



Appeal Decision

Site visit made on 16 July 2018

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 29 August 2018

Appeal Ref: APP/C3105/W/17/3189420

Land at Heatherstone Lodge, Banbury Road, Finmere MK18 4AJ

- 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 Siteplan UK LLP against the decision of Cherwell District Council.
 - The application Ref 17/01328/OUT, dated 19 June 2017, was refused by notice dated 29 September 2017.
 - The development proposed is for residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published the revised National Planning Policy Framework on 24 July 2018. The Council and the appellant have been given the opportunity to provide any new comments in relation to this and I have taken these into account in determining this appeal.
3. The proposal is in outline with all matters reserved for subsequent approval. The appeal is supported by several documents and drawings wherein the access is indicated to be from the south and that the proposal would be for 25 dwellings. Although these matters would not be determined at this stage, both main parties have referred to these matters and I have taken them into account in determining the appeal.
4. The appellant has submitted a completed Unilateral Undertaking which is designed to address the Council's third reason for refusal.

Main Issues

5. The main issues in this appeal are;
 - Whether the potential scale of the development would be appropriate to the settlement and the facilities it offers, having regard to the relevant policies of the development plan
 - The effects of the proposal on the settlement pattern of Finmere and the character and appearance of the surroundings.

Reasons

Scale and Location

6. The development plan includes the Cherwell Local Plan 2011-2031 Part 1 July 2015 (CLLP1) and Policy ESD 1 seeks to ensure a sustainable distribution of growth in the rural district, including reducing the need to travel generally and with particular regard to reducing dependency on private cars. Policy Village 1 of the CLLP1 includes a rural settlement hierarchy which includes Finmere as a Category A village. Policy Villages 2 of the CLLP1 indicates how growth will be distributed in the rural areas by setting out that a total of 750 homes will be delivered in Category A villages. Policy Villages 2 includes a number of criteria to be used in the determination of proposals for such housing which includes whether the site is well located to services and facilities.
7. Finmere is a small village with very limited facilities, these identified as being a primary school, a public house and a village hall with sports field and play area. No reference is made to employment opportunities within the village. One of the nearest settlements is Tingewick which provides a shop and post office. However, its distance and the nature of the route to it means that it would not be convenient to walk or to cycle, in my judgement. The towns of Buckingham and Brackley would provide a much greater range of services and employment opportunities but my judgement is that cycling to either would not be attractive. Evidence in relation to bus services from Finmere indicates a very limited service to Buckingham and Brackley and would not be conducive for commuting. There is no service in the evenings or on Sundays. My view is that future residents of the appeal site would be left with very little alternative other than private car trips when accessing work, secondary school, shopping or medical visits and other routine services. Therefore, the proposal is contrary to the policy aim of directing most growth to sustainable locations where dependency on the car can be reduced.
8. In relation to the scale of the proposal, it is pointed out that Finmere is the smallest Category A village, with a population of around 466. Whilst the number of 750 dwellings referred to Policy Villages 2 is not a maximum figure and the policy does not seek to allocate number of this basis, both main parties refer to a pro rata allocation of housing set out in a table at paragraph 6.13 of the appellant's statement. This indicates a figure of "less than 10", although referred to as 10 by the appellant. The Council indicates that, of the identified 750 dwellings, only 86 remained to be identified as of March 2017. I concur with the Council's view that, although the 750 allocation should not be viewed as a maximum, this puts the Council in a strong position in relation to finding sites for rural housing at this early stage in the life of the CLLP1 and there is no pressing need for the development in terms of housing delivery.
9. Therefore, I consider that the development of up to 25 homes would represent a sizeable amount of the remaining balance of the rural housing allocation. It would provide this amount of housing in a location which has very limited access to shops, services and employment opportunities and access to these and other facilities would place heavy reliance on private cars. As a consequence, it would prejudice the aim of aligning the provision of rural

housing with the sustainability of a location. In this way, the proposal is contrary to Policies ESD1 and Category Villages 2 and would not accord with the objective of the Framework to actively manage patterns of growth to make the fullest use of public transport, walking and cycling.

Settlement Pattern, Character and Appearance

10. The character of Finmere and its immediate surroundings was assessed during the appeal for this site for up to 47 dwellings (Ref: APP/C3105/W/17/3169168). The character of the settlement and its surroundings has not altered since then. From my inspection of the area, I find that I agree with the assessment presented in that appeal decision and I summarise it in the following section. The overriding character of Finmere is a linear settlement which reflects its historic development along a shallow valley. Although there has been some relatively modern development at Stable Close and Chinalls Close, the predominant character is as described. This means that much of the settlement is concealed within the valley and it does not intrude significantly into the wider rural landscape.
11. The appellant seeks to compare the proposal with developments at Stable Close and Chinalls Close, both in terms of size and disposition and states that these areas are set behind the historic linear form. I have no information regarding what assessments were undertaken at the time that these developments took place, however, I was able to observe them from the appeal site and from within those areas.
12. The proposal would involve the development of an area of land which projects into the rising ground to the south. It would abut residential properties at its northern end but the southern section would be surrounded by open land formed by fields. The proposed access would be from the south off the old Banbury Road, which has limited access and a termination point.
13. Rather than reinforcing or seeking to fit in with the predominant settlement character, I consider that the proposal would provide a mainly isolated extension of Finmere out into the open countryside which would not site comfortably within or immediately adjacent to its existing form. Much of the appeal site would be on rising land with open land around it. Whilst I have noted the reduced form and extent of the appeal site when compared to the previous appeal, I consider that the description of the proposal as a "dislocated limb of development" can justifiably be applied to the scheme now before me. It would extend considerably beyond the southerly extent of Stable Close and would not relate visually with Chinalls Close due to the extent of the intervening open land. The provision of an access which is quite separate from the rest of the village and which itself would form an extended limb of development, would serve to accentuate this unacceptable form of development. Although it is not for me to seek to justify the developments at Chinalls Close and Stable Close, although I regard these areas as not conforming strictly to the linear form, they have been developed without resulting in limbs of development extending into the countryside, as I consider the appeal scheme would.
14. I have taken account of the appellant's landscape evidence and noted the intention to provide additional planting. However, I consider that the

proposal would be visible from surrounding areas, including open land to the west and obviously from the footpaths which cross and run adjacent to the appeal site. From what I have seen I am not persuaded that additional landscaping could suitably assimilate the development into the surroundings. Its form and presence would be obvious from the surrounding area where it would have a significant adverse effect on the rural character of the area and setting of Finmere. As a result, I conclude that the proposal is contrary to Policies ESD 13, ESD 15 and Villages 2 of the CLLP1 and saved Policies C8 and C28 of the Cherwell Local Plan 1996.

Planning Balance

15. There would be some benefits arising from the proposed development of the appeal site. The provision of additional new homes, including a proportion of affordable homes is a positive aspect of the scheme. There would also be some small economic benefit in the support of construction jobs and the spending in the area that future residents would bring about. The provision of an area of public open space for the whole community would also be a benefit, as would any resultant ecological enhancements. I have taken account of these and other matters when considering the outcome of the appeal. However, I consider that the scheme would bring about significant harm in relation to its environmental effects, as set out above. My judgement is that these matters clearly outweigh any benefits that may arise from the proposal.
16. I have taken account of the comments received from both the appellant and the Council in relation to housing land supply and the newly revised NPPF. Taking account of the fact that the relevant Strategic Policies are less than 5 years old, with reference to paragraph 73 of the NPPF, I consider that they are not to be considered as out of date, in this respect. In addition, the Council appears to be able to demonstrate a suitable supply of housing land, as set out in its annually prepared statement. Therefore, on the basis of the submitted evidence, I find no reason to conclude that a suitable supply of housing land cannot be demonstrated.
17. In this context, whilst I have noted the contents of the submitted Unilateral Undertaking, it is not necessary for me to undertake a detailed assessment of its provision.

Conclusion

18. For the reasons set out, the appeal is dismissed.

S T Wood

INSPECTOR