



Appeal Decision

Site visit made on 14 July 2020

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 30 July 2020

Appeal Ref: APP/C3105/W/20/3246723

The Old Vicarage, Fringford Road, Caversfield, OX27 8TH

- 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 Mr and Mrs Purewal against the decision of Cherwell District Council.
 - The application Ref 19/02075/F, dated 23 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is erection of 4 dwelling houses with associated garages, access and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the application the appellant submitted revised plans (ref P01 A, P03 A and P06 B). The Council determined the application on the basis of these plans and consequently I have also determined the appeal on the same basis.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would be in a suitable location, having regard to the provision of local services; and
 - The effects of the proposal on highway safety.

Reasons

Character and Appearance

4. The appeal site comprises an area of extended garden to the rear of The Old Vicarage. The property sits on the edge of the village and the garden, which is open, and edged on two sides by mature hedging, lies adjacent to open fields. Therefore, although the site can be considered to lie within the settlement, it has an undeveloped appearance which contributes to the rural character of the Caversfield. Dwellings within the village, close to the site, are of varying ages and appearance. The space to the front and around the buildings provides an open and spacious character, in keeping with the rural location.

5. The proposal comprises the erection of a four houses, aligned to run parallel with Fringford Road. These would be relatively closely spaced, and due to their size would occupy a significant proportion of the site, with plot sizes that would appear notably smaller than most of those serving nearby dwellings. This would result in a relatively dense development which taken together with the strong element of uniformity in the appearance of the dwellings would appear suburban in form. The development would be visible from both directions along Aunt Ems Lane where it would appear at odds with the prevailing open and varied character of the area.
6. The development would also require the removal of portions of the hedging surrounding the site and whilst the plans show the retention of hedging to the north, it appears to me likely that the close proximity of the proposed building would lead to future pressure for removal, further eroding the rural character of the area.
7. I therefore conclude that due to the size and layout of the development, the proposal would intrude upon the rural character and appearance of the site and would fail to assimilate comfortably into the built fabric of Caversfield. It follows that it would conflict with policies C28 and C30 of the Cherwell Local Plan 1996 (CLP) and policies ESD13 and ESD15 of the Cherwell Local Plan 2015 (LP). Together these policies seek to, amongst other things, ensure that new development is compatible with the appearance and character of existing dwellings in the vicinity and is sympathetic to rural context. Development should also contribute positively to the area's character and have regard to the setting of settlements. These are consistent with guidance in the National Planning Policy Framework (the Framework) which seeks new development which is visually attractive and sympathetic to local character, including the surrounding built environment and landscape setting.

Appropriate Location

8. Caversfield is classified as a Category C Village in the LP. Policy Villages 1 categorises villages in the district according to their ability to provide services and facilities. The policy seeks to encourage a sustainable pattern of development in rural areas by focusing development in locations with better access to facilities and services. Those villages with the most limited range of facilities, such as Caversfield, are considered to be appropriate for new development in the form of infilling and conversions only, within the built up area of the settlement. In this regard the policy also seeks to contain development in rural areas by restricting the incremental expansion of rural settlements where services are limited.
9. The parties do not dispute that Caversfield itself has very limited local services. I noted on site that although the short stretch along Aunt Ems Road had no footway, as the site is located in the south of the village, it was a relatively direct walk of around 10 minutes to the nearest convenience store, located on the other side of the A4095 in Bicester. However, the lack of street lighting, road speeds and lack of natural surveillance along part of the route would mean that the route would be less attractive at night, or in bad weather. Although there are a number of primary schools in the local area, not all would be easily accessed on foot. The village is served by a regular bus service to Bicester, but links to destinations further afield are more limited. I therefore consider that although the proximity of services in Bicester would limit the

length of journeys and some options to travel by sustainable means would be available, most residents would be largely dependent upon a private car for transport.

10. The parties dispute whether the development would lie within the built up limits of the village. Fringford Road forms the western boundary of Caversfield with the small number of properties which sit of the western side of the road backing on to open countryside. The appeal site lies within the rear garden of one of these properties, on the edge of the settlement and is not isolated. It sits in close proximity to the housing on Fringford Road and the site boundaries clearly define it as being part of the wider curtilage. As such, although open, the site is not visually remote and as it forms the curtilage of the dwelling would, to my mind form part of the built up limits of the village. I note the view of the previous Inspector¹ which dates from 1989, but based on my own observations on site, I have come to a different view. I therefore find no conflict with policy H18 of the Cherwell Local Plan (CLP).
11. Nevertheless, The LP defines infilling as development of a small gap in an otherwise continuous built-up frontage. The site comprises an area of open garden or paddock which sits beside open countryside, behind the main frontage of Fringford Road. The site does not therefore form a gap, and could not reasonably be considered to be infilling.
12. On the second matter I therefore conclude that notwithstanding the availability of services in nearby Bicester, the proposal would conflict with Policy Villages 1 of the LP and with Policy ESD1, which seeks to distribute growth in a way which reduces dependence on private cars.

Highway Safety

13. The site would be accessed off Aunt Ems Lane. The proposed access lies immediately adjacent to the site boundary, with a dense section of hedging occupying the roadside to the west. The road has a 60mph speed limit for most of its length, dropping to 40mph in the vicinity of the site access, on the approach to the junction with Fringford Road. To the east the frontage of the site is open, with a clear view to the Fringford Road junction. However, to the west vehicles approaching the site come into view whilst travelling on a stretch of the road where the speed limit is 60mph. I noted on site that although the road was relatively narrow, vehicles nonetheless travelled along it at some speed. Therefore, taking account of the site surroundings it is reasonable to assume that adequate visibility for the site would need to take account of vehicles travelling above 40mph.
14. During the course of the application the Council requested a speed survey to inform the highway analysis, but this was not provided. The submitted plans do not indicate the full extent of the visibility splay to the west and it is not clear how far this is to extend or whether it would be achievable without the use of third party land. Instead the appellant has suggested the use of a Grampian condition. In the absence of this the Council have also suggested that a minimum splay to the west of over 100 metres would be required on the western approach. From my observations on site this is likely to reach as far as the turning to South Lodge.

¹ T/APP/C3105/A/89/112418

15. I have considered whether a Grampian condition would be an appropriate way of securing safe access to the site. The position of the adjoining hedge in relation to the site access suggests that a substantial portion would need to be removed to achieve westward visibility. However, notwithstanding any concerns in relation to the visual effects of such works, and how this would be mitigated, other than the hedgerow the roadside between the site and the next access point has no notable obstructions. Furthermore, I have no evidence to suggest that highways, or third party land could not be used to achieve appropriate visibility at the site. As such, as I haven't been advised that there is no reasonable prospect of the works required to facilitate access being achieved. I must therefore conclude that notwithstanding in such an event the need to address the impact of the appearance of such an access, subject to an appropriate condition, the proposal would not cause harm to highway safety.
16. I therefore find no conflict with guidance in the Framework, which seeks to ensure that safe and suitable access to the site can be achieved by all users. The Council have also referred to Policy ESD15 of the LP. As this does not refer specifically to highway safety matters I consider it to be of limited relevance in this case.

Other Matters

17. The proposal would make a small contribution to housing in the Borough. I accept that a five year supply of housing does not represent a maximum in terms of housing supply and having regard to the impetus in the Framework to increase the supply of housing this matter carries significant weight. This would bring some social benefits through increased population and with it vitality of the settlement. It would also bring some economic benefits from construction and through an increased spend in the local area from future residents. These benefits would be limited by the scale of development and the absence of services in the village in which to spend, and accordingly I attribute them limited weight.
18. The Council have not expressed any concerns in relation to the setting of the RAF Bicester Conservation Area, or the Grade II* Listed Church of St Lawrence. Having regard to the location of these assets relative to the site I see no reason to dispute this view.
19. Residents have raised concerns in relation to the ecological impact of the proposal, including from the potential loss of hedgerow. The Council have also referred to Policy ESD10 in the reasons for refusal, which relates to the impact of development on biodiversity. Whilst I acknowledge that a loss of hedgerow would lead to some loss of habitat, and so cause some harm to ecological interests, I am mindful that if the proposal were otherwise considered to be acceptable, there may also be potential for mitigation in this regard, secured by means of a condition. This matter does not therefore add to my concerns.
20. Local residents have expressed a range of other concerns, including living conditions, loss of trees, flood risk, drainage and the impact of potential light pollution. As I consider the proposal to be unacceptable for other reasons, as already outlined, these matters do not alter my reasoning set out above.

Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would harm the character and appearance of the area in conflict with policies C28 and C30 of the CLP and ESD15 of the LP. The development would also fail to sustain a pattern of development which does not unnecessarily exacerbate travel patterns that are overly reliant on the private car, in conflict with policies Villages 1 and ESD1 of the LP. The benefits in relation to housing supply and the limited economic and social benefits of the scheme would not outweigh this harm.
22. Accordingly, having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR