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## Appeal Decisions

Inquiry held on 16 February 2016, 17-20 and 24 May 2016

Accompanied site visit made on 16 February 2016

**by Philip J Asquith MA(Hons) MA MRTPI**

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

**Decision date: 04 July 2016**

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### **Appeal A, Ref: APP/D3125/W/15/3129767**

#### **Land south of Witney Road, Long Hanborough, Oxfordshire, OX29 8HE**

- 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 Pye Homes Ltd against the decision of West Oxfordshire District Council.
  - The application, Ref. 14/1234/P/OP, dated 19 August 2014, was refused by notice dated 6 March 2015.
  - The development proposed is described as the erection of up to 169 dwellings with access from Witney Road, open space and associated works.
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### **Appeal B, Ref: APP/D3125/W/15/3139807**

#### **Land at Riely Close, Long Hanborough, Oxfordshire**

- 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 planning permission.
  - The appeal is made by Pye Homes Ltd against West Oxfordshire District Council.
  - The application, Ref. 15/03341/FUL, is dated 11 September 2015.
  - The development proposed is described as the creation of a playing field for Hanborough Manor School on part of a field in agricultural use and an area of grassland.
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## **Decisions**

### **Appeal A**

1. The appeal is allowed and planning permission is granted for the erection of up to 169 dwellings with new Doctors' Surgery, to be up to 740 sq metres in size, with around 27 car parking spaces, with access from Witney Road, open space and associated works at land south of Witney Road, Long Hanborough, Oxfordshire, OX29 8HE, in accordance with the terms of the application, Ref. 14/1234/P/OP, dated 19 August 2014, and the site access plan submitted with it, subject to the conditions set out in the attached schedule.

### **Appeal B**

2. The appeal is allowed and planning permission is granted for the creation of a playing field for Hanborough Manor School on part of a field in agricultural use and an area of grassland at land at Riely Close, Long Hanborough, Oxfordshire, in accordance with the terms of the application, Ref. 15/03341/FUL, dated 11 September 2015, and the plans submitted with it, as amended, subject to the conditions set out in the attached schedule.

## Procedural Matters

3. An application for an award of costs was made on behalf of the appellant against West Oxfordshire District Council. This is the subject of a separate decision.
4. The scheme the subject of Appeal A which, for the sake of brevity, I shall refer to as the housing proposal, when submitted was as described in the banner above. During the Council's consideration of the application the scheme was amended to: *the erection of up to 169 dwellings, with new Doctors' Surgery, to be up to 740 sq metres in size, with around 27 car parking spaces, with access from Witney Road, plus open space and associated works*. The application was in outline with all matters other than access reserved for future consideration. I have considered this appeal on this latter basis.
5. The application was accompanied by indicative plans showing site layout and the tenure type of the housing. During the Council's consideration, and following the amendment of the application to include the provision of a doctors' surgery, these indicative plans were also amended<sup>1</sup>. Given that all matters other than access are reserved for future consideration, I have treated these plans as being for illustrative purposes only.
6. Following the submission of Appeal B (the playing field proposal), plans were amended<sup>2</sup> to show the provision of a native hedgerow along the eastern and towards southern site boundaries. I do not consider any interests would be substantially prejudiced by my consideration of the proposal on this basis and, accordingly, this is what I have done.
7. The conjoined Inquiry into both appeals was opened on 16 February 2016. However, owing to the unavoidable absence of the appellant's barrister for personal reasons, I adjourned the Inquiry until 17 May 2016. Nevertheless, on 16 February I did make a site visit to both appeal sites and their surroundings, accompanied by representatives of the appellant, the Council, Hanborough Parish Council and the Hanborough Action Group (HAG). This was useful in enabling me to see the nature and context of the sites at a time when trees and hedgerows were not in leaf. Before the resumption of the Inquiry, during it and following its close, I made unaccompanied visits to Long Hanborough and saw both sites and their surroundings from public vantage points.
8. Three separate planning obligations under Section (S) 106 of the Town and Country Planning Act 1990 (as amended) have been submitted. These are considered in detail below.

## General Background

9. The development plan comprises 'saved' policies of the West Oxfordshire Local Plan 2011 (WOLP) and the WOLP Proposals Map. Weight is to be given to policies of the WOLP having regard to the degree of consistency with policies of the National Planning Policy Framework (the Framework). It is an agreed position between the Council and the appellant that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Therefore, in accordance with paragraph 49 of the Framework, relevant development plan policies for the supply of housing should not be considered

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<sup>1</sup> Indicative site layout 13136 (B) 120 Revision A and Indicative site tenure plan 13136 (B) Revision B.

<sup>2</sup> Plan SK010 Revision B, dated 19 January 2016. The final revised plan was SK010 Revision D, dated 4 April 2016.

up-to-date. The reason for refusal of the housing proposal includes reference to conflict with Policies H7 and BE4(a)<sup>3</sup> of the WOLP, which the parties consider are relevant to the supply of housing<sup>4</sup> and which it is agreed should be considered out-of-date in the context of the absence of a demonstrated five-year supply of deliverable housing land.

10. The West Oxfordshire Local Plan 2031 is the emerging local plan. This underwent its first stage of examination in public (EiP) in November 2015. As a result of some significant concerns about the housing requirement in the district, and concerns about the potential supply of housing sites, the relevant Inspector suspended the Examination until December 2016. This was to allow the Council to undertake additional work towards a 'main modifications' document in order to make the plan sound. The Council's reason for refusal of the housing proposal included reference to Policies H2 and OS1 of the emerging plan<sup>5</sup>. It is also an agreed position between the appellant and the Council that these emerging policies relating to the location of new housing should be considered out-of-date in the absence of a deliverable five-year housing land supply. Furthermore, I consider that in light of the possible revision of some of the housing supply policies of the emerging plan having regard to expressed concerns, and the fact that the plan is still some time from submission for the continuation of its examination, these policies should at this time carry very limited weight.
11. Within the Inquiry, discussion took place on the objectively assessed need for, and supply of, housing against the above background. In light of the above agreed position, this centred on the degree of shortfall in provision since this could be influential in relation to the weight to be given in the overall planning balance as to how the housing scheme may contribute to alleviating such shortfall. I consider this matter below.
12. The capacity of the Hanborough Manor Church of England Primary School would need to be enlarged to cater for the likely increase in school-age population resulting from the proposed housing scheme. This would involve building within the present school grounds on land which is currently used for play facilities. The appellant submitted the playing field application to establish the provision of a fully appointed and equipped school playing field. The appellant and the Council agree that the proposed playing field would not be necessary if the residential appeal was to be dismissed. It is also agreed that there are no suitable alternative sites known to be available on which to provide the playing field closer to the school. There is thus an acknowledged interdependence between the playing field and the housing proposals.
13. The Council failed to determine the playing field application within the prescribed period, leading to this appeal. Having considered a subsequent report on this proposal, the relevant Council committee resolved that had it been in a position to do so it would have refused permission. This was on the basis of 'an urbanisation of an attractive area of open countryside and the

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<sup>3</sup> Policy H7 is permissive of new dwellings in Service Centres (of which Long Hanborough is one) if, amongst other matters, it comprises infilling or rounding off or is on a site specifically allocated for residential development. Policy BE4 relates to open space within and adjoining settlements. It states that development should not result in the loss or erosion of an open area which makes an important contribution to the distinctiveness of a settlement and/or the visual amenity or character of the locality.

<sup>4</sup> Having regard to the Court of Appeal judgement (*Richborough Estates v Secretary of State for Communities & Local Government* [2016] EWCA Civ 168).

<sup>5</sup> Policy H2 relates to the delivery of new homes and Policy OS2 to locating development in the right places.

visible erosion of the local landscape character and setting' contrary to various development plan and emerging development plan policies.

14. The housing proposal's reason for refusal refers to its failure to address the healthcare implications for the village. The scheme would result in an increased demand for local healthcare services that are currently predominantly met by Long Hanborough Surgery. The application now includes the provision of a doctors' surgery. The Statement of Common Ground between the appellant and the Council indicates that it is an agreed position that the provision of a fully fitted-out and operational surgery would adequately address this component of the reason for refusal at the point that the surgery came into use, and provided its deliverability is shown to be reliable.
15. The Council did not object to the housing proposal on the basis of its impact on highway capacity or safety issues and these did not feature in either the reason for refusal of the housing proposal or the putative reason for refusal of the playing field scheme. However, these were issues of considerable expressed concern by the local community.

### **Main Issues**

16. Against the above background, I consider the main issues in these cases to be:

#### *Housing proposal*

- The impact on the character and appearance of the locality;
- the impact on the social and environmental character of Long Hanborough; and
- its effect on highway safety and convenience.

#### *Playing field proposal*

- Impact on the character and appearance of the locality.

### **Reasons**

#### ***Housing proposal – character and appearance***

17. The proposed housing site of some 7.9ha comprises part of an arable field with frontage to Witney Road on the western edge of Long Hanborough, together with a smaller lozenge-shaped grassed paddock that borders the existing residential development of Hurdeswell. It occupies a tract of agricultural land between Long Hanborough and the neighbouring smaller settlement of Freeland. The south-eastern edge of the appeal site would also border some of the existing residential housing in Marlborough Crescent. The paddock is maturely hedged, as are the south-eastern and road frontage boundaries of the larger field. The south-western boundary of the appeal site, other than close to Witney Road, where stands the Old Police House as a single isolated property, is currently unmarked and bisects the Grade 3-quality arable field.
18. The site has a gentle eastern slope which is more pronounced to its south-eastern boundary. There is further open agricultural land facing the site to the northern side of Witney Road. The appeal site is not subject to any formal protective designation. The Council does not suggest there would be any harmful impact to the setting of either the Cotswolds Area of Outstanding

- Natural Beauty (AONB) or the Long Hanborough Conservation Area to the north and north-east.
19. The West Oxfordshire Landscape Assessment is sub-divided into character areas, the appeal site being within the Eynsham Vale landscape character area, which itself is divided into sub-types, the appeal site falling within 'semi-enclosed rolling vale farmland'. Amongst this area's characteristics are 'large-scale fields under arable with regular field boundaries but some smaller-scale and pasture (especially around settlements), strong structure of hedgerows, trees and occasional belts or blocks of woodland, semi-enclosed character and moderate inter-visibility'. I have no reason to disagree that the site and its immediate locality on the edge of Long Hanborough broadly fits within the characteristics of this landscape description.
  20. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) but in the context of the appeal the appellant's landscape witness undertook his own landscape and visual assessment. The original LVIA identified that the site's development would result in a moderate negative significant effect upon the receiving landscape, an assessment with which the appellant's witness concurred. As currently open agricultural land, it is inevitable that a residential development of up to 169 dwellings and an accompanying doctors' surgery would serve to render considerable change in terms of the landscape. The site would no longer form an open rural backdrop to the existing housing areas to the east and would extend the built edge of the village in a broadly westerly direction.
  21. Whilst the proposal is in outline only, other than the means of access to Witney Road, the illustrative plans accompanying the application show how a housing scheme might be accommodated. This could include a substantive landscaped south-western edge where there is no current demarcation, areas of open land with an attenuation pond and reinforced planting within the south-eastern portion of the site, additional planting to the Witney Road frontage and an open landscaped link through the centre of the site. Detailed layout and landscaping, which could ensure that established boundary vegetation is retained and incorporated, and the sloping topography of the site which provides a degree of natural containment, would all provide the ability to mitigate overall landscape impact, mitigation increasing over time as planting matures.
  22. Impact on landscape character per se cannot be divorced from the visual impact of the development and the way in which the site would be perceived by those living, working and passing through the area. From the evidence presented, including a series of visualisations, and from what I saw on my visits, it is apparent that views of development on the site would be highly localised. Clearly when within Witney Road on leaving the current built confines of Long Hanborough, and when directly opposite the site, and irrespective of what retention of hedging and additional landscaping was to take place, development would be readily seen and views transformed.
  23. A public footpath passes in a south-easterly/north-westerly direction through the field to the northern side of Witney Road. The extension of the built form of Long Hanborough would be apparent from sections of this although existing hedging and trees would provide a degree of screening and filtering of views particularly when in leaf. There are distant views of the spire of the 12<sup>th</sup> century Grade 1 listed Church of St Peter and St Paul in Church Hanborough

from points along this path. These would remain although there would be a modification of view as the spire would be likely to be seen rising above roofs of housing. From slightly more distant glimpsed views to the north-west, along the public right of way linking Witney Road to Brook Hill, development would be seen stretching westwards. However, its close relationship in views with existing housing in Long Hanborough would mean that it would not appear as an overly-intrusive adjunct to the village structure.

24. There would be a considerable change when seen from the western end of the present landscaped area to the northern side of Hurdsweil where there are views over the appeal site. There is no public access from the western edge of this area which stops at the field boundary although, as I noted on my visits, there appears to be unauthorised access over and through the fence, probably by dog walkers. The appellant's illustrative layout suggests a direct linkage of this area with a landscaped open swathe through the proposed development. This would provide the opportunity for walking routes through and round the site in a beneficial and legitimate manner.
25. For those passing along Witney Road in an easterly direction towards Long Hanborough roadside hedging, particularly when in leaf, provides a strong screen and filtering of views as one approaches The Old Police House and, more distantly, when further west. Whilst currently standing divorced from development within the main body of the village, I consider that the house, the outbuilding within its curtilage and mature trees to its roadside frontage, do already provide something of a visual 'bookend' to the village.
26. Witney Road in the vicinity of the site would also undergo an element of change with the provision of the site access and associated road markings, bus lay-bys and a pedestrian crossing refuge<sup>6</sup>, and the likely relocation of the 30mph signage and gateway entrance markers to the village. These would provide a clear visible extension of the village form.
27. The doctors' surgery and its associated parking is shown on the illustrative layout plan as occupying a position close to the Witney Road frontage. As the Council notes, it is possible that there may be a wish for the surgery building to be high profile and readily visible from the road in which case this could add to the 'urbanising' impact of the overall development. That said, for those travelling eastwards either along the road or its adjacent footpath/cycle lane, these elements would be seen against the backdrop of built development further within the village. Furthermore, the Council would have control over detailed design, layout and landscaping through the requirement to obtain approval of reserved matters if outline permission is granted.
28. The proposed development would not be readily seen from public vantage points within Freeland in the main body of this village to the south-west. There are few opportunities for infrequent and fleeting glimpses towards the proposal between some of the ribbon of residential properties that lines Wroslyn Road. The likelihood of the provision of a robust south-western landscaped edge to the development would mitigate the impact of what few publically available views there would be.

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<sup>6</sup> It was indicated in evidence that Oxfordshire County Council, as highway authority, did not now require the provision of a 'Toucan' crossing.

29. The development would clearly transform views from some existing residential properties, particularly on the edge of Long Hanborough within Hurdsell and in Marlborough Crescent since occupants would be viewing residential development rather than farmland. However, the planning system does not protect private as opposed to public views. I have no reason to believe that control over detailed design, siting and landscaping at the reserved matters stage would not adequately serve to ensure the protection of living conditions of existing residents in terms of privacy and overbearing development.
30. Development on the appeal site would extend the built form of Long Hanborough closer to Freeland but would not result in a coalescence of the two settlements in the sense of physically merging development together. There is no development plan policy protection relating to the maintenance of this existing gap. The closest physical separation would be about 230m from the telephone exchange in Freeland to the curtilage of the Old Police House (which to all intents and purposes would be visually linked with the proposed development) along Witney Road. There may be some perceived sense of coalescence through the narrowing of the present undeveloped gap when seen from Witney Road. Nonetheless, I consider the remaining physical separation, and existing strong roadside planting between The Old Police House and Freeland, would serve to maintain the distinct identities of the two settlements.
31. The distances between existing dwellings along Wroslyn Road and the south-western boundary of the appeal site increase in a southerly direction where open farmland with hedging and trees would also maintain the physical separation. The formation of a landscaped south-western boundary to the development, although criticised by the Council as being arbitrary, would also reinforce the physical and perceptual separation.
32. There has been expressed concern that a grant of permission would establish a precedent for further development on the western side of the village which would be made much harder to resist as a result. I give such fears very little weight. The scheme would allow for a strong defensible south-western boundary to Long Hanborough. Any future proposal immediately to the west would be judged in the context of similar arguments aired in the present case relating to impact on character and appearance and in relation to the coalescence of the two settlements. Suggested development to the northern side of Witney Road would need to be seen within the context of matters such as impact on the AONB and the Long Hanborough Conservation Area. Any proposal would have to be judged on its own merits and against the prevailing planning policy background.
33. The Council has criticised the proposal on the basis that it fails to respond to the traditional, distinctive qualities of Long Hanborough. The settlement has historically developed principally in linear form in an east-west direction. However, development in depth resulted with estate-type development in the second half of the 20<sup>th</sup> century. A significant proportion of this latter residential development has taken place to either side of Witney Road to the immediate north-east of the appeal site. The proposal would form an adjunct to that which has taken place in Hurdsell, Marlborough Crescent/Churchill Way. In this sense the present scheme, providing development in depth away from Witney Road, would be little different to these earlier additions which, despite the Council's implied criticism of their nature, now form part and parcel of the structure and character of the village.

34. The reason for refusal of the application refers to various paragraphs within section 7 of the Framework concerning design. Given that the application is in outline (apart from means of access), the Council would retain control at the reserved matters stage to ensure that the eventual detailed development through layout, design and landscaping would be appropriate and would be capable of securing a high quality of design, as required by the Framework. In this sense I consider that reference within the reason for refusal to WOLP Policy BE2 (General Design Standards) is misplaced.
35. In conclusion on this issue, there would be an inevitable transformation to this part of Long Hanborough. Irrespective of any final layout and design, this would detract to some degree from the present landscape character and countryside appearance that helps frame the western edge of the village. Nonetheless, because of the nature of the site and its surroundings, and the ability to mitigate impact through attention to detailed design and landscaping, I do not consider there would be a significantly harmful impact. What impact would arise would be localised, with scope for considerable mitigation through the exercise of control at the reserved matters stage to ensure an harmonious integration of development.

### **Playing field**

36. The appeal site comprises a section of an open field together with an area of rough, unmaintained grassland and scrub lying to the southern side of the recent 18-dwelling cul de sac development of Kents Bank. This edge-of-settlement site forms part of the wider, flat, open and wooded area separating Long and Church Hanborough. A permissive path separates the grassland and field leading from the existing formal recreation ground to the west to the narrow tarmaced historic 'Coffin Path' which links the two villages. From the evidence, and what I saw on my visits, it is apparent that this general area is well used by the public for walking.
37. The proposed development would involve the provision of a 100m x 60m grassed playing field with an associated pitched-roof store and toilet. This area would be enclosed by weld-mesh fencing. The present permissive path would be diverted around the western and southern site boundaries. The proposed store/toilet would be of modest size and simple form with reconstituted stone walls and slate roofing. It would be discreetly sited at the north-western corner of the site, well related to the adjacent housing in Kents Bank.
38. The provision of the formalised playing field and the associated fencing<sup>7</sup> would form some degree of intrusion into what is a currently open area although, because of the adjoining existing land uses and the nature of the site, I do not consider this area to be of any especial quality. There is already a strong hedge line along the western site boundary separating it from the existing village recreation ground but above which rise lighting columns for that ground. The application plans propose that native hedging would be planted to the outside of the fencing on the eastern and southern boundaries of the proposed playing field. In time, and subject to suitable maintenance, these would soften the impact of the fencing. There is existing planted hedging along the southern boundary of the Kents Bank development although this is presently immature and appeared to be less than well-maintained. However, conditions attached to

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<sup>7</sup> The application plans show the fencing as being 2.1m in height. Evidence within the Inquiry suggested that fencing of 1.8m in height could be acceptable.



the 2013 planning permission for this residential development provide for early ongoing maintenance and the Council has the ability to ensure compliance through its normal enforcement powers. This hedging should in time provide screening and softening of the proposal when viewed from within the cul de sac.

39. The proposal would not directly obscure views from the Coffin Path of the distant spire of St Peter and St Paul in Church Hanborough about 1km away since the proposed fencing/hedging would be set back further than was originally intended to one side from the path. Nor would it impinge on views from this path of the ancient Pinsley Wood to the south-east. There would be some modification of experience for those walking along it for a short length, since the path would be flanked by hedging/fencing, but I do not consider this would materially detract from the overall experience or use of either this or the other informal paths within the immediate area.
40. The Kents Bank development currently presents a somewhat visually raw edge to the village, particularly when approaching from the south along the Coffin Path. To some degree the presence of the proposed playing field would serve to anchor this development more readily within the village framework.
41. Playing field provision is a commonplace on the edge of settlements, as currently demonstrated by the existing village recreation ground. Although the provision of the school playing field would introduce activity and noise when being used, these are already features of sporting activity on the immediately adjacent village site and I do not accept that any sense of tranquillity would be unacceptably diminished.
42. Overall, whilst reducing the current open nature of the site, I consider the proposal could be satisfactorily integrated into the fabric, structure and setting of the village and that it would not materially adversely affect the character and appearance of the locality. As such, the scheme would not conflict with the thrust of Policies BE2, BE4, NE1 and NE3 of the WOLP, or similar policies in the emerging Local Plan. These variously seek to respect the quality, visual amenity and character of the surroundings and value of the countryside.

### ***Social and environmental character***

#### *School playing field*

43. The provision of the proposed playing field is acknowledged as being necessary since the housing scheme, coupled with a 50-dwelling housing scheme within Church Road, for which the Council has resolved to grant permission, would lead to an increase in pupil numbers at Hanborough Manor C of E Primary School. These pupils could not be accommodated within the present school premises without additional classrooms. Because of the school's existing restricted site these would need to occupy some of the current open play spaces within the school grounds. The Parish Council in particular has expressed concern about the resultant loss of informal and social play space within the school grounds, impact on pupils and time taken for pupils to access the separate formal recreation area. It refers to paragraph 74 of the Framework. This states that existing open space and playing fields should not be built on unless the resulting loss would be replaced by the equivalent or better provision in terms of quantity and quality in a suitable location.

44. However, the provision of the additional facility would take the school from a barely minimum standard of space provision to the most generous space standards that national area guidelines allow. The appellant's evidence indicates that even with additional buildings within the school grounds the requisite standards for playground, surfaced and social areas would exist.
45. The recreational area would provide a far better curriculum space for pupils. It would increase the site capacity of the school to allow it to adjust its size to meet existing and future demand and would make possible the increase in choice of school places for parents. In this regard there would be compliance with paragraph 72 of the Framework. This notes the great importance attached by the Government to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The local education authority has not objected to the proposed playing field providing its provision can be secured, which is similarly the case with the Eynsham Partnership Academy on behalf of the school.
46. HAG has concerns about the safety and convenience of the walk between the school and the playing field. The walk, using existing footpaths in Riely Close and Kents Bank, would be some 250m. It is proposed to add dropped kerbs at a crossing point close to the head of the Riely Close cul de sac to facilitate wheelchair access. There are, additionally, two alternative routes for able-bodied pupils that would not require this residential road to be crossed. Children walking to the playing field would be supervised and the Eynsham Partnership Academy is satisfied that access to the playing field would be safe. Although the time taken in walking to and from the playing field would be likely, in some degree, to reduce the time available to be spent on sporting activities, I consider concerns regarding safety and convenience are overstated. In my view the provision of the proposed playing field proposal would be compliant with Framework paragraph 74.

#### *Surgery*

47. The existing doctors' surgery serving Long Hanborough and surrounding villages occupies a constricted site in Churchill Way, is under-sized and is operating well over capacity, with no possibility of expansion within the site. NHS Property Services has indicated that the surgery cannot absorb growth in patient numbers that would result from the proposed housing development. The doctors' practice occupying the surgery originally objected to the housing proposal on the basis that additional residents would threaten to destabilise the provision of adequate medical care. The proposal now includes the provision of a new surgery facility with associated on-site parking, which the practice considers would offer an opportunity to deliver a high quality medical facility. There is a Memorandum of Agreement between the appellant and the Eynsham Medical Group that the group would have the option to lease the new surgery following its completion. This is secured through an accompanying S106 unilateral obligation.
48. The surgery would not be as central within the village as that which exists and therefore may be slightly less convenient in terms of access for some. However, no evidence has been presented of a more suitable centrally-located site. Also, the provision of some 27 parking spaces, a level which has been discussed between the appellant and the present medical practice, would be more than double that which exists. It would be likely to obviate the need for

on-street parking which it is apparent now takes place. I do not consider the location of the surgery to be a significant or demonstrable drawback. A now agreed suggested condition between the appellant and the Council would secure the provision of the surgery in conjunction with the housing. This is discussed further below.

*Long Hanborough as a Service Centre*

49. Long Hanborough is one of the nine larger settlements in the district classified in the WOLP as Service Centres. These, by definition, have a good range of facilities, services and transport accessibility to support their immediate communities as well as neighbouring hinterlands. This is confirmed by the Council's Settlement Sustainability Report, revised in December 2013. The village is also defined as one of six Rural Service Centres within the emerging Local Plan 2031. The Statement of Common Ground between the appellant and the Council notes that Long Hanborough is a suitable location to accommodate significant residential growth. There is a range of local services, including a small business park adjacent to the station, which allows a proportion of travel demand (alternative to the car) to be met locally.
50. The village is only one of two settlements within the category of Main Towns and Rural Service Centres in the district to have a mainline station. The rail line provides direct services to London, Oxford, and Worcester. Although the station is at the opposite end of Long Hanborough to the proposed housing site and is about 2.3 km distant, it is linked by a joint foot and cycle way. It is apparent that there is a commitment to the introduction of new trains with greater capacity, with a longer-term commitment to increase the number of trains from Long Hanborough to Oxford, cut journey times to London and undertake enhancements to the station's facilities.
51. There are two bus services through the village which provide access to Witney, Woodstock and Oxford, though services do not run in the evenings or on Sundays. There are existing bus stops within 400m of the appeal site and the housing proposal would include the provision of bus stops and lay-bys within Witney Road adjacent to the site entrance. The S106 planning obligation with the County Council includes a financial contribution towards the improvement of bus services serving the village. The contribution represents £1,000 per dwelling towards the cost of securing additional bus services/journeys operating along the A4095. The County Council has indicated that the contribution would be to extend services to the Water Eaton Park and Ride facility and to provide a half-hourly service.
52. The Parish Council has drawn attention to the fact that the County Council is due to withdraw existing bus subsidies, and has queried the prospect of enhancement of services even in the light of the S106 contribution. On the other hand, and in response to claims by the Parish Council, the present operator of services, Stagecoach, in a letter of 15 October 2015 supporting the proposed housing development, noted that its public support is done on an 'exceptional' basis. It states that since June 2013 the services through Long Hanborough have been operated on an essentially commercial basis with some de minimis funding applied to a few journeys. The company notes that this points to its belief that patronage in the corridor as a whole can be developed to secure a viable commercial service in the longer term. It concludes that the proposed housing site is one of the more sustainable sites currently under

consideration outside the two largest towns in the district when existing and potential availability of public transport is considered. The company clearly sees the proposed housing development as providing potential patronage to help support existing services.

53. The Parish Council has suggested that the size of the housing development would overwhelm the village and change the dynamics of the village for the worse, representing unsustainable urbanisation. I consider there is little justification for this assertion. I acknowledge that the development could potentially lead to a population increase in the settlement of around 16%. However, there would be concomitant improvements in medical services and enhanced curriculum playing facilities for primary-age children. The additional population would be likely to provide additional support for shops and services within the village. The proposed build programme for the housing development would be spread over about four years allowing the possibility of a gradual assimilation of residents into village life over this period.

*Affordable housing*

54. It is an agreed position between the appellant and the Council that it is necessary for a proportion of the proposed housing provision to be affordable. Policy H11 of the WOLP indicates that in locations such as this up to 50% affordable housing will be sought. Such provision will be subject to the viability of the scheme. Policy H3 of the emerging Local Plan proposes a requirement, subject to viability, of 50% affordable housing in areas such as Long Hanborough. This needs to be seen in the context of a district-wide need for some 274 affordable dwellings per annum, a figure recommended in the 2014 Oxfordshire Strategic Housing Market Assessment (SHMA) and which the emerging Local Plan EiP Inspector considered in his preliminary findings as justified for the period 2013-2031. Paragraph 173 of the Framework notes that to ensure viability the costs of any requirements, such as affordable housing, standards and infrastructure contributions should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
55. Originally the housing proposal sought to provide 50% affordable housing. To overcome the concerns about the scheme regarding impacts on health and education issues, the provision of a doctors' surgery within the site and the playing field became necessary considerations. An independent viability assessment was prepared to accompany the application and this was based on the RICS Guidance Note 'Financial Viability and Planning'. This concluded that, with the necessary S106 capital contributions, the provision of the doctors' surgery and the related provision of the school playing field, the proposed development would only be viable at a point where affordable housing was provided at a level of 35%.
56. The Council has not carried out or commissioned its own viability assessment or critique of that prepared on behalf of the appellant, nor did it engage in valuation discussions with the appellant's advisers. In the context of the application there was officer criticism on the basis that the landowners, the Blenheim Estate, should not expect any land value because of the historic nature of its interest. However, this ignores the legal obligation of the trustees to achieve best market value in managing assets under their control.

57. Within the context of the Inquiry, the Council sought to challenge various of the assumptions and inputs to the appellant's assessment to the point that it concludes the appellant has failed to show that the lower affordable housing offer is justified. HAG also questioned the appellant's witness.
58. Amongst the Council's criticisms is that the appellant has chosen to provide the surgery and would charge the medical practice only a peppercorn rent on a 125-year lease, rather than a commercial rent which the practice would be able to recoup through the NHS. As such, the market rent was an element that should have been included within the assessment and to offer a peppercorn rent was solely the choice of the appellant. This has the direct consequence of reducing the number of affordable units that could be provided. I consider there is some degree of force in this argument.
59. The Council also queried the benchmark land value used in the valuation, suggesting that it was far higher than that used in a report by Aspinall Verdi for the Council in relation to work on the Community Infrastructure Levy. In this regard the Council also notes that little consideration seems to have been paid in the viability exercise to the actual use of the land. This is in the context that it is likely that about 30% of the site would be for open space/landscaping purposes and therefore there would be a considerable cost saving of over £2m if the benchmark land value was applied to the site area net of the open space. It is apparent, however, that the Aspinall Verdi figure was contained in a 2015 report with site values having been considered over an earlier period. Furthermore, the benchmark figure used needs to be seen within the context of a 'willing landowner'.
60. In countering the Council's criticisms the appellant also draws attention to what appears to be the Council's inconsistent approach in respect of affordable housing expectations. In resolving to approve the housing scheme at Church Road, Long Hanborough, the Council accepted 35% affordable housing on the basis of a reduced total number of dwellings from 64 to 50 and without any viability assessment.
61. Notwithstanding some reservations about the absence of consideration of market rental for the surgery, the appellant's valuation is the only one full independent valuation to have been produced. In the context of Framework paragraph 173, I consider it is to be preferred to the broad criticisms of the Council which I do not consider significantly undermine the assessment's overall conclusions. The provision of 35% affordable housing – up to 59 dwellings for rent and shared-ownership – is in itself a meaningful beneficial contribution to meeting the district-wide affordable housing need.

#### *Housing supply*

62. In terms of housing provision, given that it is an acknowledged position that the Council cannot demonstrate a five-year supply of deliverable housing sites, discussion within the Inquiry, held primarily as a 'round table' session, focussed on the quantum of under-supply. The Council's evidence suggested a supply ranging from 4.1 to 4.65 years. That for the appellants and for the Rule 6 party, CEG, suggested a supply ranging from 3.29 to 3.21 years respectively.
63. The day before the resumption of the Inquiry an appeal decision relating to a residential proposal at Station Road, Eynsham was published (Ref. APP/D3125/W/15/3019438). Housing land supply was an issue in that case.

The suggested competing housing land supply figures then were similar, ranging from the Council's 4.65 to the appellant's 3.21 years. My colleague Inspector noted that, in her view, the supply was likely to lie between these two figures but that, whilst not coming to a conclusion on a final figure, she considered the impact on the planning balance in that case by taking the appellant's figure of 3.21 years.

64. Given the recent nature of that decision, and on the agreed basis that circumstances between the consideration of that appeal and the present appeal had not changed, I asked the parties if there was any reason why I should not adopt the same supply figure of 3.21 years. Both the appellant and CEG clearly felt that it was appropriate to do so given that the decision was so recent, there had been no material changes in circumstances and having regard to issues of consistency in decision-making. Nevertheless, I did hear discussion on the likely shortfall which augmented the written evidence already before the Inquiry.
65. Having regard to full objectively assessed need (FOAN), and in light of the hiatus in the EiP of the emerging Local Plan, and continuing work being carried out by the Council, the appellant and the Council are in agreement that the 2014 SHMA is important in assessing FOAN. Both the appellant and CEG argued that the SHMA mid-point figure for the district of 660 dwellings per annum (dpa), based on a Committed Economic Growth scenario and affordable housing needs, was the figure to be preferred rather than the 598dpa figure suggested by the Council's witness.
66. The SHMA's findings have been adopted by other authorities in the housing market area, a mid-point figure was used in a recent appeal decision in Wallingford, South Oxfordshire (Ref. APP/Q3115/W/15/3032691) and the findings have been derived from a comprehensive and wide-ranging assessment. On the other hand, the 598dpa figure, based on a reduction in the demographic starting point, is a product of the Council's witness, has not been endorsed by the Council, and is not the result of any cross-boundary discussion with other authorities (important in light of the fact that the district is likely to have to make a contribution to meeting Oxford City's unmet needs, and the underlying duty to cooperate).
67. In this latter regard, the EiP Inspector in his Preliminary Findings – Part 1 suggested that it would be a very high risk strategy to proceed on the basis that West Oxfordshire would receive no allocation of Oxford City's unmet needs. In these circumstances, even if it was appropriate to assume a modest reduction in the demographic starting point, as in the 598dpa figure, catering for Oxford's unmet needs is likely to more than cancel out any assumed reduction. The Council's figure is put forward simply as a 'broad-brush estimate' of the FOAN.
68. On the supply side of the equation there are differences between the Council and the appellant (and CEG), the Council contending a five-year supply of some 4,067 dwellings, the appellant suggesting the figure should be 3,263. The difference broadly relates to four Strategic Development Area (SDA) sites upon which the Council relies. Both the appellant and CEG produced detailed evidence as to why, in the context of the Framework footnote 11, housing on these sites would not be deliverable in the quantities claimed by the Council. Both the appellant and CEG agree that for the East of Chipping Norton, North

Witney and East Witney SDAs the five-year supply would be zero (compared with the Council's total of 684 units). For the West Witney (North Curbridge) SDA the appellant suggests a 480-unit supply (with CEG positing a supply of 400) compared with the Council's 600 units.

69. There is evidence of constraints to development on the differing sites. These variously include the absence of planning permissions (occasioned in the case of West Witney by the lack of a signed S106 three years after a resolution to grant permission), aged ecological and traffic impact surveys, lack of progress on the ability to fund or deliver safely road upgrades, and long-standing highway authority and landowner objections. From what I have seen and heard, I consider the evidence of the appellant and CEG to be more robust in terms of the likely trajectory of delivery on the four SDA sites. As a consequence, the delivery of this side of the equation feeding into the five-year supply is likely to be far less optimistic than the Council claims.
70. I agree with the Inspector at the Wallingford appeal that it is not useful to be too precise in dealing with housing supply figures as they are inevitably best estimates based on professional skill and judgement. To an extent, to try and get to the bottom of what is currently the likely deliverable supply, it is in the current case perhaps not as pertinent when there is an acknowledged and accepted absence of a five-year supply and which therefore engages paragraphs 14 and 49 of the Framework. Nonetheless, my overall conclusion is that, based on the evidence before me, the currently deliverable five-year housing land supply is likely to be nearer the lower end of the range of figures suggested by the appellant and CEG rather than those put forward by the Council. The proposed housing scheme would make a meaningful contribution to addressing the supply deficit, in line with the Government's exhortations to boost significantly the supply of housing.

*Conclusion on social and economic impact*

71. From the foregoing I conclude that neither the housing nor the playing field proposals would result in material harm to the social and environmental well-being of what is the sustainably located settlement of Long Hanborough.

**Highway impact**

72. The housing proposal was not refused on transportation or highway grounds. The highway authority, Oxfordshire County Council, was satisfied regarding the access arrangements, traffic implications and proposed contributions to enhancements and support for local public transport services. The housing proposal included details showing the means of access to Witney Road. This would be a new priority junction with a ghost island right turning lane and a pedestrian crossing facility. I have seen no evidence to suggest that this would not safely and adequately serve the housing/surgery site and operate well within the theoretical capacity of Witney Road.
73. However, a concern of the Parish Council and HAG, and many local residents expressed in written representations, relates to how additional traffic generated by the development would contribute to congestion and queuing on the A4095, particularly at the Church Road/Main Road mini-roundabout in the centre of the village at peak times, and could result in greater safety issues.

74. The appellant's assessed impact on traffic congestion differed from that considered by consultants in relation to the Church Road 50-dwelling scheme, and by consultants commissioned by the Parish Council. The County Council raised objections in respect of the original transport assessment accompanying the application. The appellant's transport advisers undertook additional work, including local surveys to corroborate traffic generation assumptions, a detailed assessment of the mini-roundabout, and the monitoring of traffic flows. This took into account the proposal's cumulative impact together with the Church Road dwelling scheme. Sensitivity testing was also carried out in light of the higher rates of trip generation used in the assessment of the Church Road scheme. This did not materially alter the conclusions that the proposal the subject of the current appeal would not significantly worsen traffic impacts in the village.
75. The number of vehicle movements generated by the scheme would be within the normal daily variation of flows along Witney Road. A technical note submitted to the County Council led the Council to revise its position confirming that, as the highway authority, it had no objection. This was subject to the provision of various contributions to be secured through a planning obligation, these being payments to support bus services serving Long Hanborough, physical bus infrastructure including poles, shelters etc and towards monitoring a Travel Plan for the housing site.
76. The appellant notes that generally and across the day the traffic flow along the A4095 is relatively modest in the context of available capacity. A more pronounced surge in traffic during peak hours, which is proportionately far larger than would be typical, is suggestive of wider network constraints. It is apparent that this may be the result of travellers re-assigning routes to avoid delays caused by congestion on the A40 around Oxford, creating 'rat-running' along the A4095 from Witney and other settlements to the west. Improvements being carried out to the A40 should in due course result in the reassignment of traffic back to the A40, helping to reduce peak flows through Long Hanborough.
77. As required by Framework paragraph 36, in order to protect and exploit opportunities for the use of sustainable transport modes, the housing proposal was accompanied by a suggested Travel Plan. Measures within this would have the objective of increasing the percentage of residents walking or cycling and using public transport. Adherence to the principles set out in the Travel Plan (which would include monitoring and implementation) would be secured through the imposition of a planning condition.
78. Paragraph 32 of the Framework notes that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. I fully acknowledge local concerns regarding traffic through the village. However, from the foregoing and, in particular, the absence of objection from either the highways or local planning authorities, and the options available for the use of more sustainable transport modes other than the private car, I do not consider there are material grounds for rejecting the housing proposal on the basis of a severe highway impact.

#### ***Other matters***

79. An ecological report accompanying the housing proposal notes that recorded species within the site are common or abundant. It suggests there are no



overriding ecological constraints that would preclude development, subject to the imposition of appropriate conditions, and proportionate and deliverable mitigation is possible which could increase the nature conservation value of the site in the long term. Having regard to the playing field proposal, a separate ecological study notes that the rough grassland portion of the site supports various reptile species and has the potential to support great crested newts. A reptile mitigation strategy, involving the creation of a nearby habitat of equal area, is suggested to ensure that the reptiles, great crested newts and the grassland habitat itself would be maintained in the local area. This would ensure no net loss to biodiversity or breaches in protected species legislation. I have no reason to believe that, with the imposition of appropriate conditions, ecological and biodiversity interests would not be adequately protected.

80. Some local concern has been expressed about the impacts of the housing proposal on flood risk and how the development could affect the capacity of existing drainage ditches. A Flood Risk Assessment and Drainage Strategy accompanied the application. The scope of the assessment is to ensure that the scheme is not subject to flood risk and that it does not increase the risk of flooding downstream. The drainage proposals were developed in consultation with the Council and the Environment Agency. The strategy would be to replicate current hydrological conditions so that surface water discharges to existing land drainage ditches at current rates and to ensure flows entering ditches would not be increased. The proposal also would provide the opportunity to improve a bottleneck in an existing culvert that results in problems in the vicinity of Nos. 37 and 39 Witney Road. Subject to the imposition of appropriate conditions, which would relate to both surface and foul water disposal, I am satisfied that the housing proposal could be adequately serviced in these regards.
81. I have taken account of all other matters raised and the representations submitted, the majority of which reiterate the issues that have been addressed above. I have also had regard to the letters from the Prime Minister, the local MP in whose constituency the appeal sites lie.

### **The Planning Balance**

82. Having regard to the identified main issues my conclusions are:
- In respect of the housing proposal this would lead to the transformation of the western edge of Long Hanborough and, by its nature, would detract to some degree from the present landscape character and countryside appearance but within a localised context. However, as this is an outline application there is scope for considerable mitigation through attention to detailed design and landscaping at the reserved matter stage such that a harmonious and well-integrated development could result. As WOLP Policies BE4(a) and H7 and emerging Local Plan Policies H2 and OS1 are agreed to be out-of-date, I accord them little weight.
  - Through the provision of a new doctors' surgery and the linked provision of a school playing field, the proposal would adequately address the additional resulting impacts that an increase in village population would create in a settlement that is capable of sustainably accepting further growth.

- Whilst generating additional vehicular traffic, the proposal would not result in unacceptable highway impacts, a position accepted by the local highway authority and not contested by the planning authority.
  - Having regard to the playing field proposal, it is my judgement that it could be satisfactorily integrated into the fabric, structure and setting of the village, not materially affecting adversely the character and appearance of Long Hanborough. As such, it would not conflict with relevant policies of the WOLP to which attention has been drawn.
  - I do not find that either proposal would conflict in any clear way with the development plan when taken as a whole.
83. Paragraph 14 of the Framework states that at its heart is a presumption in favour of sustainable development. In order for this to be engaged development must be capable of being defined as sustainable. The three dimensions of sustainable development are economic, social and environmental, as set out in Framework paragraph 7. All three strands should be considered holistically. These are addressed in turn.
84. Economic. I have seen no substantive evidence to suggest that the housing proposal would not result in economic benefits. There would be direct benefits in terms of jobs and investment from the construction of the housing, surgery and associated infrastructure. The increased number of households that would occupy the development is also likely to help to support local shops and services through spending and patronage. As I have concluded that there would be no materially harmful highway impacts there would be no substantive disbenefits in this regard.
85. Social. The provision of housing, particularly including an affordable housing element, would assist in addressing an acknowledged district-wide shortfall in supply which, overall, as I have noted, is presently likely to be of greater magnitude than that presently suggested by the Council. There would be provision of a range of housing and of differing tenures. The housing proposal would go some way to addressing the need set out in the Framework to boost significantly the supply of housing in the wider context and would be deliverable over a relatively short space of time. The housing development would result in the provision of a new healthcare facility which would be better able to serve the needs of the local community. The development would be within a settlement that is sustainably located in terms of choice of modes of transport and would contribute to the support of existing bus services through the village. The playing field proposal would provide enhanced curriculum/recreational facilities for children attending Hanborough Manor School.
86. Environmental. The housing development would result in only a moderate adverse impact on the character and appearance of an area which benefits from no specific protective designation. It would not result in flooding and is capable of resulting in enhancements to biodiversity. The playing field proposal would not result in detrimental environmental impacts in terms of its impact on the character and appearance of the area.
87. In terms of weight to be apportioned to these various matters I attach moderate weight to the economic benefits, considerable weight to the social benefits, and more limited weight to the environmental impacts of the

housing/surgery proposal in terms of its impact on the character and appearance of the area.

88. Overall, I do not consider that any environmental drawbacks of the housing scheme significantly take away from its sustainability credentials. As such, both schemes should be considered as sustainable and the presumption of Framework paragraph 14 should apply. For decision-making this means approving development proposals that accord with the development plan without delay. Where policies of the development plan are out-of-date, which in terms of housing provision they are acknowledged to be, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against Framework policies taken as a whole.
89. In the case of both proposals I am satisfied that any limited drawbacks do not significantly and demonstrably outweigh the benefits and, as such, the developments are acceptable and should be permitted.

### **S106 Obligations**

90. Three planning obligations pursuant to S106 of the 1990 Act have been submitted. I have considered these having regard to compliance with the appropriate regulations contained within the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). WODC does not yet have an adopted CIL Charging Schedule. I am satisfied from the evidence presented that the financial contributions sought are compliant with CIL Regulation 123; a schedule has been provided explaining how the various financial contributions have been worked out.
91. An obligation between the appellant, landowner, lessor and Oxfordshire County Council would secure the payment of a number of contributions to the County Council in relation to the housing proposal. These would include payments for:
- the expansion of capacity at both Hanborough Manor C of E Primary School and for secondary education at Bartholomew School, Eynsham;
  - the expansion or improvement of the nearest public library at North Leigh;
  - the improvement of bus services serving Long Hanborough;
  - the provision of physical bus stops and associated infrastructure;
  - the monitoring and review of the Travel Plan.
92. This obligation also covers matters in relation to the playing field proposal. These include the granting to the County Council of an option to purchase the freehold of the playing field land and, in which event, the appellant and the lessor would carry out the works for the provision of the playing field. The land would be transferred to the County for a nominal £1.00. The obligation is subject to a Memorandum of Further Agreement substituting a plan for that included within the executed obligation.
93. The second obligation, in the form of an agreement between the appellant, landowner and WODC, includes the phased payment of a contribution towards Hanborough Playing Fields. It would also secure the laying out of areas of informal and formal open space and a Local Equipped Area for Play (LEAP) within the housing development, with the offer of the transfer of the LEAP to

the Parish Council. The open space would be managed in accordance with a management scheme, to be approved by WODC, by a management company whose principal objective would be to maintain and enhance this.

94. The third obligation, in the form of a unilateral undertaking provided by the appellant and the landowner, would secure the phased provision of affordable housing in accordance with a scheme and delivery programme to be approved by WODC. It also secures compliance with the terms of a Surgery Agreement. This provides for the grant of an option to the Eynsham Medical Group for a 125-year lease and the construction of the surgery.
95. This obligation includes the provision that the surgery should be constructed before the occupation of the 60<sup>th</sup> unit of general market housing on the site. This now differs from the suggested planning condition (referred to below) agreed between the appellant and the Council. The condition would secure the provision of the surgery before the occupation of the 50<sup>th</sup> unit of general market housing or within two years of commencement of development on the housing site, whichever is the sooner. The condition would take precedence and, in any event, the obligation does allow for an alternative timing if the Council agrees, so the discrepancy between the obligation and condition is not material.
96. From what I have read and heard, I am content that the suggested financial contributions are CIL-compliant and that the obligations are proportionate, reasonable and necessary to make the proposed developments acceptable.

### **Conditions**

97. An agreed list of conditions for both the housing and playing field proposals was submitted as part of the final Statement of Common Ground between the appellant and the Council. I raised several queries relating to these conditions which prompted further discussion between the appellant and the Council both within and outside of the Inquiry. These culminated in the provision of a revised agreed schedule on the final day of the Inquiry.
98. Regarding the housing proposal, I consider that the conditions are reasonable and necessary in order to ensure a satisfactory standard of development and protection of amenity in relation to drainage, biodiversity, protection from noise, construction traffic and disturbance, archaeology, and the provision of a travel plan. There is a need for determination of land contamination, given a desk-survey identification of moderate/low risk associated with potential contamination pathways. Included are standard conditions requiring the need for the submission and approval of reserved matters, which in this case relate to appearance, landscaping, layout and scale. As already noted, a condition is included which would secure the provision of the doctors' surgery. A further condition would prevent the surgery's change to an alternative use under 'permitted development'.
99. Where necessary, I have amended wording for clarity and consistency. I have not included the suggested condition restricting the development to no more than 169 dwellings since this is unnecessary given that the terms of the application are clearly defined.
100. I consider the conditions relating to the playing field proposal are reasonable and necessary to ensure a satisfactory development in respect of the provision

of the site access, specification and detailing of the playing field, the need for an ecological mitigation strategy and provision of hedgerow screening. I also agree a condition is appropriate to ensure the facility's timely provision. In order to protect the living conditions of residents in Riely Close and Kents Bank from unacceptable levels of noise and disturbance, the condition restricting use of the playing field for the benefit of Hanborough Manor School and preventing its use at weekends is also necessary.

