



Appeal Decision

Site visit made on 24 May 2023

by **Rachel Hall BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/C3105/W/22/3312196

Land Rear of Bridge House and 1 and 2 The Villas, Wendlebury, Bicester, Oxon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr A Jewson of SGJ Limited against the decision of Cherwell District Council.
 - The application Ref 22/01772/PIP, dated 15 June 2022, was refused by notice dated 26 July 2022.
 - The development proposed is residential development of 2-3 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development¹. When granting permission, the decision must specify the minimum and maximum net number of dwellings which are, in principle, permitted. Details of the proposal that might properly fall for consideration at the technical details consent stage have been treated as indicative.
4. The Council's appeal statement highlights that the Council published an updated Housing Land Supply Statement in February 2023, subsequent to its determination of the planning application. The Council's updated position is that it can now demonstrate a 5.4 year housing land supply, rather than the 3.5 year supply that existed at the time that the Council made its decision on the appeal scheme. Therefore paragraph 11.d) of the National Planning Policy Framework (the Framework) is not engaged for this appeal. I have determined the appeal on that basis. The appellant had the opportunity to comment on this updated position through their final comments.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location.

Reasons

6. Policy Villages 1: Village Categorisation of the Cherwell Local Plan 2011-2031 (July 2015) (Local Plan) sets out the village hierarchy with respect to the scale of development that would be acceptable in each. Paragraph C.254 of the Local Plan sets out that this is based on their suitability to accommodate growth based on the scale of the village, its access to services and facilities and ability to support sustainable travel patterns. As a category C village, Wendlebury is considered suitable only for infilling or conversions within its built-up limits.
7. Infilling is defined in the Local Plan as development within a small gap in an otherwise continuous built-up frontage (paragraph C.264). The appeal site is located to the rear of houses that front on to Wendlebury Road. The proposal would be set behind those houses rather than infilling a gap between existing built form on the road frontage. As such the proposed development would not meet the Local Plan definition of infilling.
8. I note that the built-up limits of Wendlebury are not defined by a settlement boundary. Also, that houses on Farrier's Mead extend further back from Wendlebury Road than the rear boundary of the appeal site. Nevertheless, the appeal site currently has the appearance of undeveloped, grassed land. Rather than being contained by built development at the rear of the site, it adjoins a field containing only a stable building. Therefore development of the appeal site would extend built form onto previously undeveloped land beyond the existing built-up limits of the village. The principle of the development would therefore be contrary to Policy Villages 1 of the Local Plan.
9. In addition, saved Policy H18 of the Cherwell Local Plan (November 1996) (1996 Local Plan) restricts the construction of new dwellings beyond the built-up limits of settlements unless certain criteria are met. The proposal is not advanced as one that would satisfy any of those criteria. Therefore it would also conflict with Policy H18 of the 1996 Local Plan.
10. Policy ESD 1 of the Local Plan seeks to distribute growth to the most sustainable locations as defined in the Local Plan. These are defined as Banbury, Bicester and the larger villages which have a range of services and facilities. As a category C village, Wendlebury is not defined as one of the most sustainable locations for growth. Although Wendlebury contains a village hall, playground, and public house with rooms, it is highly likely that future occupants of the appeal scheme would need to travel out of Wendlebury for day-to-day goods and services, and employment.
11. There is potential for travel into Bicester by bicycle given the site's location on National Cycle Route 51. I note that there is a Park and Ride facility off the A41 that would also be accessible by bicycle. There would be access to frequent buses travelling between Bicester and Oxford. However I observed that the bus stop on the opposite side of the A41 would require pedestrians to cross a busy dual carriageway road that is without a signalised pedestrian crossing. This would considerably constrain the desirability of using bus transport to and from the village on a regular basis.

12. Therefore, whilst I find that the site is reasonably well located to encourage travel by bicycle, other options for sustainable travel are much more limited. Combined with the lack of facilities in the village, future occupants of the proposal would likely be largely dependent on travel by private car, particularly in poor weather and hours of darkness. Options for sustainable travel are much greater in Bicester, however, for the reasons given future occupants are likely to first travel by car in order to access these. Even with greater opportunities for working from home, the need to travel for day-to-day goods and services would remain. In addition, it has not been robustly demonstrated that the proposal would support services in another village nearby.
13. Accordingly the proposal would conflict with Policy ESD1 of the Local Plan. This seeks to ensure measures are taken to mitigate the impact of development on climate change, including locating development in the most sustainable locations.
14. Consequently, the proposed development site would not provide a suitable location for housing. For the reasons given above it would conflict with policies Villages 1 and ESD1 of the Local Plan, and saved Policy H18 of the 1996 Local Plan. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, given the likely reliance on travel by private car, the proposal conflicts with sustainable transport objectives in the Framework of actively managing patterns of growth.

Other Matters

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
16. The appeal site is located close to The Lion, a grade II listed public house. Based on my site visit, which also included a consideration of the separation distance between the site and the listed building and the amount and type of proposed development, I am satisfied that the proposal could be designed to avoid harm to the setting of the aforementioned listed building. I note that the Council also reached a similar view.
17. The proposal would provide 2 to 3 new dwellings at Wendlebury which would contribute to the supply of housing in the district and the Government's objective to significantly boost the supply of homes. Small sites can be delivered relatively quickly. The provision of 2 to 3 new dwellings would provide some support for the vitality of a rural community which paragraph 79 of the Framework seeks to promote. However, such benefits would be limited by the likelihood of short but frequent car journeys to Bicester for day-to-day needs.
18. The construction of the dwellings would provide short term benefits to the local and wider economy; and the occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services, which would all constitute benefits in social and economic terms. The proposal may be able to incorporate renewable energy, albeit details of such would be addressed at technical details consent stage. The proposal would be adjacent to existing built development, with potential to have some visual connection

with the village that would not harm the character and appearance of its surroundings. This is a neutral consideration.

19. However, the location of the proposal would undermine the Council's plan-led approach to the delivery of housing and would likely result in future occupants travelling by car to meet their day-to-day needs. This attracts significant weight and outweighs the benefits associated with the proposed development. Moreover, the cumulative effect of multiple similar schemes in locations contrary to the development plan hierarchy, would significantly erode the development plan strategy as a whole. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR