



Appeal Decision

Site visit made on 19 April 2016

by **Elizabeth Pleasant DipTP MRTPI**

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

Decision date: 7 June 2016

Appeal Ref: APP/Q3115/W/16/3144582

Land adjoining 7 Emmington, Chinnor, Oxon

- 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 Mr Michael Holland against the decision of South Oxfordshire District Council.
 - The application Ref P15/S2255/O, dated 1 July 2015, was refused by notice dated 14 September 2015.
 - The development proposed is outline application for 2 detached dwellings (as amended by revised plans received 17 August 2015, showing a reduction in the application site area).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline planning permission with all matters reserved for future consideration. The description of the development was altered during the application process with the agreement of both parties and to take account of a revised smaller site area. I have therefore used the revised description set out above, rather than the description on the application form. An indicative site layout was submitted with the application and I have had regard to this in determining the appeal.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be appropriate in principle in such a location; and
 - The effect on the character and appearance of the area.

Reasons

Whether the proposal would be appropriate in principle in such a location

4. Emmington is a small settlement characterised by sporadic ribbon housing development and small farmsteads. With the exception of the nearby 'Inn at Emmington', the village has no services or facilities.
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5. Policy CSS1 of the South Oxfordshire Core Strategy, 2012 (CS) sets out the overall strategy for the District. It seeks to focus most major new development at the growth point of Didcot with Henley, Thame and Wallingford also being a focus for development and regeneration. A number of larger villages are recognised as local service centres that can support new development to enhance their facilities and services. In recognition of its character and lack of services or facilities, the CS identifies Emmington as an 'other village.' Other villages have no housing allocations, however Policy CSR1 permits new infill housing on sites of up to 0.1ha (equivalent to 2-3 houses) and rural exceptions. Infill development is defined as the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings.
6. The appeal site exceeds 0.1ha in area and lies on the edge of the settlement. The site has a road frontage and with the exception of the neighbouring residential property, No 7 Emmington, it is surrounded by open countryside. I have had regard to the appellant's view that the developable area could be restricted by condition to 0.1ha; however notwithstanding its size, the appeal site does not form a gap within an otherwise built-up road frontage, nor is it surrounded by buildings.
7. The appellant considers that the site lies within the middle of the village, however I cannot concur with this view. From my inspection of the site and its locality, it seems to me that although the nature of the development in Emmington is sporadic, its core development is located to the north east of the appeal site. The cluster of development to the south west of Thame Road, including the Inn at Emmington is more closely related to the village of Sydenham. This view is reinforced by the position of the entrance sign to Sydenham Village which is located directly outside the Public House. The location of the proposed development would extend the built up form of Emmington by further ribbon development and even it was considered to lie within the middle of the village it would not constitute an infill housing development as set out in the terms of Policy CSR1. Furthermore the development proposed does not constitute a rural exception and for the reasons set out above it would therefore conflict with Policy CSR1.
8. In view of the location of the appeal site adjoining existing housing development in Emmington and its proximity to a public house and public transport services which lies close to the neighbouring village of Sydenham, I do not consider the appeal site to be isolated. The proposed development would not therefore conflict with paragraph 55 of the National Planning Policy Framework (the Framework) which seeks to avoid new isolated homes in the countryside.
9. I conclude that the proposal would not be infill housing and would not therefore be appropriate in principle in such a location. Although there would be no conflict with the overall spatial strategy set out in Policy CSS1 of the CS which allows for limited amounts of housing in other villages, the proposed development would conflict with Policy CRS1 of the South Oxfordshire Core Strategy, 2012 (CS) which seeks to limit housing in other villages to infilling.

Character and appearance

10. The appeal site comprises a parcel of land which fronts onto a country lane in an area characterised by open fields and sporadic housing development. It is

understood that the site itself was formerly garden allotments and has been used in the past for pig rearing. There is evidence of an old pig ark on the site as well as some small areas of hardstanding; however Annex 2 of the Framework specifically excludes such agricultural uses from the definition of previously developed land.

11. The site has an intrinsic rural quality characterised by the native hedgerow and trees along its lane frontage and the rough grassland, dense vegetation, self seeded and mature trees that occupy the site itself. The site is situated on rising land, and when travelling south along Thame Road towards the junction of the lane it is particularly prominent by reason of its more open rear aspect.
12. The appeal proposal would introduce substantial built form onto the site and require the removal of a swathe of vegetation and some trees. The creation of the site access and visibility splays would inevitably open up the site to views from the road and even with a landscaping scheme, the properties would be visible from Thame Road. Residential development on this site would erode the natural landscape features of this site, which include the native hedgerows and trees and it would diminish the rural and visual qualities of this part of the countryside. Furthermore it would perpetuate ribbon development along this part of the lane and extend the built form of the settlement into open countryside.
13. I conclude the appeal proposal would cause substantial harm to the character and appearance of the area and therefore conflict with Policies D1, C9, G2 and G4 of the South Oxfordshire Local Plan 2011 (Local Plan) and Policy CSEN1 of the CS which seek to ensure, amongst other things, that new development reinforces local distinctiveness and that the District's countryside, settlements and environmental resources, including distinct landscape features are protected from adverse developments. It further conflicts with paragraph 17 of the Framework and its core planning principle to recognise the intrinsic character and beauty of the countryside.

Presumption in Favour of Sustainable Development

14. My attention has been drawn to recent appeal decisions in South Oxfordshire¹² where Inspectors have determined on the evidence before them that the Council cannot demonstrate a five year supply of deliverable housing. I have also taken into account a very recent appeal decision³ where the Council accept that it cannot demonstrate a five year supply of deliverable housing land and I note the conclusions made by the Inspector in respect of which policies are relevant for the supply of housing.
15. Paragraph 49 of the National Planning Policy Framework (the Framework), makes it clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing land and the 'presumption in favour of sustainable development' should be applied. The mechanism for applying that presumption is set out in paragraph 14 of the Framework and advises that where relevant policies are out-of-date then (unless material considerations indicated otherwise) permission should be granted, unless any adverse impacts

¹ APP/Q3115/W/15/3097666

² APP/Q3115/W/15/3032691

³ APP/Q3115/W/15/3135899

of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

16. Policy CSS1 of the CS provides the overall strategy for the distribution of development, including housing in the District and Policy CSR1 of the CS seeks to control the scale of housing and its location within villages. I consider both of these policies to be relevant to the supply of housing. In so far as Policies G2 and G4 of the Local Plan seek to restrict development in the countryside and on the edge of settlements they are also relevant policies for the supply of housing. These policies do however also seek to protect the countryside for the sake of its intrinsic character and beauty and in this respect are consistent with the Framework. In the absence of a deliverable housing supply as identified above, and by reference to Paragraph 49 of the Framework, I consider that Policies CSS1, CSR1 of the CS and Policies G2 and G4 of the Local Plan are not up-to-date.
17. Policy D1 of the Local Plan is concerned with the principles of good design and protecting and reinforcing local distinctiveness. Policy C9 of the Local Plan together with Policy CSEN1 of the CS aim to ensure that the District's distinct landscape features are protected from adverse developments. I do not consider these to be policies relevant to the supply of housing and they are consistent with the core planning principles of the Framework in seeking good design and recognising the intrinsic beauty of the countryside. These policies are not therefore considered to be out-of-date.
18. Paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. I have found that the proposed development would cause substantial harm to the character and appearance of the area and conflict with policies both set out in the Framework and the development plan. I have also had regard to the social benefits that would be accrued through the provision of two new homes and the economic benefits derived from local spend, construction jobs and support for some rural services and facilities. I also recognise the support from the Parish Council for this development. However the economic and social benefits would be limited and I am mindful that the harm I have identified is permanent. The adverse environmental impacts of the proposal would significantly and demonstrably outweigh the limited benefits that would flow from the provision of two new dwellings, when assessed against the Framework taken as a whole.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR