site wider area.
- 8.23. The existing cluster of dwellings to the east of the site are all moderate size and within generally spacious plots, with generous separation distances between each. This contributes to the semi-rural nature of this part of the village, aiding the transition towards the countryside to the south and west. The distance across the frontage of all these 4 existing residential properties is measured at approximately 100m, whilst the space afforded across the application site to accommodate 4 further dwellings is approximately 50m. The volume of housing on this site, and the housing density above that of the surrounding area is considered inappropriate in this location, failing provide a sympathetic layout to respect the existing pattern of development and failing to complement or enhance the character of the context.
- 8.24. The heights of the semi-detached dwellings at Plots 1-2 is considered particularly harmful to the character and appearance of the wider area, being 9.5m at ridge and thus above the height of the Old Vicarage being over-dominant in the context of the overall streetscene and in public views along Aunt Ems Lane.
- 8.25. The design rationale appears to be to mimic the different styles of dwelling in Caversfield, which has provided subtle differences in the general appearance of the dwellings and how they are read (including; scale, form and materials). However, the overall uniformity of the dwellings proposed, which is essentially guided by the limited space available on the site, displays an overengineered appearance. This is more akin to a suburban location, rather than the semi-rural pattern further to the east whereby the dwellings and their design, layout and form has developed over time.
- 8.26. The Old Vicarage does feature some rendered elements in later additions to the property, mainly on rear or subservient elements. However, the heavy use of render across this scheme, particularly the whole façade of Plot 3 and the lower 'half-and-half' façade of Plots 1-2, is considered poor design and to not respect the overall character of the wider area and thus is considered to be detrimental to the scheme as a whole.
- 8.27. The garages as submitted are considered to result in poor design in this rural context. In particular, the detached garage to serve Plot 4 is considered overly suburban, failing to respect the existing rural nature of the site and wider area. The flat roof garages to Plots 1-3 are considered a poor detail and, particularly where viewed from Aunt Ems Lane, would detract from the overall appearance of the site.
- 8.28. The Council's Arboricultural Officer has raised concerns regard the siting of Plot 4 and its poor relation to the existing vegetation along the northern boundary. The amount of shade offered by this boundary on future occupiers of this plot would create a conflict which could result in the hedgerow being cutback or removed.

Therefore, the development is likely to cause a further impact on the green and verdant nature of the site.

- 8.29. The Arboricultural Officer has recommended a condition attached for landscaping details to be submitted, which would be conditioned to any application granted.
- 8.30. Whilst of a modern design the proposals are not considered outstanding or innovative, or which particularly promote high levels of sustainability. The proposals would introduce development where currently none exists and which would intrude into the open countryside, which is not considered sympathetic to the edge of rural village context, within which the site sits. Further, the proposals are not considered to reflect or reinforce local distinctiveness through siting or design and are therefore contrary to Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and relevant paragraphs within the National Planning Policy Framework.

Residential amenity

- 8.31. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'*.
- 8.32. Given the siting of the proposed dwellings, neighbours that are potentially impacted by way of the proposals are: The Old Vicarage, Aries, Prospect House.
- 8.33. The Cherwell Home Extension Guidance (2007) and the Cherwell Design Guide (2018) advises that where a new window is proposed in a back-to-back relationship, it should normally be at least 22 metres away from a window of a neighbour's habitable room to prevent loss of privacy.
- 8.34. The proposed dwellings are in a generally linear pattern in the back-to-back relationship, with The Old Vicarage being the most closely related property to any of the dwellings (Plots 1-2). The separation distance is measured at approximately 26m and thus considered sufficient to restrict detrimental overlooking. Similarly, and given the greater separation distances, no other neighbour would be materially impacted through a loss of privacy.
- 8.35. Overall, the proposed dwellings are considered to be reasonably sited as to prevent any overlooking, loss of light, outlook or give rise to an over-dominant impact on adjacent neighbours. The proposal is thus considered acceptable regarding residential amenity, compliant with Policy ESD15 of the Cherwell Local Plan 2031 Part 1 and relevant paragraphs of the National Planning Policy Framework.

Highway safety

- 8.36. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 110 of the NPPF which states that: *"developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles."*
- 8.37. Paragraph 109 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

- 8.38. The Local Highways Officer has objected to this application, on the basis that the submitted site layout plan does not show the full extent of the visibility splay to the west of the access, nor any dimensions and therefore it has not been demonstrated that the development achieves the required visibility splay within the highway boundary, which is required prior to the determination of an application.
- 8.39. Whilst there is an existing garden access gate into the application site, this is not the primary vehicular access for occupiers of The Old Vicarage, which is further to the east. In any case, the proposed access into the site is located further to the west than the existing site/garden access. Officers see no reason to disagree with this assessment and, in the absence of any plan or information which demonstrates an acceptable visibility splay, conclude that the proposal would result in an unacceptable impact on highway safety.
- 8.40. Whilst the proposal is acceptable on cycle and vehicular parking, for the reasons set out above it would fail to comply with Policy ESD15 of the Cherwell Local Plan 2031 Part 1 and relevant paragraphs of the National Planning Policy Framework.

Ecology

- 8.41. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.
- 8.42. The Council's Ecologist has reviewed the application and has not raised any objections to the ecological report that was submitted, subject to conditions for this report to be adhered to. Further details are required relating to landscaping and ecological management, which can be conditioned to any consent given. Therefore, this proposal is acceptable on ecological grounds.

Other matters

- 8.43. Officers note the comments of third parties and the Parish in relation to flooding, however the site is identified on Environment Agency mapping as being located in Flood Zone 1, which is at the lowest risk of flooding.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system.

- 9.3. The proposal would avoid harm to residential amenity and is acceptable in ecology terms. The proposed would provide four additional houses, thereby making a minor contribution to the district's housing land supply albeit in an unsustainable location, and would provide temporary economic benefits in terms of construction, jobs, etc. The proposal would not have any benefit in terms of affordable housing provision.
- 9.4. Given the above assessment in the light of current guiding national and local policy context, it is considered that by virtue of their, siting, scale and design the proposals would represent unjustified residential development beyond the built-up limits which would cause harm to the intrinsic character and appearance of the site and its edge of village setting within the open rural landscape; and further would insufficient information has been submitted to show that the development can accommodate an acceptable level of safety for users of the site.
- 9.5. It is therefore considered that any potential benefits of providing the proposed development would not outweigh the significant harm to the environment identified above. The proposals are therefore considered contrary to the above-mentioned Development Plan policies; as such the application is therefore recommended for refusal for the reasons set out below.

10. RECOMMENDATION

That permission is refused, for the following reasons:

1. By virtue of their location, siting, scale, layout, design and overall appearance, the proposals would constitute unjustified development beyond the built-up limits of Caversfield, failing to relate well to existing built development, and which would intrude into open countryside causing significant and demonstrable visual harm to the valued rural landscape. In addition, the proposed development would be sited in an unsustainable location that would be contrary to the district's housing strategy without the demonstration of an essential need, resulting in future occupiers having no realistic choice of travel means other than the private car. This harm would significantly and demonstrably outweigh the limited public benefits arising from this proposal. The proposal is therefore in direct conflict with the provisions and aims of Saved Policies C28, C30 and H18 of the Cherwell Local Plan 1996, Policies ESD1, ESD10, ESD13, ESD15 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1 and guidance contained within the National Planning Policy Framework and is unacceptable in principle.
2. By virtue of insufficient information being submitted, it has not been successfully demonstrated that the development can accommodate an acceptable level of safety for road users when egressing from the site. The proposal is therefore in direct conflict with the provisions and aims of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

Case Officer: George Smith

DATE: 21/11/2019

Checked By: Nathanael Stock

DATE: 25.11.2019

C



Appeal Decision

Inquiry Held on 10, 11 and 12 July 2018

Site visit made on 12 July 2018

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2018

Appeal Ref: APP/C3105/W/17/3188671

Land off Blackthorn Road, Launton OX26 5DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Manor Oak Homes (Mr William Main) against the decision of Cherwell District Council.
 - The application Ref 17/01173/OUT, dated 24 May 2017, was refused by notice dated 4 August 2017.
 - The development proposed is the development of up to 72 dwellings with associated large area of Public Open Space.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the development of up to 72 dwellings with associated large area of Public Open Space at Land off Blackthorn Road, Launton OX26 5DA in accordance with the terms of the application, Ref 17/01173/OUT, dated 24 May 2017, subject to the conditions contained in the schedule at the end of this decision.

Procedural matters

2. The application was submitted in outline with all matters except for access to be reserved for future consideration. The application was supported by various plans and these are identified in the final signed Statement of Common Ground (CDC2) at paragraph 4. It was confirmed that the Feasibility layout, as it is referred to there (the drawing title on the plan is illustrative layout) was for illustrative purposes only to demonstrate one way in which the site could be developed.
3. During the conditions session it was also confirmed that JPP Consulting Plan T7866PM-01-A, from the Transport Assessment revision A, formed part of the plans for which permission was sought. The Council originally refused planning permission for five reasons; by the start of the Inquiry the Environment Agency and the Oxford County Council Drainage Officer withdrew their objections. This resulted in the Council no longer pursuing its objections on grounds of flooding or drainage. The Council confirmed that if a satisfactory obligation was provided to ensure the provision of infrastructure necessary to serve the development it would no longer contest that issue.
4. A completed and executed planning obligation in the form of a planning agreement pursuant to section 106 of the Town and Country Planning Act 1990

was provided by the close of the Inquiry. I return to the planning obligations secured below.

5. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and the parties were given the opportunity to comment on the relevance this will have on their case.
6. The Government published a Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire. I have had regard to the Statement.

Main Issues

7. The main issues are:
 - Whether the location and scale of the proposed development would conflict with the development plan's strategy for the distribution of housing in the district; and
 - The effect of the proposed development on the character and appearance of the settlement of Launton and the surrounding area.

Reasons

8. The development plan for the area comprises the saved policies from the Cherwell Local Plan 1996 (CLP 1996) and the Cherwell Local Plan 2031 part 1 (CLP 2031 (part 1)).
9. The Council is in the process of a partial review of the CLP 2031 (part 1) to address the apportionment of Oxford's identified unmet need to the surrounding district Councils. The Council submitted the Local Plan Part 1 Partial Review (Oxford's Unmet Housing Need) to the Secretary of State on 5th March 2018. This has not been the subject of public scrutiny. Whilst the Council may have agreed the level of unmet need it is to receive from Oxford in terms of the proportionate apportionment in the context of this appeal the review carries only little weight at this point in time.
10. Reference is made in the CLP 2031 (part 1) to the Cherwell Local Plan 2031 part 2 (CLP 2031 (Part 2)) however this appears to be in the very early stages of preparation with an issues consultation paper being published in January-March 2016. I have no evidence before me of any further progress on that plan and therefore I am of the view it carries very little weight in the determination of this appeal.

Location and scale of development

11. Underpinning the CLP 2031 (part 1) is a spatial strategy for Cherwell District which focusses the bulk of the proposed growth in and around Bicester and Banbury. It limits growth in the rural areas, directs it towards larger and more sustainable villages and aiming to strictly control development in open countryside.
12. Policy BSC1 identifies that 22,840 dwellings will be provided for between 2011 and 2031; distributed between Bicester, Banbury and the Rest of the District. A significant proportion of the 'rest of the district' figure relates to a strategic allocation at RAF Upper Heyford, the remainder distributed through the categorisation of Villages in Policy Villages 1: Village categorisation and Policy Villages 2: Distributing Growth Across the rural areas. The plan seeks to alter

the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours. The number of new homes outside the two main towns would be around a quarter of the overall plan total.

13. Launton is identified as a category A - service village in Policy Villages 1. Policy Villages 2 confirms that over the plan period a total of 750 homes will be delivered at category A villages. There is no further distribution of delivery within the villages and there is no timeframe or trajectory for delivery associated with the overall figure. All parties accept that the headline figure is not a ceiling and that conflict would only arise if there was a material increase over and above the identified 750 dwellings. This is consistent with the Framework's approach to significantly boost the delivery of housing.
14. The 2017 Annual Monitoring Report for the district identifies that a total of 664 dwellings have been identified for meeting the Policy Villages 2 requirement. By March 2017 there had been 103 completions on those sites. The proposed development would make provision for up to a further 72 dwellings taking the total to 736 (664 + 72). The 750 figure in the policy would not be breached. Furthermore the 750 figure refers to dwellings delivered, of which to date there are only 103, substantially below the 750 figure. As a matter of fact allowing this appeal would not breach this aspect of Policy Villages 2, I return to the criteria based aspects below.
15. My attention is drawn to the dismissal of an appeal in 2015¹ on the grounds that the provision of 95 homes in one location at that early stage of the local plan period would leave little scope for development in other category A villages either in terms of numbers or timing and would thus not be in accordance with the Plan's housing strategy. This was shortly after the plan had been adopted in 2014. Matters have moved on and information is available to consider whether performance across the rest of the district is meeting the aspiration of the strategy.
16. This proposition has been taken forward in more recent appeal decisions² however none of these have been the subject of the full scrutiny of Public Inquiry. Further, there are also significant site specific differences between those decisions and this appeal related to heritage concerns, sustainability and harm to character and appearance.
17. Whilst the level of planning permissions and resolutions to approve is approaching 750 the number of units built is still substantially below that figure. That equates to a delivery rate of some 34 units per annum based on the delivery since 2014. If that were continued the delivery would be too low to reach 750 in the plan period. The latest AMR figures demonstrate that completions and planning permissions outstanding in the two principle towns of Bicester and Banbury amount to in the region of two thirds of housing delivery. The remaining one third being delivery in the rural areas, a substantial proportion of which is at a strategic allocation location. This demonstrates that the overall intention of the strategy to deliver housing in the most sustainable locations of the main towns and strategic allocation and to limit development in the rural areas is succeeding. The proportion of housing being delivered at the

¹ APP/C3105/W/14/3001612

² APP/C3105/W/16/3158925, App/C3105/W/17/3169168 and APP/C3105/W/17/3187461.

smaller villages is significantly less than half of delivery as was identified as a main driver for the development of the strategy.

18. The 750 figure is not an upper limit and it would require a material exceedance to justify arriving at a conclusion the policy was being breached. Whilst the figure is moving towards the actual figure there is still some headroom available. Time has moved on and we are now further into the plan period, any permissions that are now granted will take time to produce the delivery of housing and therefore it is likely that the delivery of the units identified in this appeal would not arise until the plan was in the second half of its term. It is in my view no longer appropriate to characterise this as early in the plan period. The CLP 2031 (part 2) plan has the potential to review the implications of these policies or a formal review of the part 1 plan could come forward.
19. On the basis of the evidence before me I am satisfied that the proposed development would not lead to a breach of this aspect of Policy Villages 2 or the overall plan strategy.
20. In any event, there is evidence to demonstrate that housing delivery is strengthening. That it is focussing in the main towns of Bicester and Banbury and the strategic allocation and that the contribution from the more sustainable villages (category A villages) in the rural area to the overall delivery of housing is achieving the plans overall need in a manner consistent with the strategy. Whilst I accept that the delivery of all of the level of housing anticipated through Policy Villages 2 could reduce the flexibility later in the plan period I have been provided with no evidence that the granting of permission here would prevent development at a more sustainable location in another Category A village.
21. Indeed it is no part of the Council's case that Launton is not a sustainable village and does not have the services and facilities to meet the day to day needs of the future residents of the proposed development. The number of units proposed would not be excessive in relation to the services and facilities available in the village. The village contains a number of facilities including two pubs, a convenience store, farm shop, primary school, community hall and small business enterprises. It is categorised as a Category A village which are those villages in the district with the highest sustainability credentials in the rural area. The village is also well served by public transport. The additional demands placed on existing facilities would be addressed through the provision of the planning obligation. The scale of the development would not substantially detract from the character of the village as I conclude below. The increase in the number of new homes would not therefore result in materially harmful effects.
22. Any future developments at Category A villages in the future would need to be considered in the context of the circumstances pertaining at that time which would include, but not be limited to, matters such as whether the 750 figure had been materially exceeded, the specific needs for that development in relation to the village and the effect on the overall settlement strategy.
23. On the basis of the above conclusions I am satisfied that the location and scale of the proposed development would not conflict with the development plan's strategy for the distribution of housing in the district. The development would not conflict with policy BSC1, Policy Villages 1 or Policy Villages 2 and would

not undermine the overall strategy of the development plan, with which it would comply.

Character and appearance

24. The Council's reason for refusal alleges that the application contained insufficient information to enable it to assess the impact of the proposed development on its surroundings.
25. I have had regard to the advice in the Planning Practice Guidance with regard to Design and Access Statements (DAS) and to the two court cases³ submitted in Closing by the appellant to address the concern of the adequacy of the DAS. Given that the application is in outline with all matters reserved, other than access, much of the detailed layout, design and appearance are matters more properly considered at reserved matters stage. With the application before me the focus is on whether the scale and quantum of development could be satisfactorily accommodated on the site. As the PPG advises DASs are concise reports to provide a framework for applicants to explain how the proposed development is a suitable response to the site.
26. The PPG goes on to advise that the DAS must explain the design principles and concepts and demonstrate the steps taken to appraise the context and how the design takes that context into account. There is no prescriptive formulaic sequencing or ordering of steps that are to be undertaken or how these are to be ordered or reported in the final report. Given the outline nature of the application I am satisfied that there is sufficient depth and detail of analysis of the site and context and how the scheme has taken these matters on board in reaching its proposed outcome. The illustrative master plan is also just that, illustrative as one way in which the scheme could come forward, and is not set in stone.
27. The Council's witness Mr Stock confirmed under cross examination that he accepted that there was sufficient information before the Inquiry to enable me to make a proper assessment of these matters. I am satisfied that the amended DAS, the proofs of evidence of the various witnesses, the additional information submitted during the Inquiry including APP 8, along with my visits to the site and surrounding area enable me to come to an informed conclusion on the effect of the development on the character and appearance of the surrounding area.
28. Launton is a category A larger village in the rural area of the district. Its historic form was based on a linear settlement pattern focused predominantly along Station Road and West End. There was some consolidation of built form around the cross roads created by Blackthorn Road and Bicester Road. There remain a number of historic buildings fronting primarily onto Station Road and West End with a scattering along Bicester Road and a number at the junction of Blackthorn Road and Station Road. The historic core and buildings are identifiable and visible along the main roads and it is from these vantage points that the visual contribution the historic buildings make is most readily apparent. To the north and west Launton has significantly increased in density, depth of development and form which readily detaches the historic linear form

³ Two High Court Decisions: Michael Jonathan Parker v Secretary of State for Communities and Local Government and Rother District Council and Peter Bull [2009] EWHC 2330 (Admin). & [2011] EWHC 2325 (Admin) the Queen on the application of Bizzy B Management company Limited v Stockton-on-Tees Borough Council v Python Properties (A Firm).

of the village from the countryside and surrounding fields. Similarly to the south much of the physical relationship to the rural hinterland has been interrupted with more modern development.

29. The appeal site is located to the east and south of Station Road. The site is open fields. However the site is not readily appreciated or viewed from Station Road and there are limited views when the historic core and field pattern surrounding the village would be read in the same views. There have been some modern developments to the rear of these properties in Station Road including at The Green which further detaches the rural fields from the historic core of the settlement.
30. Approaching the village from the south along Blackthorn Road there is modern development on one side of the road up to the point where the entrance feature demarking the entrance to the village is located. On the opposite side of the road the land is also developed, in the form of a pumping station and water works. The proposed development would abut the built development of the edge of the village and provide for a significant area of retained open space. The site is reasonably well screened from the wider countryside, with significant areas of tree planting and hedge boundaries. In this regard I am satisfied that, designed with care, the proposed development would not be unduly assertive or excessively intrusive such that it would undermine the intrinsic character and beauty of the countryside at this location. A suitable layout arrangement could address Blackthorn Road in a manner consistent with the existing development fronting the road. The development would not, in my view, result in the appearance that the village boundary had appreciably extended into the open countryside as the development would be within the village entrance demarcation and would be well contained by landscape features.
31. The development is proposed with a single point of access. It would therefore be a cul-de-sac of some 72 units. The illustrative layout suggests this would be with a principle spine with roads off it. I saw a number of Culs-de-sac in the village. Whilst none contained as many dwellings as that proposed in this scheme, there were a number with a similar pattern (single point of entry and accesses off a central spine) and a comparable size, eg at Sherwood Close (57 properties) and Skinner Road and Ancil Avenue (46 properties). I do not consider that the scale of development would inevitably lead to an excessively complex road layout.
32. It is no part of the Council's case that the setting of individual listed buildings would be affected by the proposed development. Further, the Council does not object to the effect of the development on landscape character. The design and appearance of the buildings, the materials to be used, the layout of the scheme are all matters that would be considered at the reserved matters application. I have neither seen nor heard anything to suggest that a competent architect could not design a scheme that would be in keeping with its surroundings.
33. I am satisfied that the provision of a Cul-de-sac including development fronting Blackthorn Road could be made to reflect the character and appearance of the surrounding area and the village. There would be change, that is not in dispute; a field would be developed for housing but that would not in my view result in material harm to the character and appearance of the village. There is

no identified landscape harm and any residual impact can be addressed by condition, the reserved matters can ensure the design and appearance of the scheme is compatible with and reflects local distinctiveness.

34. For the reasons given above I conclude that the proposed development would not harm the character and appearance of the settlement of Launton and the surrounding area. Consequently the proposal would not conflict with policies ESD15 of Policy Villages 2 in the CLP 2031 (part 1) or policies C28 and C30 in the CLP 1996. The development would therefore comply with the development plan in these regards.

Planning Obligations

35. The appellant has provided a planning obligation in the form of a deed of agreement under section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011.
36. Overall the Obligations of the agreement are related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development where appropriate. The planning obligations therefore comply with the tests set out in the Framework, the advice in the National Planning Practice Guidance and with Regulation 122 of the CIL Regulations 2010 (CIL). There is no conflict with CIL Regulation 123(3).

Other matters

37. At the outset of the Inquiry in my opening I identified whether the Council can demonstrate a five year supply of deliverable housing sites as a main issue to address. I dealt with housing land supply as a discreet topic and conducted this as a hearing style discussion session. I have taken account of the latest Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire. However, given my conclusions in respect of the main issues above, if I accept the Council's position on its Housing Land Supply, my overall conclusion would be that the proposals accord with an up-to-date development plan. They would therefore benefit from the presumption in favour of sustainable development under paragraph 11 c of the Framework. This overall conclusion would not change taking on board the governments WMS on Housing Land Supply in Oxfordshire. It is therefore not a matter on which my decision turns.
38. The proposed development would provide for market housing and affordable housing. The positive contribution to the supply and delivery of housing in the district given the Government's objective of significantly boosting the supply of homes (Framework paragraph 59) is a benefit of significant weight. The District has identified it has a high need for affordable housing. Securing the provision of affordable housing, through the planning obligation, therefore is also a significant positive benefit of the scheme.
39. The appeal scheme identifies a significant area of public open space the scheme would include details to enhance the biodiversity and conservation target area landscape qualities in the area. In this regard this would assist in fulfilling policy ESD11 and a minor benefit is derived from the scheme as a

result of the enhancements to biodiversity that could be secured through the development of the site.

40. The additional traffic generated by the proposed development would not result in material harm to highway safety. There is no objection from the Highway Authority and the design of the access has been accepted on the basis of the information submitted. There was no evidence to demonstrate that there would be significant inconvenience or hazard that would be caused by the proposed access location or the additional traffic that would pass through the cross roads in the centre of the village.

Conditions

41. A list of draft conditions was provided by the Council (CDC1) and updated during the Inquiry (CDC 6). I have considered the conditions in the context of the advice in the Planning Practice Guidance and the model conditions set out in the annex (which remains extant) to the otherwise now cancelled Circular 11/95, the use of conditions in Planning Permissions. A number of the suggested conditions are in effect informative or advisory indicating the content of future submissions under the reserved matters, or cover matters that fall squarely within the ambit of the reserved matters. Unless it is necessary to restrict the discretion of both applicant and local planning authority at this outline stage, I have not imposed such conditions, as the submission of details/reserved matters would be the subject of evaluation.
42. Conditions 1 to 3 are the standard outline conditions and there is no reason to vary these other than removing access as a reserved matter as that was the basis of the application. Conditions 4 through to 8 address matters related to access, parking and travel. They are required to ensure the development is satisfactorily accessed and that suitable parking provision (both car and cycle) is provided and maintained on site and to ensure that the site is accessible by a range of modes of transport.
43. Conditions 9 through to 11 are required to ensure that the development is safe from flooding and does not result in an increased risk of flooding elsewhere. Launton is not connected to mains gas. Conditions 12 and 13 are required to avoid an excessive proliferation of above ground fuel tanks that could compromise the design and appearance of the final development. It could be argued that this could be left to the reserved matters but it is an important design principle and the imposition of such a condition now will ensure this matter is properly addressed at an early point in the consideration of the design of the detailed scheme.
44. Condition 14 will ensure that adequate regard is paid to the potential for buried remains and condition 15 ensures that appropriate consideration is given to securing the biodiversity enhancements and on the basis of policy ESD11. A Construction Environment and Management Plan (condition 16) is required to ensure the site is safely accessed during development, to safeguard the living conditions of surrounding residents and to ensure the development is carried out in a neighbourly manner. The site includes previously developed land and conditions 18 through to 21 address the potential for the site to be contaminated and the necessary steps to be undertaken in the event contamination is encountered. Condition 22 requires the removal of an existing residential dwelling unit to ensure the satisfactory completion of the proposed development.

45. Conditions 4, 10, 11, 12, 14, 15, 16, 17, 18, 19 and 22 are 'pre-commencement' form conditions, or include such elements, and require certain actions before the commencement of development. In all cases the matters they address are of an importance or effect and need to be resolved before construction begins.

Overall conclusions

46. I have concluded that the proposed development would accord with the strategy and objectives of the CLP 2031 (part1) and that there would be no conflict with policies BSC1 or Policy Villages 1 or Policy Villages 2 in that plan in respect of the scale and location of the development. Moreover, I have concluded that there would be no material harm to the character and appearance of the village or the surrounding area and therefore no conflict with policy Villages 2 or ESD15 in the CLP 2031 (Part 1) or policies C28 and C30 in the CLP 1996. On this basis I conclude that the proposed development would be in accordance with the development plan as a whole and as such would amount to sustainable development in the context of paragraph 11 of the Framework for which there is a presumption in favour of.
47. Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
48. Even if I were to accept the Council's position in terms of its five year housing land supply, that there was a 5.4 year supply, that would not alter my conclusions in respect of the development plan, the presumption in favour of development or the section 38(6) position. The issue of housing land supply therefore is not determinant in this appeal.
49. The proposal accords with the development plan and there are no other material considerations that indicate a decision otherwise would be appropriate. The scheme benefits from the presumption in favour of development as set out in the Framework. I therefore will grant planning permission without delay.
50. With the imposition of the above mentioned conditions and for the reasons given above, I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gwion Lewis	Counsel, instructed by Amy Jones, Solicitor Cherwell District Council
He called	
Yuen Wong BA(Hons) MA MRTPI	Principal Planning Policy Officer Cherwell District Council
Nathaneal Stock BA(Hons) DipTP MRTPI	Team Leader General Developments Team Cherwell District Council

FOR THE APPELLANT:

Paul Tucker (and Sarah Reid)	Queens Counsel, instructed by Huw Mellor
He called	
Huw Mellor BA(Hons) MRTPI	Partner Carter Jonas LLP.
Ashley Thompson BA(Hons) PGDip ARCH MA ARB RIBA	Director ATA (Architecture) Ltd.
Jacqueline Mulliner BA(Hons) BTP(Dist) MRTPI	Director and Head of National Planning Terence O'Rourke Ltd.

INTERESTED PERSONS:

Mr Robert Armstrong	Local Resident
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DOCUMENTS SUBMITTED BY CHERWELL DISTRICT COUNCIL (CDC)

CDC1	Draft List of suggested conditions
CDC2	Signed copy of the Statement of Common Ground
CDC3	Opening submissions on behalf of the Council
CDC4	Extract of Planning Supporting Statement by Barwood Strategic Land II LLP in respect of Land West of Bloxham Road, Banbury
CDC5	Home extensions and Alterations – Design Guide for Householder Applications March 2007 Cherwell District Council
CDC6	Updated Draft list of suggested conditions
CDC7	Update from Oxford County Council on its submissions in respect

- of Planning Obligations and compliance with Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010.
- CDC8 Copy of Developer Contributions Supplementary Planning Document (SPD) February 2018 published by Cherwell District Council.
- CDC9 Closing submissions on behalf of Cherwell District Council

DOCUMENTS SUBMITTED BY the APPELLANT (APP) – MANOR OAK HOMES

- APP1 List of appearances for the appellant
- APP2 Unsigned final draft of the Statement of Common Ground
- APP3 Draft of Final version of the Planning Obligation agreement
- APP4 Schedule of developer responses to the 2017 AMR comprehensive review of sites (on disputed sites only)
- APP5 Pack containing details of consultation on amended illustrative amended plan carried out by the appellant.
- APP6 Revised Flood Risk Assessment (Revision E: June 2018 R-FRA-T7866PM-01-E) by JPP Consulting.
- APP7 Opening submissions on behalf of the appellant
- APP8 Aerial photograph with existing Culs-de-sac and dwelling numbers identified.
- APP9 Extract from Planning Policy Guidance on Design and Access Statements.
- APP10 Letter from one of the site owners to confirm the tenancy arrangements related to the existing 'caravan' on site.
- APP11 Certified copy of the planning obligation by deed of agreement
- APP12 Closing submissions on behalf of the appellant (including two attachments of cited court cases).

Schedule of conditions for appeal APP/C3105/W/17/3188671

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the commencement of the development hereby approved, full details of both means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority.

The means of access shall also include:

- lengths of footway on the north side of Blackthorn Road in either direction from the site access
- two uncontrolled crossing points
- alterations to the existing traffic calming and village entry treatment

Thereafter and prior to the first occupation of the development, the means of access shall be constructed and retained in accordance with the approved details.

- 5) No dwelling shall be occupied until car parking space(s) to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 6) No dwelling shall be occupied until cycle parking space(s) to serve that dwelling have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter.
- 7) Prior to occupation of the first dwelling hereby approved, a Residential Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be operated and reviewed in accordance with details to be included in the agreed Travel Plan Statement.
- 8) Travel Information Packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, shall be provided to every resident on first occupation of each dwelling.

- 9) The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) Proposed Residential Development, Land off Blackthorn Road, Launton, Bicester, Oxfordshire by JPP Consulting Civil and Structural Engineers, Revision E, June 2018 R-FRA-T7866PM-01-E and the following mitigation measures detailed within the FRA:

- There shall be no built development within the 1% annual probability (1 in 100) flood extent with 35% allowance for climate change; and
- Finished floor levels will be located a minimum of 150mm above the predicted flood level.

The mitigation measures shall be fully implemented prior to occupation of the dwellings to which they relate and in accordance with the timing/phasing arrangements embodied within the scheme.

- 10) No development shall take place until a scheme for the provision and management of a minimum 10m buffer zone alongside the Launton Brook shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. The buffer zone covered by the scheme shall be free from built development (including lighting), domestic gardens, footpaths and formal landscaping.

The scheme shall include:

- Plans showing the extent and layout of the buffer zone;
- Details of any proposed planting scheme (for example native species);
- Details of the timing and implementation of the scheme;
- Details demonstrating how the buffer zone will be protected during development and maintained over the longer term including proposed financing, the body responsible for management and production of a detailed management plan.

- 11) Prior to the commencement of the development hereby approved, a surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. . The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDs
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers

- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood routes in exceedance (to include provision of a flood exceedance route plan).

The scheme shall be implemented in accordance with the approved details

- 12) Prior to the commencement of development details of the services and energy infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of any dwelling hereby permitted.
- 13) Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), No above ground fuel tanks to serve the proposed development shall be provided unless with the prior written approval of the local planning authority.
- 14) An archaeological investigation shall be completed in accordance with a Written Scheme of Investigation which shall first be submitted to and approved in writing by the Local Planning Authority prior to any demolition on the site and the commencement of the development.
- 15) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing Biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- 16) Prior to the commencement of the development, a Construction Environment and Traffic Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent to or surrounding the site together shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will include a commitment to deliveries only arriving at or leaving the site between 0930 and 1630. Thereafter the development shall be carried out in accordance with the approved CEMP.
- 17) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local

Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

- 18) If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- 19) If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- 20) If remedial works have been identified in condition 18, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 21) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
- 22) No development subject of this permission shall commence until the mobile home that is the subject of certificate of lawfulness 09/01814/CLUE dated 18 March 2010, and associated structures, have been removed from the site.

END

D

Appeal Decision

Hearing held on 21 July 2015

Site visit made on 21 July 2015

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 August 2015

Appeal Ref: APP/H1840/W/15/3005494

Walcot Meadow, Walcot Lane, Drakes Broughton, Pershore, Worcestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Crown House Developments Ltd against Wychavon District Council.
 - The application Ref W/14/00273/OU, is dated 6 February 2014.
 - The development proposed is 32 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for 32 dwellings at Walcot Meadow, Walcot Lane, Drakes Broughton, Pershore, Worcestershire in accordance with the terms of the application, Ref W/14/00273/OU, dated 6 February 2014, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. The application is submitted in outline form with matters of appearance, scale, landscaping, layout and access reserved for subsequent consideration. I have determined the appeal on this basis.
3. No formal decision was issued by the Council in this case but it has since provided evidence suggesting that it would have refused planning permission due to a conflict with saved Policy GD1 of the Wychavon District Local Plan (LP) (2006). I have taken this to be the decision the Council would have made if it had been empowered to do so.

Main Issue

4. The main issue is whether the site is a suitable location for the proposed residential development with regard to Policy GD1 of the LP and other considerations.

Reasons

Policy GD1

5. Policy GD1 of the LP sets out a location strategy for new development in the district, directing most new development to the main built up areas of Droitwich Spa, Evesham and Pershore, with some in the villages. In all cases,

- development is to be within defined settlement boundaries and/or on allocated sites. It is common ground between the parties that the site is outside the settlement boundary for Drakes Broughton, and is not an allocated site. The proposed development is, therefore, in clear conflict with Policy GD1.
6. The appellant argues that Policy GD1 is out of date by virtue of the Local Plan being time expired, its specified plan period having ended in 2011. However, it was acknowledged that the policy is saved by virtue of a saving direction issued in 2009. As such, it retains its full weight as part of the statutory development plan. Nevertheless, it is possible for material considerations to outweigh the development plan and the policies and objectives of the National Planning Policy Framework (the Framework) are an important material consideration.
 7. It was agreed during the Hearing that the principle of defining settlement boundaries is consistent with the Framework. I note an alliance with objectives to protect the countryside and promote sustainable patterns of development and the policy can be considered to be broadly consistent with those of the Framework. That said, it is not entirely consistent in that the boundaries and housing allocations were drawn up to address a housing need up to 2011. The Framework now seeks to boost significantly the supply of housing and attracts substantial weight.
 8. It is agreed between the parties that the Council can demonstrate a 5 year supply of deliverable housing sites as required by paragraph 47 of the Framework. Under these circumstances, the decision-taking criteria contained in paragraph 14 of the Framework are not engaged. Whilst this is so, the Framework seeks to boost significantly the supply of housing and the ability to demonstrate a 5 year housing land supply should not be seen as a maximum supply. Regardless of such a supply being available, the Framework advocates a presumption in favour of sustainable development and the application must be considered in these terms.
 9. In June 2014, officers' of the Council took a report to its planning committee recommending approval of the application based on a conclusion that the development would represent sustainable development for the purposes of the Framework. It is argued that the establishment of a demonstrable 5 year housing land supply and the advanced stage of the emerging South Worcestershire Development Plan (SWDP) have since altered this conclusion.
 10. The availability of sufficient land to accommodate housing needs for the next five years based upon the objectively assessed housing need determined by the Examining Inspector for the SWDP is a positive step. However, I have already established that the 5 year housing land supply is not a maximum criteria. Furthermore, whilst the SWDP has reached an advanced stage it does not yet form part of the development plan. Although I was told that the plan was likely to be adopted following main modifications, consultation is yet to take place on these modifications and the final outcome of the examination process cannot be predicted. This includes the allocation of sites sufficient to meet the Council's housing requirements. Furthermore, I was advised that unresolved objections in respect of some aspects of the plan remain outstanding. In light of this, I attach only moderate weight to the SWDP at the present time.

11. I was referred to a recent appeal decision¹ in Oundle, Northamptonshire where the Inspector questioned whether development on Greenfield land, outside of settlement boundaries in circumstances where a 5 year housing land supply existed could be considered to represent sustainable development. I do not know the full details of this case, however, the Inspector is clear that no material considerations existed that were sufficient to outweigh the development plan in that case. As I have set out above, this balancing exercise is a necessary part of the appeal process and I shall go on to make such an assessment below. Although paragraph 14 of the Framework sets out criteria for the application of development plan policies in decision taking it does not, in my view, alter the overarching presumption in favour of sustainable development.

Other matters

12. The Statement of Common Ground confirms the main parties' views that the site is not constrained by ecology, archaeology, heritage matters, trees, noise and air quality, flooding and drainage (including foul drainage) and agricultural land classification. Furthermore, both the Council and a representative from the Local Highway Authority confirmed during the Hearing that no outstanding concerns remained in respect of highway safety and capacity. However, there are a number of concerns raised by interested parties, many of which concern the above matters. As such, I consider them in more detail below.

Ecology

13. A Phase 1 Habitat Survey Report (December 2013) accompanied the application and an Update Preliminary Ecological Appraisal (December 2013/April 2015) was provided with the appeal documentation. The reports identify limited ecological value within the site and conclude that no significant harm would result subject to a series of recommendations, mitigation measures and enhancements. Subject to these measures being secured by conditions, the development would not harm ecological interests and I see no reason to take an alternative view to the Council. The development would not conflict with Policy ENV6 or ENV7 of the LP.

Archaeology and heritage assets

14. The County Archaeologist advises that some potential exists for assets to be contained within the site, particularly remains of a deserted or shrunken medieval settlement. A geophysical survey has been carried out which demonstrates that the presence of significant remains are unlikely. Further site investigation could be secured by condition to ensure that potential impacts are avoided or suitable recording takes place.

15. No listed building, conservation areas or other heritage assets would be affected by the development.

Trees and hedgerows

16. The site is largely open and laid to grass with hedgerows and tree planting on the boundaries. As such, the development could be accommodated without significant loss or harm in these respects, particularly where tree protection

¹ APP/G2815/A/13/2209113

measures are employed during construction. I find no conflict with Policy ENV8 of the LP.

Noise and air quality

17. The proposed development is residential in nature which is consistent with the surrounding land uses. Whilst the development would intensify activity in the area, this would not unduly alter the residential character of the area or harm neighbours' living conditions, particularly in terms of noise. The application is submitted in outline form only and the detailed layout and design of the development would need to be considered at the Reserved Matters stage. Some noise and disturbance would be likely to result during construction but this would be for a limited period of time and impacts could be controlled by way of conditions. The site is not located in an area suffering from air quality issues and the proposed residential development would have little impact in these regards. I find no conflict with Policy GD2 of the LP.

Flooding and drainage

18. Numerous concerns were raised by local residents with regards to the potential for flooding and drainage issues and I heard that many residents have previously experienced such issues in the village. The site stands wholly within flood zone 1 (lowest risk) as defined by the Environment Agency and the application is accompanied by a detailed Flood Risk Assessment and Water Management Statement. These documents carefully consider the flood risk to both the development and the surrounding area and propose measures to manage water so as to avoid flood risks. A Sustainable Urban Drainage System (SUDS) is to be employed, involving a balancing pond that would store excess surface water, along with measures to ensure that the existing Greenfield runoff rate would not be exceeded. As such, no additional impact to the surrounding area would result from the development and the reports predict that the amount of runoff could in fact be reduced.
19. The application details propose to connect the development to the existing foul sewerage network in the village. I heard that this was some distance from the site at Shrubbery Road and that pumping was likely to be necessary given the topography of the site and the surrounding area. Nevertheless, Severn Trent Water, responsible for the foul drains, has confirmed its obligations to meet necessary capacity requirements and has raised no objection to the proposals. I note the ongoing concerns of local people in regards to flooding and drainage but there is no evidence before me to suggest that the proposed development would exacerbate existing problems or could not be suitably dealt with. As such, the development is in accordance with Policies ENV18 and ENV19 of the LP.

Agricultural land classification

20. The site would result in the loss of grade 2/3 agricultural land to development. Paragraph 112 of the Framework suggests that poorer quality land should be used in preference to higher quality agricultural land. The site is relatively small but the development would nevertheless result in a loss of good agricultural land. This matter weighs against the development and must be weighed in the overall planning balance.

Highway matters

21. A number of concerns were raised by local people in respect of highway safety, noting the narrow nature of the surrounding roads and the significant amount of on-street parking that takes place on Walcot Lane. I was provided with photographs of this parking during busy times which effectively restricts the width of the road to a single vehicle, particularly during school drop-offs and collections and when events take place at the nearby church, village hall and sports pitches.
22. A Transport Statement accompanies the application which considers the potential impacts of the development. It concludes that capacity exists within the existing highway network, including at the junctions on Walcot Lane and Stonebow Road so as to avoid any highway safety or capacity issues. The document has been reviewed by the Local Highway Authority, which is content that the development can be accommodated. This was confirmed during the Hearing. I heard from local residents that accidents had occurred in the surrounding streets but these were minor in nature and no recorded accident data was put forward to demonstrate any trend or ongoing highway safety issue.
23. I also heard that the site was located close to a large dairy farm and that it attracted large vehicles to the surrounding highway network, along with other agricultural activity, bin collections, servicing and deliveries. Whilst I do not doubt that the presence of large vehicles can be intimidating for pedestrians, I see no reason why the proposed development would significantly increase the amount of large vehicles in the area or increase pressures on the surrounding roads, given that parking would be provided within the site itself. Paragraph 32 of the Framework advises that development should only be prevented or refused where the residual cumulative impacts of development would be severe. This cannot be said to be the case in the circumstances of this appeal.
24. Access is a reserved matter and the detailed design of the access into the site would be part of a subsequent application. However, the indicative drawing provided suggests that access would be taken from Walcot Lane which is straight in its alignment and stands beyond a grass verge. I see no reason why a suitably designed site access could not be achieved. As such, I find no conflict with Policy GD2 of the LP.

Landscape and visual impact

25. The site is an open and green field on the edge of the village which is surrounded by strong hedgerow boundaries. Its sloping topography down from Walcot Lane allows long views across the site towards Bredon Hill in the distance and I heard that these views were valued by local people, notwithstanding that no public access is available to the site itself. However, I noted that a group of properties stood beyond the appeal site on Brickyard Lane and that these already featured in views across the surrounding landscape. Given the sloping topography of the site, and subject to an appropriate design and the reserved matters stage, views need not be lost in their entirety.
26. It was suggested that the site is the last remaining green space in the village but I noted that the sports pitches and playing field would remain adjacent to

the site and continue to provide a sense of openness in this part of Walcot Lane. Furthermore, the undeveloped countryside beyond the site along Brickyard Lane would continue to provide a rural edge to the village.

27. The submitted Visual Impact Appraisal notes that the development would be seen in the context of the existing village and the surrounding buildings when viewed from a distance. There is potential for the development to erode the dispersed settlement pattern on the edge of the village, described as a typical landscape characteristic in the Worcestershire Landscape Character Assessment but this document also suggests that additional dwellings could be accommodated provided they do not occur at harmful densities. The development would be relatively low density, incorporating large amounts of open space and green infrastructure. I see no reason why an appropriately designed scheme could not be secured at the reserved matters stage, along with landscaping that would soften the built form and assist in integrating the development with the village. This is a view supported by the Council's Landscape Officer.
28. Whilst the development would result in the loss of land that is currently undeveloped and this would intrinsically alter the character and appearance of the site, for the reasons set out above, this would not result in significant harm or material conflict with Policy ENV1 of the LP.

Accessibility

29. The Council accept that Drakes Broughton is a reasonably accessible location with good access to services, facilities and public transport. The village is served by a first and middle school with pre-school facilities, a shop with a post office, a public house, village hall, recreation ground and a church. The nearest bus stop is opposite the application site on Walcot Lane which provides regular services to the larger settlement of Pershore, providing a further range of amenities. Therefore, future residents would be well served by services and facilities, including potential for the use of public transport as opposed to the private car. I find no material conflict with Policy SR5 of the LP in these regards.

Affordable housing

30. It is agreed between the parties that there exists an ongoing need for affordable housing in the district. In light of this, the application seeks to provide 40% affordable housing that would contribute towards this need. This is in excess of the requirements under Policy COM2 of the LP and in line with the requirements of Policy SWDP15 of the emerging SWDP. The Council highlight that a significant number of affordable housing units have already been secured in connection with other planning permissions in the village and that more than enough has been secured to meet local need in Drakes Broughton.
31. The Council's Housing Development Officer has advised that there is a high need for affordable dwellings in the district, suggesting a requirement of 167 dwellings per year in the district. Furthermore, it is identified that there are 1313 households that have expressed a preference for living in Drakes Broughton, of which, 318 are in significant need. 14 households with a local connection to the parish or an adjacent parish have a preference for living there. The Council suggests that there are currently 67 affordable dwellings

which have been built or granted planning permission (some subject to completion of a S106). It is also submitted that planning permission exists for 1008 affordable homes in the district as a whole.

32. Whilst this is acknowledged, the level of need in the wider area clearly outweighs the current supply and the provision of additional affordable housing units weighs in favour of the development.

Other considerations

33. I was referred to an appeal decision² on the site in 1989 which was dismissed on grounds of landscape impact and location outside of the established settlement. However, this decision was made in an entirely different planning policy context, a significant number of changes having taken place in the interim, not least the introduction of the Framework. As such, I do not consider that the decision indicates against the current appeal.
34. My attention was drawn to the Localism Act and its objective to shift power away from central government to local people. In this respect, I have had regard to the significant number of representations made in respect of the planning application and appeal, as well as the neighbourhood survey and public engagement undertaken by the Neighbourhood Plan Steering Group. The matters raised have been addressed throughout this report and whilst I note the strength of local opposition to the scheme, it does not alter my conclusions. I heard that consultants had recently been appointed to prepare a draft Neighbourhood Plan but no draft was available at the time of the Hearing and I cannot, therefore, take it into account.

Planning Obligations

35. Policy GD3 of the LP requires that Planning Obligations be secured as appropriate to mitigate the impacts of development on local infrastructure. During the Hearing, a Unilateral Undertaking was submitted which, in addition to the affordable housing discussed above, would secure a range of financial contributions. Subsequently, a revised version was submitted which corrected a number of typographical errors.
36. A financial contribution to the value of of £34.15 per dwelling is sought towards recycling facilities for future residents; £335 per dwelling for specific improvements to the local cycling network; £33,498 towards outdoor changing facilities at Pershore High School, £54,400 towards a synthetic turf pitch at Pershore High School; various contributions towards education improvements and capacity enhancements at the local schools (dependent on the number of bedrooms pre dwelling eventually constructed); £31,712 towards junction improvements at B4084/Three Springs Road; the provision of on-site open space; £24,327 towards improvement of the play facilities at the adjacent play ground.
37. It was agreed between the parties that these obligations were necessary to make the development acceptable in planning terms and a CIL Compliance Statement supported the Unilateral Undertaking setting out the relevant planning policies and specific purpose for the required contribution. In light of this evidence, I am satisfied that the obligations accord with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

² T/APP/H1840/A/087558/P4

Many of the obligations would amount to the pooling of contributions towards specific infrastructure projects but it was confirmed to me that no more than 5 obligations exist that would be pooled in relation to any one of the projects identified. As such, I am able to take the obligations into account, having regard to CIL Regulation 123.

Balancing exercise and conclusion

38. As set out above, the Framework advocates a presumption in favour of sustainable development. Paragraph 7 explains that there are three dimensions to be considered; economic, social and environmental. Paragraph 8 states that these roles should not be undertaken in isolation because they are mutually dependent.
39. The development would fulfil an economic role through the provision of housing that brings with it employment associated with construction and delivery, as well as the additional population that would support local services and facilities, increase local expenditure and create additional revenue for the Council through schemes such as the New Homes Bonus.
40. A social role would be fulfilled in addressing housing need, in particular the delivery of 12 affordable housing units, where there is an identified need in the area. Furthermore, the delivery of a range of house types and tenures in the context of the Framework's objective to boost significantly the supply weighs in favour of the development. The Council suggest that the rapid growth of the village might undermine social cohesion and well-being but I see no reason why future residents could not be integrated into the community or act as a benefit for the reasons explained above. Attendant improvements to local infrastructure and facilities are also likely to be of wider public benefit.
41. An environmental role would be fulfilled due to the accessible location of the site which offers the opportunity to deliver housing in a location benefiting from a range of services and facilities and where public transport opportunities exist that would reduce reliance of private vehicles. As set out above, the development would result in limited visual and landscape impacts subject to appropriate design and landscaping at the reserved matters stage and whilst good quality agricultural land would be lost, the other environmental benefits identified outweigh this small loss.
42. Overall, I conclude that the proposal would constitute sustainable development having regard to the policies of the Framework taken as a whole. In this instance, the benefits of development outweigh the limited harm that has been identified and these benefits are sufficient to outweigh the conflict with Policy GD1 of the LP. Therefore, the Framework's presumption in favour of sustainable development applies.
43. I have had regard to the significant number of planning permissions already granted within the village but this is to my mind, indicative of its sustainable location. There is no evidence to suggest that the provision of further houses through this development would place unacceptable strain on local infrastructure, to the contrary, the evidence before me is clear that the development can be readily accommodated.
44. In light of the above, and having considered all other matters, the appeal is allowed.

Conditions

45. The Statement of Common Ground includes a list of conditions agreed between the Council and the appellant in the event that planning permission is granted.
46. I have attached conditions defining the reserved matters and the timescales for submission in line with this document. It is necessary to secure details of the proposed external materials and the proposed floor levels in order to ensure an appropriate appearance for the development. In light of the concerns raised in respect of flooding and drainage, it is appropriate to secure further details in relation to drainage proposals and the use of hard surfacing materials. Tree and hedgerow protection measures are necessary to protect the rural character of the area. However, further tree survey works are not necessary in addition to this condition, nor is the requirement for a landscaping scheme as this is already a reserved matter.
47. Details of proposed boundary treatments are needed to ensure an appropriate appearance and create sufficient privacy for future occupants'. Details of appropriate bin storage should be provided at the design stage to ensure suitable provision. Restrictions on the hours for demolition, clearance and construction works are necessary, along with a Construction Environmental Management Plan to protect neighbours' living conditions and avoid pollution. Archaeological survey works are needed given the potential for the presence of remains and to identify potential heritage assets.
48. It is not necessary to require accordance with the submitted drawing (13-578-1) as this provides only an indicative layout. Nor is it necessary to specify a requirement for details of the proposed roads as access remains a reserved matter. A Travel Plan is required to promote sustainable patterns of travel. An ecological mitigation and enhancement scheme is necessary to ensure accordance with the submitted ecological appraisals and to avoid harm to ecological interests. Finally, details of renewable energy, energy efficiency and water conservation measures are needed to ensure a prudent use of natural resources, along with appropriate use of materials.
49. I have altered the wording of the proposed conditions as necessary to ensure their precision and ensure compliance with Planning Practice Guidance.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sian Griffiths	Agent
Charles Rodway	Appellant
Ian Miles	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Neil Pearce	Development Manager
Fred Davies	Planning Policy Manager
Dave Pilcher	Local Highway Authority
Ken Skillern	Chairman of the Parish Council
Les Wild	Neighbourhood Plan Steering Group
Paul Middlebrough	District Councillor

INTERESTED PERSONS:

Ian Spencer	Local Resident
John Boulton	Local Resident
Mr Cooper	Local Resident
Roger Starkey	Local Resident
Chris Roper	Local Resident
Richard Booker	Local Resident

DOCUMENTS

Document 1	Appeal decision APP/H1840/A/14/2222679
Document 2	Appeal decision APP/H1840/W/15/3002644
Document 3	Wychavon Five Year Housing Land Supply Report (July 2015)
Document 4	Revised and updated 'Figure 2' from Council's Appeal Statement
Document 5	CIL Compliance Statement
Document 6	Justification for highway contribution from County Council
Document 7	Draft Unilateral Undertaking (Undated)
Document 8	Unilateral Undertaking
Document 9	Appeal decision APP/H1840/A/14/2224292
Document 10	Written submissions by the Drakes Broughton, Wadborough with Pirton Parish Council and The Neighbourhood Plan Steering Group

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of reserved matters shall be made to the local planning authority before the expiration of 12 months from the date of this permission. The development hereby permitted shall be begun before the expiration of 12 months from the date of approval of the last of the reserved matters to be approved.
- 3) Any reserved matters application relating to appearance shall include details of the materials to be used in the construction of the external surfaces of any building. Development shall be carried out in accordance with the approved details.
- 4) As part of the reserved matters application, the precise floor slab levels of each new dwelling, relative to the existing development on the boundary of the site shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details thereafter.
- 5) No development shall take place until a drainage scheme incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development in relation to the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before development is first brought into use.
- 6) The application for reserved matters shall include for the approval by the local planning authority details of proposed surfacing materials and surface water drainage including:
 - i) a plan showing proposed layout and types of surfacing, including permeable paving in appropriate locations as an integrated part of an overall sustainable urban drainage system (SuDS) for the development. The surfacing materials selected shall be of a design and quality appropriate to the location;
 - ii) a written specification of proposed surfacing materials and operations;
 - iii) the range of SuDS components to be used at source, site and regional control levels. These should be used comprehensively and appropriately in accordance with best practice as laid out in the CIRIA Guidance manuals, with consideration given in the first instance to utilising water management through soft features and at ground level;
 - iv) mechanisms to integrate the SuDS scheme with the Green Infrastructure proposals to maximise the potential for improved biodiversity, visual amenity and water quality; and
 - v) methods for the protection of SuDS and Green Infrastructure during each phase of construction to ensure that 'soft SuDS' are adequately established prior to bringing into beneficial use.

- 7) All existing trees and hedges on site, or branches from trees on adjacent land that overhang the site, unless indicated on the approved plan(s) to be removed or as part of any necessary local removal to facilitate visibility splays for the proposed access, shall be retained and shall not be felled or pruned or otherwise removed within a period of five years from the completion of the development without the previous written consent of the local planning authority.

Temporary fencing for the protection of all retained trees/hedges on site during development shall be erected, to a minimum height of 1.2 metres, below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is the further from the tree. Such fencing should be erected in accordance with BS 5837:2005, before any materials or machinery are brought onto site and before any demolition or development, including erection of site huts, is commenced.

This protective fencing shall be maintained on site until the completion of development, and nothing should be stored or placed, nor shall any ground levels be altered, within the fenced area without the previous written consent of the local planning authority.

There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season with plants of similar species, sizes and numbers and in similar positions.

- 8) As part of the reserved matters application relating to landscaping a plan shall be submitted indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details and be implemented prior to the occupation of the dwellings.
- 9) Any reserved matters application relating to the appearance of the development shall include details of the facilities for the storage of refuse for all proposed dwellings. No individual dwelling shall be occupied until refuse storage facilities to serve that dwelling have been constructed in accordance with the approved details. The facilities shall thereafter be retained.
- 10) Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.
- 11) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

- 12) The development hereby permitted shall not be brought into use until a travel plan that promotes sustainable forms of access to the site has been submitted to and approved in writing by the local planning authority. This plan thereafter will be implemented and updated in accordance with a timetable to be approved by the local planning authority.
- 13) No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority.

This shall include measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway; details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc).

The measures set out in the approved plan shall be carried out in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the local planning authority.

- 14) The application for reserved matters shall include a detailed ecological mitigation and enhancement scheme, which shall be based on the recommendations contained within Section 6 of the Phase 1 Habitat Survey Report by Focus Ecology Limited dated December 2013 and the Update Preliminary Ecological Appraisal dated December 2013/April 2015. The scheme shall also include lighting information in relation to bat roosting and foraging habitat, suitable precautionary measures in respect of mammals; amphibians and birds and details of long term management. The approved ecological mitigation and enhancement scheme shall thereafter be carried out in full.
- 15) Notwithstanding the information submitted with the application, no development shall take place until the following details have been submitted to and approved in writing by the local planning authority:
 - i) details on how renewable energy measures are to be incorporated into the proposed development;
 - ii) details of measures to conserve and recycle water to be incorporated into the proposed development;
 - iii) details of energy efficiency measures to be incorporated into the proposed development; and
 - iv) details of construction materials to be used in the proposed development with the aim of minimising the use of primary non-sustainable materials.

The approved measures shall be implemented and incorporated into the approved development in line with an implementation timetable to be submitted and approved in writing by the local planning authority prior to the commencement of development.

E



Appeal Decisions

Inquiry Opened on 30 April 2019

Site visits made on 29 April and 3 May 2019

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 June 2019

Appeal Ref: APP/G5180/W/18/3206947

Hayes Street Farm, Hayes Lane, Bromley BR2 7LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Rookery Estates Company against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/05543/FULL1, dated 29 November 2017, was refused by notice dated 27 March 2018.
 - The development proposed is the demolition of existing buildings with the exception of the listed farmhouse; erection of 9 no. dwellings with associated works.
-

Appeal Ref: APP/G5180/Y/18/3206949

Hayes Street Farm, Hayes Lane, Bromley BR2 7LB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by The Rookery Estates Company against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/00137/LBC, dated 10 January 2018, was refused by notice dated 27 March 2018.
 - The works proposed are demolition of existing buildings with the exception of the listed farmhouse; erection of 9 no. dwellings with associated works.
-

Decision

1. The appeals are allowed. Planning permission and listed building consent are granted for the demolition of existing buildings with the exception of the listed farmhouse and erection of 9 no. dwellings with associated works at Hayes Street Farm, Hayes Lane, Bromley BR2 7LB in accordance with the terms of the applications DC/17/05543/FULL1, dated 29 November 2017 and DC/18/00137/LBC, dated 10 January 2018, subject to the conditions in the Schedules below.

Procedural Matters

2. The Inquiry sat for four days from 30 April to 3 May inclusive. I conducted an unaccompanied site visit on the afternoon of 29 April and an accompanied one on the morning 3 May.
3. On the morning of 2 May the appellant alleged that, in seeking to rely on National Planning Policy Framework (NPPF) paragraph 74 to establish that it has a five-year housing land supply (5YHLS), the Council sought to deliberately mislead me. I address the issue of HLS briefly in Other Matters below. But this

allegation led to a considerable lengthening of the Inquiry; it meant that the Inquiry had to be adjourned to enable this matter to be addressed further in writing, as well as the subsequent submission of the main parties' closing statements in writing. This process was not completed until 31 May, as per the agreed timetable.

4. The Council's refusal reasons refer to policies in the Unitary Development Plan (UDP) as well as those in the London Plan (LP). But the Statement of Common Ground between the appellant and the Council confirms that the UDP has been superseded by the Bromley Local Plan (BLP), which was adopted by the Council on 16 January 2019; consequently, it is the policies in the BLP as well as the LP that apply.
5. The Council has confirmed that it is not contesting the second refusal reason of the planning application, which related to the loss of employment generating uses on the site.

Main Issues

6. Therefore, main issues are:
 - (a) The effect of the proposed development on the significance of the listed Farmhouse and the Hayes Village Conservation Area, specifically in terms of the statutory tests in Sections 16, 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 - (b) Whether the proposed development would have a greater impact on the openness of the Green Belt than existing development on the site and, if so, whether other considerations exist that amount to 'very special circumstances' sufficient to outweigh inappropriateness and loss of openness.

Reasons

Effect on Designated Heritage Assets

7. Sections 16(2) and 66(1) of the Act state that in considering whether to grant listed building consent and planning permission respectively the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72(1) of the Act requires that "*with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
8. NPPF paragraph 190 requires an assessment of the particular significance of any heritage asset affected by a proposal including by development affecting its setting. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Legal precedent has confirmed that considerable importance and weight should be given to this requirement.
9. The relevant BLP Policies are Policies 38, 41 and 42. Policy 38 states that proposals involving a listed building (LB) or its setting will be permitted providing that the character, appearance and special interest of the LB are

- preserved and there is no harm to its setting. Policy 41 requires that development proposals within a conservation area (CA) preserve and enhance its characteristics including by respecting or complementing the layout, scale, form and materials of existing buildings and spaces. Policy 42 states that proposals adjacent to a CA will be expected to preserve or enhance its setting and not detract from views into or out of the area. LP Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
10. The main parties agree that the NPPF and development plan policies are essentially synonymous although I note that BLP Policy 41 requires preservation and enhancement rather than the statutory test's preservation or enhancement (my emphases). To the extent that this difference is relevant here it would seem unreasonable and contrary to the wording of the Act that development in a CA in Bromley must enhance rather than simply preserve a CA's character and appearance, notwithstanding that the BLP has been adopted very recently.
 11. BLP Policy 38 not only requires the preservation of a LB's character, appearance and special interest but that "*there is no harm to its setting*". Whilst the preservation of setting is said to be desirable by S16 and S66 of the Act it is apposite to stress that setting is not itself a heritage asset or designation and that its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.¹
 12. The Council considers that the proposed development would be at the upper end of the scale in terms of 'less than substantial harm' to the LB and the CA as defined by NPPF paragraph 196. The appellant considers that there is no significant harm to either or that, if I conclude there is, such harm would be outweighed by public benefits of the proposed scheme.
 13. The appellant has drawn my attention to the *Bohm* judgement², which it maintains holds that the question of impacts on heritage assets requires consideration of both demolition and proposed redevelopment. I have read the whole of that judgement. That case related to the demolition of a non-designated heritage asset (a locally listed building in Camden). There are differences in policy within the NPPF as regards designated and non-designated heritage assets. However, it appears to me that this judgement's conclusion (in paragraph 36) in respect of the statutory duty under S72(1) of the Act, that there is no two stage process by which the demolition part of an application has to be considered separately from the proposed new development, is applicable to this case. It also appears to me that this principle equally applies in respect of the statutory duties under S16(2) and 66(1) of the Act here. The Council has not challenged the appellant's evidence in this regard.
 14. The LB at issue here is the Grade II listed early nineteenth century Hayes Farmhouse, a two-storeys plus attic house, whose 5-bay symmetrical front elevation faced with knapped flints and red brick window dressings and quoins faces Hayes Lane. Apart from mention of its slate roof that is all the description

¹ As set out in Historic England Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets, paragraph 9 – PM Appendix 6

² *Dorothy Bohm & Others v SoS CLG [2017] EWHC 3217 (Admin)*

- that is given in its listing from 1973, albeit that is not unusual in listings from this period.
15. The Farmhouse is situated near the north western corner of the site and the Hayes Village CA. Immediately behind this building and its 1980s single-storey extension is a two-storey former agricultural barn, whose ground floor is used as a farm shop, and its eastern extension comprising a run of single-storey stables; this is referred to as Building 1 in the appeal documents. Running south perpendicular to the farm shop is a single-storey long narrow building comprising a range of small storage rooms (Building 2). Opposite Building 2 is a twin range of buildings whose eastern gable ends face it and whose western ends abut Hayes Lane (Building 3). The southern taller building is used as a vehicle workshop, the northern building being used for various commercial storage uses.
 16. The main parties agree that the space between these buildings formed the original farmyard, all of which appear to have existed in some form by the date of the 1839 tithe map. These buildings are listed by being located within the curtilage of the Farmhouse and are also within the CA. The CA, as its name suggests, encompasses the heart and generally oldest buildings within Hayes Village including the Grade II* St Mary the Virgin Church, the old rectory (now the local library), village hall, former school house and The George Inn – all of these buildings are located some distance away to the south of the site.
 17. The site used to be part of a larger agricultural holding but the agricultural tenancy ceased in 2016. The 0.9 hectare appeal site and the adjacent land to its east (essentially the extent of the modern farmyard as shown on the aerial photograph in submitted drawing P202) is subject to a mix of uses including the farm shop, various commercial storage including by builders, various contractors and car repairers, but principally as a large livery yard with 30 DIY stables and a sand school.

Effect on Significance of the Listed Farmhouse

18. I agree with the appellant that the main significance of the listed Farmhouse is the architectural interest of its symmetrical front elevation, which addresses the street. These are the features set out in the listing description. The appellant acknowledges that the original farmyard is an aspect of the House's setting and contributes, to a degree, to its significance. That must be right because the Farmhouse, Buildings 1-3 and its original yard were all developed in the early nineteenth century, albeit almost certainly not contemporaneously since the latter are built of yellow stock bricks unlike the Farmhouse, which is mainly built of red bricks.
19. However, apart from framing the north western end of the yard the Farmhouse has only a limited relationship with it and with Buildings 1-3 because its southern side elevation is blank. Its principal elevation is with the street.
20. Buildings 1-3 are curtilage listed buildings and the default position would be to retain them. But they have all been extensively altered as documented in the appellant's Heritage Statement and evidence, which is uncontested by the Council in this regard. Building 1 has a corrugated fibre/cement roof and what appear to be twentieth century roof timbers, which I was able to see on my first visit, and its rear elevation has been partially rebuilt. Building 2 has a similar modern roof and has been extensively rebuilt and altered including with

- new openings and Crittall windows. Building 3 retains its slate roofs but the southern range's elevations have been heavily altered including by the introduction of a large vehicle opening with a concrete lintel on its eastern gable; it is this southern range that the Council consider should be retained.
21. These buildings are of utilitarian appearance, have been heavily altered and partially rebuilt and are in poor condition, especially Buildings 2 and 3. Their fabric has only a limited heritage value, as acknowledged by the Council. None of them would be worthy of listing in their own right.
 22. The Council draws my attention to the 2005 appeal decision at the site, which concerned the demolition of Building 3 and its replacement with a detached single storey Army Cadet Centre building.³ The Council maintains that the building contributes positively to the character and setting of the listed farmhouse and the CA, as the Inspector in his 2005 report to the Secretary of State (SoS) said. But the Inspector concluded and the SoS agreed that the replacement building would be acceptable in terms of its impact on both the LB and CA. In this case the Council has no objections to the design of the terrace of three cottages that are proposed to front the road. I consider they would frame the western edge of the site but would be slightly lower than the Farmhouse and set back from the road frontage and would therefore be subordinate to the LB and respect its setting.
 23. The Council is more concerned about the loss of the Buildings 1-3's function in framing the original farmyard. The appellant argues that the proposed scheme recreates a similar yard. That is so to the extent that the houses would be built around the periphery of a central open space. But I agree with the Council that the proposed layout does not replicate the original farmyard because it is in a different location further to the east. Buildings 1 and 2 have a continuous form that fully enclose the eastern side and, with the Farmhouse itself, most of the northern side of the original yard whereas the proposal is for a series of large detached houses, which evidently would not create a fully enclosed 'yard'.
 24. However, whilst the original farmyard framed by Buildings 1-3 is clearly within the setting of the Farmhouse, this setting does not markedly contribute to the significance of the LB because the latter 'turns its back' on the yard. Although its connection to the farmyard is historic, the loss of such a setting in my judgement would not harm its overall significance which is mainly attributable to its architectural interest – principally its front elevation.
 25. This means that there is no prerogative to retain the yard in its current position or for replicating the form or location of Buildings 1-3 in the proposed new development. For these reasons I conclude that the layout of the new houses would not adversely affect the significance of the LB, whose important architectural features of interest would be untouched by the proposals.

Effect on the Conservation Area

26. The Farmhouse and original farmyard are a relic of the former agricultural use of the site and have a recognisable agricultural appearance and ambience. They comprise the northernmost part of the CA, which extends as far south as the listed cottages south of Hayes Street's junction with West Common Lane. As such they are part of the CA's character and appearance.

³ PM Appendix 4

27. There are views into the site adjacent to and opposite the access and views up and down the main road of the gables of Building 3, albeit the two mature trees on the western boundary of the site partially obscure such views when they are in leaf. From these locations the site is undoubtedly perceived as a relic or survivor farmyard.
28. However, this area only comprises a relatively small part of the CA, which is centred on the heart of Hayes village. There is no specific reference to the importance of the site in the Council's adopted Supplementary Planning Guidance for the CA apart from in its paragraphs 3.17 (with accompanying photograph of the Farmhouse with Building 1 behind) and 3.27, which state that listed buildings and other detailed characteristics of the area should be retained and repaired wherever possible.
29. The appellant's evidence in regard to the viability of converting Buildings 1-3 to some beneficial use was partial because it only considered the conversion of Building 1 to two residential flats, although that evidence established that such a scheme would clearly be financially unviable. However, I accept that residential use of some sort would be likely to attract the highest net value in any conversion scheme given the site's location in this predominantly residential area of south London.
30. I also accept that there would need to be substantial alterations to the external elevations of these buildings to enable adequate sunlight and daylight for residential occupants, probably including the demolition of either the northern or southern range of Building 3. Such alterations may be acceptable in principle but, for the reasons set out above, these buildings have little merit in themselves and are in a poor physical condition and so there is no impetus or requirement to convert them. Their loss and replacement by the new development in a different position would of course lead to the loss of the original farmyard.
31. However, further to the *Bohm* judgement the proposed development should be considered in terms of both the demolition and removal of all the buildings (apart from the LB itself) on the wider site and the effect on the CA of the proposed new houses. The Council has no objection to the design of the road frontage cottages in Plots 1-3, albeit it considers the southern range of Building 3 should be retained. I consider that the design of the proposed cottages would provide an appropriate reference to the historic agricultural use of the site on the prominent street frontage in this part of the CA and therefore a suitable replacement for Building 3 in the same location.
32. The development at Plots 4-9 must be considered in relation to the removal of the existing development on site to the east and south of Building 2. To the south is the unused and redundant polytunnel with associated open storage including broken old vehicles between it and Building 3. To the south east are stables, the two Dutch barns and the sand school and to the east more stables. Further east are an assortment of storage containers and open storage mainly used by local contractors, such as builders, landscapers and tree surgeons. Most of this is situated outside the CA but clearly affects its setting adversely because much of it, especially the eastern part of it abutting the open countryside, is messy and resembles a dumping ground for old vehicles and containers.

33. It is no doubt true that the appellant could tidy up this part of the site by removing many of these redundant vehicles and storage containers but it has little incentive to do so and there is no suggestion by the Council that there is any breach of planning control or, if there is, that enforcement action has been taken against it. Consequently, it would appear that the most likely scenario, should the appeals be dismissed, would be the continued unkempt character and appearance of the site, which mars the north eastern setting of the CA especially in views from the public footpath to the east.
34. Turning to the design of the new houses, the Council states that all of them would be taller than the height of any of the buildings that would be demolished. That is correct but must be considered in the context of the overall impact they would have on the CA as a whole. The houses at Plots 1-3 and 5 would be 7.3m high and Plots 6-9 would be 7.5m high, similar to the height of the retained LB at 7.41m high. Only Plot 4 would be higher at 9.7m maximum height. But that house would be situated behind the existing pair of semi-detached houses at 3-5 Hayes Lane, which abut the site's southern boundary and would only be seen in glimpsed views from the public highway.
35. The new dwellings may well be described as suburban in appearance but that is not a slur on their individual designs, which the Council makes no specific criticism of. In my opinion their design would be quite acceptable in the context of the suburban residential development on the other side of Hayes Lane and is the predominant characteristic of the inter-war development of this part of the Borough. The layout, elevational design including fenestration and materials of all the new houses would match the character of the area, including that part of it within the CA.
36. Furthermore, the proposed development would replace the assortment of ramshackle buildings, storage containers and dumped vehicles on the eastern part of the site with four well designed houses (Plots 5-8) as well as restoring the rest of the land to the east to open countryside in perpetuity, as provided for via a suitably worded planning condition. These dwellings would be higher than the Dutch barns but not substantially higher. They would be sited further west than the eastern extent of the current storage uses and they would be viewed from the public footpath to the east against the backdrop of the rest of the suburban development on the other side of Hayes Lane. Overall the new houses would have a beneficial effect on the setting of this part of the CA.
37. For these reasons I conclude that the proposed development would at least preserve, if not enhance, the overall character and appearance of the Hayes Village CA.

Heritage Conclusion

38. For the reasons set out above I conclude that the proposed development would preserve the significance of the listed Farmhouse, albeit that it would result in some harm to its setting. It would at least preserve, if not enhance, the character and appearance of the CA despite the loss of Buildings 1-3 and the original farmyard. In reaching this conclusion I have fully taken into account the views of Historic England as expressed in its letter of 17 January 2018⁴, but disagree with them for these reasons. The proposed scheme would therefore

⁴ RB Appendix 6

comply with BLP Policies 38, 41 and 42 and LP Policy 7.8 and with NPPF paragraphs 193 and 194.

39. Even if 'less than substantial harm' would arise to the LB or the CA under NPPF paragraph 196, I consider that the public benefits of the proposal would be sufficient to outweigh such harm. The public benefits in this case are confined in my opinion to the benefit of providing nine new dwellings because the other benefits suggested by the appellant have already been taken into account above or will be in consideration of Green Belt issues below.
40. The appellant considers that the extent of this public benefit is affected by whether the Council can demonstrate a 5YHLS. I disagree because BLP Policy 1 states that the Council will make provision for a minimum average of 641 additional homes per annum over the 10-year plan period and LP Policy 3.3 states that Boroughs should seek to achieve and exceed (my emphases) such minimum borough annual average housing targets. I cannot give full weight to the new draft LP requirement for Bromley of 1,424dpa (set out in the 2017 SHLAA) because this figure has not been moderated or tested at Examination (or no conclusion has yet been reached on such), but the trend for the Borough is only ever likely to be upwards, and probably considerably upwards, of the current minimum figure of 641dpa.
41. This means that any provision of new housing in the Borough should be treated as a significant or substantial benefit or be given significant or substantial weight as a benefit. I give short shrift to the Council's argument that because only nine new houses would be provided, such a benefit would be less than substantial. That is because the NPPF seeks to boost significantly the supply of housing, which signals that any new houses must command substantial weight as a benefit. It would be nonsensical to consider otherwise, because if only a large amount of housing would be considered substantially beneficial then an equal cumulative benefit arising from a number of smaller sites would not have been afforded the same weight as a benefit.
42. In my opinion any such 'less than substantial harm' would be at the lower end of the scale for the reasons set out above and would not outweigh the substantial benefit of providing nine additional dwellings to a Borough that has struggled in recent years to even deliver its minimum annual housing requirement of 641dpa, and that largely as a result of proposals allowed on appeal.

Effect on Openness of the Green Belt

43. The site lies in the metropolitan Green Belt and the main parties agree it is previously developed land (PDL). NPPF paragraph 145 states that the construction of new buildings in the Green Belt (GB) should be regarded as inappropriate, with a number of exceptions. One of these is "*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)*". This exception is qualified by two requirements. Only the first is relevant to this appeal: "*that such redevelopment would not have a greater impact on the openness of the Green Belt than the existing development*". BLP Policy 49 follows NPPF policy.
44. Temporary structures and buildings are excluded from exception g) and so I do not consider them when comparing the footprint and volume of existing and

proposed structures on the site. It is agreed that the proposed development would result in a reduction of the footprint of the permanent buildings on site by 30.2% and a slight increase in volume of 2.7%. It is also agreed that the tallest existing building to be lost on site is shorter than the shortest of the proposed new buildings. This is essentially because the houses are bulkier than the majority of the existing buildings as a result of their proposed two-storey heights.

45. The *Turner* judgement⁵ was referred to by both parties, in particular paragraphs 14, 15 and 25 of that judgement. To paraphrase, what the judgement states is that 'openness' is an open-textured concept and a number of factors are capable of being relevant in applying it to a particular case. Indeed, the latter half of paragraph 14 of the judgement states:

"Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt represents."

46. The Council refers to six factors it considers relevant to openness in the context of *Turner*: visual impact, height, volume, footprint and extent, mass/bulk, and character. The appellant does not accept that character is a relevant factor to be taken into account into assessing openness. I disagree because paragraph 14 of *Turner* does not provide an exhaustive list of factors relevant to openness, merely some examples of what they might be. Anything that can reasonably be said to impact on openness is therefore a relevant factor to be considered.
47. In terms of character the Council argues that that the site's character and appearance would change from what looks like a farmyard to a suburban housing estate. There is no doubt that this would be the case, albeit the site is no longer in agricultural use and is PDL. It would change from a sprawling collection of largely poorly maintained buildings and other structures and a ramshackle collection of dumped redundant old vehicles and be replaced by a two-storey terrace of three cottages and six large detached houses all with garages and adjacent open car parking spaces. This would clearly lead to a much lower footprint of development. It would also result in a better maintained site, which also affects its visual impact on the Green Belt.
48. Bromley Common is a large area of GB to the to the north, south and east of the site. As indicated above, a public footpath runs north from George Lane and there are wide views of the site from this footpath and from other paths nearer to the site, which I was able to see from my visits are well used by local joggers and dog walkers. Users of these paths have good views of the site.
49. I disregard the temporary buildings/structures and dumped vehicles on the site in terms of comparing the existing and proposed footprint and volumes. But I do not disregard them in terms of their visual impact on the GB. As explained above, these structures and vehicles are part and parcel of the current use of the site. Their location extends further east into the GB than the eastern-most houses in the development would, including the rear gardens of Plots 6 and 7. This includes the majority of the land occupied by the high Dutch barns. The

⁵ *John Turner v SoS CLG [2016] EWCA Civ 466*

land within the 'blue' line on drawing P202 would be secured as open green countryside free of any development by condition. The rear boundaries of the gardens of Plots 5-8, the easterly houses in the development bounding this open land, would be landscaped with a tree screen.

50. The proposed houses would be higher than the existing buildings to be demolished including the Dutch barns, but they would be viewed from the wider GB to the north and east against the backdrop of two-storey houses of a similar height on the other side of Hayes Lane. They would also be bulkier (i.e. have a greater volume) and be more solid than the existing buildings on the site; but, conversely, there are larger gaps between them than the existing buildings and their eaves heights are generally low, which would be a visual benefit of the scheme.
51. The houses may well have domestic sheds and other paraphernalia in their gardens, but these would be unlikely to be large or high structures and would likely occupy less space than the structures that currently occupy the site. The site as a whole would be tidier and less cluttered, and the ground would be more open overall. All these factors convince me that there would be a considerable improvement to the visual amenity of the site, especially the eastern part of it, including important views from the public footpath further east within the wider GB.
52. I have considered the relevant factors here in terms of assessing openness to be all those raised by the Council including the proposed change in the character and appearance of the site. As is clear from my above consideration of these issues they are inevitable inter-linked; height, bulk, overall footprint and volume clearly influence visual impact and character, and character, as is the case here, can have an effect on visual impact. These factors must therefore be considered as a whole, in terms of their inter-linked effect on overall openness.
53. In summary, for the above reasons, I conclude that despite the slight increase in volume and increased height of the proposed houses compared to the existing buildings, the proposed development would not have a greater impact on the openness of the Green Belt than existing development on the site. Consequently, it would not be inappropriate development within the GB. It would therefore comply with NPPF paragraph 145 g) and with BLP Policy 49.
54. Both parties have cited various appeal decisions to justify their cases. But an assessment of the effect of development on GB openness is specific to each location and case and I have arrived at my above conclusion based on the specific context and facts of this case.

Other Matters – Housing Land Supply (HLS)

55. For the reasons set out in my conclusions on the heritage issues above, HLS is not a main issue in this case. Despite the significant amount of time devoted to it at the Inquiry it is unnecessary to determine whether the Council does or does not have a 5YHLS because the proposed development would comply with the development plan and national policy and therefore, by definition, comprises sustainable development. The case advanced by the appellant regarding the applicability of the tilted balance was unnecessary because it is irrelevant in this context.

Conditions

56. The Council has suggested a list of twenty conditions that should be attached to any grant of planning permission, and the appellant has agreed to these conditions including any that restrict commencement of development. The reasons for these conditions are included in Schedule 1 below. They would all meet the policy tests in NPPF and Planning Practice Guidance. The Council has not suggested any conditions for the listed building application, although I consider the standard commencement condition is necessary as well as a condition requiring a contract for the redevelopment works to be carried out prior to demolition for the reasons indicated in Schedule 2.

Conclusion

57. For the reasons given above I conclude that the appeals should be allowed, subject to the conditions in the Schedules below.

Nick Fagan

INSPECTOR

Schedule 1 – Conditions attached to Planning Permission

Condition
<p>1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.</p> <p>REASON: Section 91, Town and Country Planning Act 1990.</p>
<p>2. The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.</p> <p>REASON: To reduce the impact of flooding both to and from the proposed development and to surrounding properties.</p>
<p>3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority:</p> <p>16012 S101 16026 C101B</p> <p>16026 C102A 16026 P104 16026 P101A 16026 P102A 16026 P103A 16026 P105 16026 P106 16026 P107A 16026 P108 16026 P109 16026 P110 16026 P111 16026 P201</p> <p>REASON: In the interests of visual and residential amenity.</p>
<p>4. Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.</p>

REASON: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity.

5. No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.
- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the site's uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.
 - d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
 - e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.
 - f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

REASON: In order to prevent harm to human health and pollution of the environment.

6. (i) The recommendations outlined within the Preliminary Ecological Appraisal, including the suggested biodiversity enhancements including bat boxes, shall be incorporated into the permission hereby granted.

(ii) Prior to commencement of above ground works details of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning authority and shall be included within construction works and permanently retained at the site thereafter.

REASON: In order to preserve and enhance the biodiversity value of the site.

7. Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, as well as boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development (excluding demolition) hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

REASON: In order to secure a visually satisfactory setting for the development.

8. The development shall be implemented in accordance with the Arboricultural Survey and Planning Integration Statement (AR/3533/rg) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

REASON: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site.

9. No trenches, pipelines for services or drains shall be sited under the spread of the canopy of any tree or tree group shown to be retained on the submitted plans without the prior agreement in writing by the Local Planning Authority.

REASON: In order to ensure that all existing trees to be retained on the site are adequately protected.

10. Details of the external materials and windows to be used for the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority before any work (excluding demolition) is commenced. The works shall be carried out in accordance with the approved details.

REASON: In the interest of the appearance of the building and the visual amenities of the area.

11. Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development (excluding demolition) hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

REASON: In order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

12. Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

REASON: In order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

13. Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development (excluding demolition) hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

REASON: In the interest of visual amenity and the safety of occupiers of and visitors to the development.

14. Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

REASON: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

15. The garages hereby permitted shall be used solely for the accommodation of private motor vehicles and for purposes incidental to the dwellings and shall not be converted to living accommodation without the prior approval in writing of the Local Planning Authority.

REASON: The conversion of the garage to living accommodation would deprive the property of adequate parking facilities.

16. Prior to the commencement of the development hereby permitted a Construction Management Plan (including provision to accommodate operatives and construction vehicles off-loading, parking and turning within the site) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

REASON: In interest of the amenities of the adjacent properties.

17. The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted (excluding demolition), and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall seek to achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON: In the interest of the visual amenities and openness of the Green Belt and to allow the Council to assess future development proposals at the site.

19. The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

REASON: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016

and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

- 20.** No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority for:
- (a) the removal of all development from the Area hatched in green (as per drawing no P201); and
 - (b) the landscaping of the Area to be implemented and retained permanently thereafter as open countryside free from development save as may be approved subsequently by the Council.

REASON: In the interest of the visual amenities and openness of the Green Belt and to allow the Council to assess future development proposals at the site.

Schedule 2 – Conditions attached to Listed Building Consent

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

Reason: To comply with the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The works of demolition authorised by this consent shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission shall have been granted for the redevelopment for which the contract provides.

Reason: To ensure that the curtilage listed buildings are only demolished as part of the overall redevelopment scheme for the site, to prevent a cleared site adversely impacting on the setting of the listed Farmhouse and preserve the character and appearance of the Hayes Village Conservation Area.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY: Luke Wilcox, Landmark Chambers
instructed by Greg Ullman, Solicitor to the Council

He called

-Robert Buckley MSc, MRTPI, Principal
Conservation Officer, London Borough of Bromley
(LBB)
-Gill Slater BSc (Hons) DipTP, MRTPI, Joint
Acting Planning Policy Manager, LBB (for HLS
round-table discussion)
-David Bord BA (Hons), PG Dip, MRTPI, Principal
Planner, LBB

FOR THE APPELLANT: Jonathan Clay, Cornerstone Barristers *instructed by John
Escott of RE Planning*

He called

-Jon Etchells MA B Phil CMLI (Landscape), Jon
Etchells Consulting
-Roger Beach Dip Arch RIBA RMaPS, OSP
-Nicholas Bignall MA MRICS, Turner Morum
-Patrick Maguire MA M.St (Oxf), Asset Heritage
-John Escott BA, DipTP, MRTPI, RE Planning

INTERESTED PERSONS:

Robert Indge
Sarah Rayfield

Local Resident
Field Officer, London & South East, British Horse
Society

DOCUMENTS SUBMITTED AT OR AFTER THE INQUIRY

- 1 List of appearances for the Council
- 2 List of appearances for the appellant
- 3 Note on farming history, Hayes Street Farm
- 4 Letter from Nicola Brown, local resident
- 5 Second letter from Nicola Brown
- 6 APP/X1545/W/17/3185429 appeal decision cited by Council in regard to NPPF para 74 issue
- 7 Email dated 29/4/19 from Roger Beach clarifying heights of existing & proposed buildings on the site
- 8 Email from Sarah Rayfield dated 5/4/19
- 9 3 Documents regarding ongoing legal challenge to BLP
- 10 *John Turner v SoS CLG [2016] EWCA Civ 466*
- 11 List of agreed conditions with plan attached to condition 20
- 12 Response by LBB officers to Lichfields' 5YHLS matters
- 13 Revised table of identified sites re 5YHLS
- 14 Email from Iain Hutchinson of Overstrand dated 1/5/19 re. NPPF para 74 issue
- 15 LBB submissions in response to appellant's allegation of misleading Inspector re NPPF para74 issue dated 2/5/19
- 16 Appellant's response to above document dated 8/5/19
- 17 LBB response to above document dated 17/5/19
- 18 Email from Gill Slater to PINS dated 10/5/19 commenting on attached Lichfields' analysis of windfall delivery in London Boroughs
- 19 LBB opening submissions
- 20 Appellant opening submissions
- 21 LBB closing submissions
- 22 Appellant closing submissions

F

Zoe Wilkinson

From: Peart, Timothy - Communities <Timothy.Peart@Oxfordshire.gov.uk>
Sent: 05 November 2019 15:35
To: George Smith
Cc: Councillor Lawrie Stratford; DC Support
Subject: 19/02075/F - The Old Vicarage Fringford Road Caversfield OX27 8TH

Hi George,

I have looked over the above application and have the following comments to make.

Planning application:	19/02075/F
Location:	The Old Vicarage Fringford Road Caversfield OX27 8TH
Description:	Erection of 4 No dwelling houses with associated garages, access and landscaping
Type:	Full Development
Case Officer:	George Smith

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they **object** to the granting of planning permission.

Comments:

Access is proposed to be taken from Aunt Ems Lane, just inside the 40mph speed restriction zone. It is likely that vehicles approaching from the west would exceed 40mph in the location of the proposed access as they enter the 40mph stretch.

The site layout plan does not show the full extent of the visibility splay to the west of the site access, nor does it indicate the dimensions of the visibility splay. The length of splay required to the west must be based on a speed survey at the location of the proposed site access and the visibility splay cannot extend over third party land. It may be possible to achieve the required visibility splay within the highway boundary however the current application has not demonstrated this. On this basis the county council must object to the application as it currently stands.

Notwithstanding the above, a Section 278 Agreement would be required in order to undertake the required alterations to the highway, including the site access junction, connecting footway, relocation of existing road signs and clearance of vegetation for improved visibility. Should permission be granted a condition is requested to secure these works.

The layout within the site and provision of parking and cycle storage is acceptable.

Condition:

Should the Local Planning Authority be minded to grant planning permission the following condition is required.

Access: Full Details

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays (to be informed by speed surveys at the location of the site access) and footways connecting with the existing provision on Aunt Ems Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interest of highway safety

Please note: works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

If you would like to discuss any of the above in more detail, then please do not hesitate to contact me.

Tim Peart

Senior Transport Planner – Cherwell & West Oxfordshire
Communities
County Hall
New Road
Oxford
OX1 1ND
Email: timothy.peart@oxfordshire.gov.uk

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Appeal Decision

Hearing held on 7 July 2009

Site visit made on 7 July 2009

by **Richard McCoy** BSc, MSc, DipTP,
MRTPI, IHBC

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Temple Quay House
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Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
6 August 2009

Appeal Ref: APP/D2320/A/09/2100430

Crow Nest Cottage, Tarnbeck Drive, Mawdesley, L40 2RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ancer Homes Ltd against the decision of Chorley Borough Council.
- The application Ref 08/00728/FULMAJ, dated 18 June 2008, was refused by notice dated 26 September 2008.
- The development proposed is the demolition of the existing bungalow and garage and the erection of 10 No. 2 bedroom apartments.

Application for costs

1. At the Hearing an application for costs was made by Ancer Homes Ltd against Chorley Borough Council. This application is the subject of a separate Decision.

Procedural matters

2. The scheme was amended in the course of being determined by the Council. As the amendments occurred before the Council reached its decision, I am satisfied that no-one would be prejudiced if I dealt with the appeal on the basis of the revised scheme. Therefore, I have reached my conclusions on the basis of drawing Nos. 07/170/P01 Rev E, 07/170/P02 Rev B, 07/170/P03, 07/170/P04 and 07/170/P05 Rev A.
3. At the Hearing a Unilateral Undertaking dated 6 July 2009 was submitted by the appellant in respect of a contribution to off site works for the provision of public open space in the locality.
4. Also at the Hearing the appellant offered a traffic calming feature as an alternative means of mitigating harm to highway safety. However, this did not form part of the scheme that was refused planning permission and to accept this offer may prejudice those with an interest in this development who may wish to comment. In addition, the details of such a proposal have not been considered by the Highway Authority, neither has a means of securing the works by either a Unilateral Undertaking or a condition been put before me as evidence. I therefore have dealt with this appeal on the basis of the scheme on which the Council made its decision.

Decision

5. I allow the appeal and grant planning permission for the demolition of the existing bungalow and garage and the erection of 10 No. 2 bedroom apartments at Crow Nest Cottage, Tarnbeck Drive, Mawdesley, L40 2RU in accordance with the terms of the application Ref 08/00728/FULMAJ, dated



OT100-063-835

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18 June 2008, and the plans submitted therewith as amended, subject to the conditions set out in Annex 1 to this decision.

Main issue

6. I consider the main issue to be the effect of the proposal on highway safety.

Reasons

7. The appeal site contains a single dwelling and a large garage/workshop. Its access is situated close to a bend in the highway. Proposed is the erection of 2, 2 storey blocks with 4 apartments in one and 6 in the other. This is a resubmission of a previous scheme that was dismissed at appeal ref. APP/D2320/A/04/1170645 on the grounds of conflict with managed housing supply in the district and harm to the living conditions of the occupiers of 45 Tarnbeck Drive from overlooking. The scheme has been revised however, to include an ecological survey, bin store provision, reduced site levels and the relocation of the window that would have overlooked the rear garden and conservatory of No. 45.
8. At the previous appeal, the Inspector considered highway safety and concluded that while there was a conflict it could be overcome by the imposition of a condition requiring visibility to be achieved across adjoining land. Since that decision was issued the *Manual for Streets* has been published. This advises that intervisibility between drivers at junctions in terms of X and Y distances for proposals such as this should be around 2.4 metres and 25 metres respectively.
9. These distances are less than what was previously sought but are based on the same governing criteria namely traffic speeds of around 20mph (as demonstrated by the *Traffic Speed and Flow Survey*, dated 12 December 2005 submitted by the appellant and accepted by the previous Inspector) and the number of dwellings proposed. Despite the reduction in the intervisibility distance, the sightline would still cross part of the garden of No. 49.
10. Based on traffic flows, speed and the likely increase in vehicles using the proposed access the previous Inspector was satisfied that highway safety could be adequately safeguarded by a "Grampian" style condition that would require an appropriate visibility splay to the east of the appeal site access point to be secured prior to the commencement of the development of the site.
11. Despite this conclusion, the Council in this case argued that following the receipt of a letter, dated 28 December 2007, from the daughter of the owner of No. 49 stating that the land required for visibility would not be sold to the appellant, there is no prospect at all of the action required by such a condition being performed within the time limit imposed by any grant of planning permission. In which case the condition would be contrary to the advice in paragraph 40 of Circular 11/95; *The Use of Conditions in Planning Permissions*. This position was reiterated in a further letter to the Council dated 5 July 2009 from the same author.
12. The parties disagreed on the significance of the letters and whether or not the author has power of attorney over the site as claimed but the Council further argued that the failure of the appellant to contact the owner of No. 49 was a

sign of a lack of commitment further suggesting that the condition was unlikely to be discharged. However, I note the appellant saw no merit in approaching the land owner until the situation regarding housing supply in the district had been resolved. With the withdrawal of the Council's Supplementary Planning Guidance (SPG); *Windfall Housing* and the approval of the North West of England Plan: Regional Spatial Strategy to 2021 (RSS), published September 2008 this has now happened, hence the submission of the planning application which is the subject of this appeal.

13. That being the case I consider it was reasonable for the appellant to wait for the housing land supply issue to be resolved and the determination of the revised planning application before commencing negotiations and I do not accept that this is an impediment to imposing a "Grampian" style condition.
14. I agree with the previous Inspector that highway safety could be adequately safeguarded by the imposition of a condition requiring an appropriate visibility splay to the east of the appeal site access point to be secured prior to the commencement of development on site. Furthermore, while the letters from the daughter of the owner of No. 49 would appear to rule out the reasonable prospects of fulfilment of a desirable condition worded in a negative form, I am not convinced by the Council's argument that this means that planning permission must necessarily be refused as a matter of law.
15. The reluctance of the owner of NO. 49 to sell the required land was drawn to the attention of the previous Inspector. As in this case no direct offer had been rejected by the owner and again I find myself in agreement with the previous Inspector's conclusion that based on the evidence presented, I am not convinced that a negotiated settlement could not be reached.
16. In which case, the use of a "Grampian" style condition would be appropriate as it may be possible for a change in circumstances to arise, within the time limitations of any grant of planning permission, whereby an offer to sell the land could be accepted or an alternative arrangement such as a covenant or an easement over the land could be agreed. I therefore see no conflict with the advice in paragraph 40 of Circular 11/95.
17. Turning to the wider highway implications, I note in this regard the arguments of local residents that traffic generated by the proposal would exacerbate highway safety problems at the junction of Tarnbeck Drive with New Street. However this view is not shared by the Highway Authority and I have not been provided with any compelling evidence in support of this claim. Accordingly the proposal, subject to a suitably worded planning condition would not be harmful to highway safety and would not conflict with Policies HS6 and TR4 of the Chorley Borough Local Plan Review (LP), adopted August 2003.
18. In respect of the effect on the living conditions of the occupiers of nearby dwellings, this was considered at length by the previous Inspector who found that with the exception of the overlooking of No. 45 there would be no harm resulting from the proposed development. From my assessment of the proposal I have no reason to disagree.
19. In response to the overlooking concerns, I am satisfied that the harm would be overcome by the revised position of the proposed north facing, 2nd floor, lounge window in the northern block so that it would be around 19.5 metres and 9.2

metres from the rear conservatory and garden boundary respectively of this dwelling.

20. In addition, I consider that the proposed lower level of the northern car park along with boundary landscaping, both of which may be secured by planning conditions, would be likely to prevent the harmful overlooking of the back gardens of Nos. 45 and 46. Accordingly, the proposal would not be harmful to the living conditions of the occupiers of nearby dwellings and would not conflict with LP Policy HS4.
21. With regard to other matters I note that the Council is satisfied that the previous Inspector's concerns regarding housing supply have been overcome by the withdrawal of the SPG and the proposal accords with RSS Policy L4. Furthermore, the previous Inspector considered that the scheme design would be sufficiently in keeping with its surroundings and I note that the Council considers the design of this scheme would conform to the advice in the Mawdesley Village Design Statement as prepared by the Parish Council. From my assessment of the proposal I can find no reason to disagree on any of these matters.
22. The Council's Interim Planning Guidelines (IPG); *New Equipped Play Areas Associated with Housing Developments*, require that development proposals should include a provision for public open space. In response the appellant has offered a Unilateral Undertaking. The parties dispute whether this should include a sum for ongoing maintenance.
23. The advice in Circular 05/2005 is that where an asset is intended for wider public use (as in this case), the costs of subsequent maintenance and other recurrent expenditure associated with the developer's contribution should normally be borne by the authority in which the asset is to be vested. I therefore consider that a contribution as set out in paragraph 3.2 of the appellant's Unilateral Undertaken would be sufficient to comply with the requirements of the IPG, omitting the 10 year assumption for on-going maintenance costs.
24. Along with the standard time condition, I shall attach conditions relating to provision of a visibility splay, boundary treatment, sample materials, vehicular access, parking and turning areas, ensuring compliance with the ecological mitigation strategy, surface water regulation, tree protection, landscaping, contamination, and sustainability. All are necessary and reasonable to ensure a satisfactory development though I shall amend the Council's suggested wording for greater precision and in the light of the advice in Circular 11/95.
25. I shall not attach a condition requiring levels to be submitted for approval as these are clearly set out in drawing nos. 01/170/P01 Rev E and 01/170/P02 Rev B. I shall also not attach a condition requiring an energy efficiency schedule to be submitted for approval as this would duplicate Condition 14 which requires the dwellings to achieve Code Level 3 of the Code for Sustainable Homes. Furthermore, while I note the Council's desire to anticipate future sustainability targets, I consider Code Level 3 to be reasonable for this development.
26. I have taken into account all the other matters raised in the representations but do not find that they alter or outweigh the conclusions I have reached on

the merits of this scheme. For the reasons given above I conclude that the appeal should be allowed.

Richard McCoy

INSPECTOR

DOCUMENTS

- 1 Council's letter of notification
- 2 Letter to Council dated 5 July 2009 concerning sale of land at No. 49
- 3 Minutes of Mawdesly PACT meeting 2 June 2009
- 4 Unilateral Undertaking in respect of off-site open space provision

Annex 1: Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not commence until control of the land upon which the visibility splay detailed on the approved site plan (DRWG No. 07/170/P01 REV E) is to be provided has been secured and evidence to confirm this has happened has been submitted to and approved in writing by the local planning authority. The visibility splay shall be provided in accordance with the said plan and the area maintained free of any obstruction above a plane of 1 metre above the crown level of the adjoining highway.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, height, materials and type of boundary treatment and retaining walls/means of enclosure, including bin storage, to be erected. The boundary treatment shall be completed before the dwellings are occupied and thereafter retained. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building and ground surfacing hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The dwellings shall not be occupied until the vehicular access, parking and turning facilities have been laid out within the site in accordance with drawing No 07/170/P01 Rev E. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 6) The development hereby permitted shall only be carried out in full accordance with the mitigation proposals set out in the Bat & Great Crested Newt Survey & Assessment, received on 26 August 2008 with particular reference to paragraph 4.1.1, the Appendix (Section 6) Method Statement and the Hibernacula detailed in DRWG No. 07/150/P05 REV A.
- 7) No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme prior to occupation.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which

within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 10) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.
- 11) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- i) a survey of the extent, scale and nature of contamination;
 - ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.
- 12) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 13) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- 14) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.



Costs Decision

Hearing held on 7 July 2009

Site visit made on 7 July 2009

by **Richard McCoy** BSc, MSc, DipTP,
MRTPI, IHBC

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
6 August 2009

Costs application in relation to Appeal Ref: APP/D2320/A/09/2100430 Crow Nest Cottage, Tarnbeck Drive, Mawdesley, L40 2RU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Ancer Homes Ltd for a full award of costs against Chorley Borough Council.
- The hearing was in connection with an appeal against the refusal of an application for planning permission for the demolition of the existing bungalow and garage and the erection of 10 No. 2 bedroom apartments.

Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.

The Submissions for Ancer Homes Ltd

1. This application for a full award of costs makes reference to Annex 3 of Circular 8/93. The Council prevented a development which could reasonably be permitted, in the light of the development plan, so far as it is material to the application, and of any other material considerations by ignoring the advice of Council Officers and the Highway Authority.
 2. The Council provided no detailed evidence to substantiate the reason for refusal which conflicts with the clear decision of a previous Inspector. It appears to have relied upon a letter from a third party the contents of which has not been properly understood.
 3. Furthermore, the Council did not adequately consider the potential for the matter to be dealt with by a planning condition. Instead it persisted in opposing the scheme on the basis of a principle which a previous Inspector had already considered to be inadequate despite there being no substantial changes in circumstances to justify a different approach. The Council also adopted an approach with regard to open space contributions that conflicts with the advice in Circular 05/05.
 4. The Council has clearly acted unreasonably by deciding that a "Grampian" style condition could not address its concerns regarding highway safety. By so doing it has run counter to case law, the recommendations of advisors and the conclusions of a previous Inspector who considered a similar development at the appeal site. There being no reasonable planning grounds being advanced for the decision reached in this case a conditional planning permission should have been granted and this appeal would not have been necessary.
 5. The appellant did not approach the owner of No.49 to discuss purchasing the necessary land as they were awaiting the resolution of the management of
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housing land supply within the district. Once this was resolved an application was submitted. As the officer recommendation was to approve the appellant did not consider it a prerequisite that negotiations with the owner should have started. If Members felt that this was necessary they should, in line with the advice in paragraph 27 of Annex 3, have deferred their decision to seek further information from the appellant. Therefore the Council has acted unreasonably and an award of costs is justified.

The Response by Chorley Borough Council

6. The Council did not act unreasonably in reaching its decision. Members are not obliged to follow Officer advice. A "Grampian" style condition was considered by Members but in the light of the letter from a person with power of attorney over the affairs of the owner of No. 49, stating the land would not be sold to the appellant, it was decided that such a condition could not be discharged.
7. The scheme was only acceptable to the Highways Authority if the visibility splay could be provided which given the reluctance of the owner to sell the necessary land was unlikely to happen. Furthermore, the Council had no evidence following the 2006 appeal decision to demonstrate a willingness by the appellant to negotiate with the owner of No. 49 to acquire the land required for the visibility splay.
8. The Council therefore followed the advice in paragraph 40 of Circular 11/95 to disregard a "Grampian" style condition as there was no reasonable likelihood of the condition being implemented within a reasonable time period. In which case no Costs should be awarded.

Conclusions

9. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
10. Paragraph 9 of Annex 3 advises that planning authorities are not bound to adopt the professional or technical advice given by their own officers. However, they will be expected to show that they had reasonable grounds for taking a decision contrary to such advice and that they were able to produce relevant evidence to support their decision in all respects.
11. In this case it can be seen from my decision that when I examined the main issue I, in common with the previous Inspector, considered that while there would be harm to highway safety, this could be overcome by the imposition of a negatively worded "Grampian" style condition, requiring the appellant to provide the necessary visibility across neighbouring land.
12. I consider that Members acted against the advice of their officers without sound reason. Although the use of a condition was considered, I find that the evidential basis for rejecting the condition to be insufficient. The stance taken was based on a very short letter from the daughter of the owner of No. 49, dated 28 December 2007.

13. As pointed out in the Officer report, if the land across which the visibility splay is proposed cannot be secured by the applicant, then the development cannot be commenced and the permission would then lapse after 3 years had expired. In any event, notwithstanding the letters stating a reluctance to sell, given the details of an offer had not been discussed, it would not be impossible for some kind of agreement to be reached with the land owner, on how the visibility splay could be provided, during the lifetime of the planning permission.
14. It is clear from paragraph 40 of the previous Inspector's decision that he was aware of the reluctance of the owner of No.49 to sell the necessary land but concluded that as an offer had not yet been made and based on the evidence, he was not convinced that it would not be possible for the appellant to make arrangements to provide the visibility splay. It seems to me that that situation was not materially different to the circumstances of this appeal.
15. In addition, despite the letters appearing to rule out the reasonable prospects of fulfilment of a desirable condition worded in a negative form, I consider that the Council's argument that this means that planning permission must necessarily be refused as a matter of law was not justified.
16. I therefore find that the reason given for the refusal of planning permission was not substantiated. This led to the appeal, the instructing of the agent and the costs associated with this. Accordingly, I conclude that the Council did act unreasonably in refusing consent for a proposal that could have been granted conditional planning permission, that the appellant incurred unnecessary expense as a result, and that a full award of costs is justified.

Formal Decision and Costs Order

17. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990, and all other powers enabling me in that behalf, I HEREBY ORDER that Chorley Borough Council shall pay to Ancer Homes Ltd the costs of the appeal proceedings, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990, against the refusal of an application for planning permission for the demolition of the existing bungalow and garage and the erection of 10 No. 2 bedroom apartments at Crow Nest Cottage, Tarnbeck Drive, Mawdesley, L40 2RU.
18. The applicant is now invited to submit to Chorley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

Richard McCoy

INSPECTOR

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Estimated Annual Household Expenditure

Site Address	Land at the Old Vicarage, Fringford Road, Caversfield, OX27 8 TH
Region	South East
Number of dwellings	4

Commodity or Service	Average Weekly Household Expenditure (£)	Average Household Expenditure after 3 years (£)
Food and non-alcoholic beverages	64.10	9,999.6
Alcoholic drink, tobacco and narcotics	12.10	1,887.6
Clothing and Footwear	27.10	4,227.6
Housing (net) ¹ Fuel and Power	77.40	12,074.4
Household goods and services	49.30	7,690.8
Health	10.00	1,560
Transport	99.10	15,459.6
Communication	18.60	2,901.6
Recreation and Culture	93.50	14,586
Education	10.10	1,575.6
Restaurants and hotels	53.90	8,408.4
Miscellaneous goods and services	50.50	7,878
Total household expenditure	565.80	88,249.2

Three-year average is based on estimations derived from 'Detailed household expenditure by countries and regions: Table A35' 2016-2018, produced by the Office of National Statistics (ONS).

¹ Excluding mortgage interest payments, Council Tax and Northern Ireland rates.