### **Overall Conclusion**

101. For the reasons set out above I conclude that both appeals should be allowed.

*Philip J Asquith*

INSPECTOR

### **Schedule of Conditions**

#### **APP/D3125/W/15/3129767 - Housing and Doctors' Surgery scheme**

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 is commenced and the development shall be carried out as approved.
2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be commenced either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.
4. Vehicular and pedestrian access to the site shall be implemented in accordance with drawing Ref. 15290-05.
5. No works in connection with the development hereby approved shall commence until a detailed site-specific construction method statement and related site plan have been submitted to and approved in writing by the local planning authority. All construction works on the site shall be carried out in accordance with the approved construction method statement and site plan.
6. Development shall not commence until a construction phase traffic management plan has been submitted to and approved in writing by the local planning authority and the approved plan shall be implemented and adhered to throughout the period of construction.
7. Prior to the commencement of any development a Travel Plan, which shall include details of monitoring and implementation, and which adheres to the

principles outlined in the submitted Travel Plan dated 20 August 2014, shall be submitted to and agreed in writing by the local planning authority.

8. No development shall commence until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and implemented prior to the occupation of any dwelling.
9. No development shall commence until a surface water drainage scheme for the site, based on the Flood Risk Assessment (Infrastruct CS Ltd Ref.13-1364-08-02 Rev. B, August 2014), has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full in accordance with the approved details before the development is completed. The scheme shall include:
  - A restriction of the surface water run-off rate from the site to 25 litres per second for all storm events up to and including a 1 in 100 year event, with appropriate allowance for climate change; and
  - An attenuation pond with a capacity to safely contain the surface water runoff from the site for all storm events up to and including a 1 in 100 year storm event, with an appropriate allowance for climate change.
10. Prior to the commencement of the development hereby permitted, including any works of site clearance, details for protecting biodiversity on the site and any proposed mitigation measures shall be submitted to and approved in writing by the local planning authority. The approved protection and mitigation measures shall be implemented in accordance with the approved details.
11. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive in any year unless the prior written approval of the local planning authority has been obtained.
12. Development shall not commence until a scheme for the protection of the occupiers of the proposed dwellings from road traffic noise to achieve British Standard 8233:2014 internal ambient noise levels has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme as approved shall be completed before any of the permitted dwellings are occupied. The required internal noise levels are: living rooms 35dB LAeq 16-hour (07.00-23.00 hours); bedrooms 30dB LAeq 8-hour (23.00-07.00 hours). All habitable rooms must be afforded noise mitigation measures including appropriate glazing and ventilation so as to achieve the above standards. The layout and/or mitigation measures employed for residential properties shall achieve a general daytime noise level in rear gardens not exceeding 55 dB LAeq 16-hour (07.00-23.00 hours).
13. Prior to commencement of development an Archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority. Following approval of the Written Scheme of Investigation and prior to the commencement of development (other than in accordance with the agreed Written Scheme of Investigation) a staged programme of archaeological evaluation and mitigation shall be carried out

in accordance with the Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication, which shall be submitted to the local planning authority.

14. Prior to the commencement of any development or preparatory site works, the results of an investigation of the site for contamination shall be submitted to and approved in writing by the local planning authority. Where it is determined by the site investigation that remediation of the site is required, an appropriate remedial scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development or preparatory site works. The approved scheme of remediation shall be carried out in its entirety before the occupation of any dwelling.
15. Before the occupation of the 50<sup>th</sup> unit of general market housing or within two years of the commencement of development, whichever is the sooner, the doctors' surgery shall be built and fully fitted out to provide the objectively assessed floorspace required for the surgery as identified by NHS Property Services and which shall be a minimum of 500 square metres and up to 740 square metres of internal floorspace, together with an associated car parking area with 27 spaces, at least three of which shall be accessible to wheelchair users. The parking spaces shall thereafter be kept available for parking related to the surgery at all times.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the doctors' surgery hereby permitted shall remain in that specified use.

#### **APP/D3125/W/15/3139807 - Playing field**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: SK010 D (April 2016) proposed location for playing field; PO10 (November 2015) toilets and PE maintenance store plan; and PO11 (November 2015) toilets and PE maintenance (elevations).
3. The means of vehicular access to and from the site shall be taken only to and from Kents Bank and shall be formed, laid out, constructed and drained in accordance with plans that shall be submitted to and approved in writing by the local planning authority before development commences.
4. The playing field shall be a rectangle of 100m x 60m and the area to be used for outdoor sport shall be fenced with weld mesh fencing no higher than 2.1 metres, details of which shall have been submitted to and approved in writing by the local planning authority prior to its erection.
5. Prior to commencement of development full details of the playing field, including levels and drainage, which shall be prepared to demonstrate compliance with the recommendations of the Natural Turf for Sport Design Guidance Note published by Sport England, shall be submitted to and

approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details within eighteen months of Oxfordshire County Council exercising its option to purchase the land.

6. A reptile and great crested newt mitigation method statement shall be prepared based on the principles outlined in the letter of 5 August 2015 from BSG Ecology submitted with the application, and shall be submitted to the local planning authority and approved in writing prior to commencement of development. The mitigation method statement shall be implemented in accordance with the approved details.
7. Details of the proposed native species hedgerows, including numbers, species and future maintenance regimes, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The hedges shall be planted and subsequently maintained in accordance with the approved details.
8. The use of the playing field hereby permitted shall be for the benefit of Hanborough Manor School only and shall not be used at weekends.

(End of schedule of conditions)

Richborough Estates



## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mark Westmoreland Smith, of Counsel	Instructed by Ms B Patel, West Oxfordshire District Council (WODC)
He called:	
Chris Wood BA Dip TP	Senior Planning Appeals Officer, WODC

### **FOR THE APPELLANT:**

Sasha White QC	Instructed by West Waddy ADP
He called:	
Hannah Smart BA Dip (Hons) Dip Arch	Urban Design Associate, West Waddy ADP
Alastair Macquire BA (Hons) Dip LA CMLI	Associate Director, Aspect Landscape Planning Ltd
Simon Tucker BSc (Hons) MCIHT	David Tucker Associates
Clare Winnett MA (Cantab) DipArb MRICS FAAV FCIArb	Partner, Carter Jonas LLP
Stephen Clyne LCP	Principal, EFM
John Ashton Dip TP MRTPI	Partner, West Waddy ADP
Alan Divall BA (Hons) MRTPI	Planning Associate, West Waddy ADP

### **HANBOROUGH PARISH COUNCIL**

Niels Chapman	Chairman, Hanborough Parish Council
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### **HANBOROUGH ACTION GROUP (HAG)**

Dr Stuart Brooks

### **COMMERCIAL ESTATES GROUP**

Andrew Tabachnik, of Counsel	Instructed by Wolf Bond Planning
Thomas Rumble MRTPI	Wolf Bond Planning

## **DOCUMENTS (handed in at the Inquiry)**

1. Copy of email from the appellant's barrister explaining the circumstances as to why he couldn't attend the opening of the Inquiry.
2. Plan of suggested site visit route and viewpoints.
3. Composite collection of application drawings.
4. Signed and dated planning obligations (three in number).
5. Schedule of documentation relating to the two proposals.
6. Comments by HAG on the Statement of Common Ground between the appellant and WODC.
7. Updated final Statement of Common Ground between the appellant and WODC, including Appendix 1, officer's report on the residential scheme.
8. Appeal decision, land off Station Road, Eynsham (Ref. APP/D3125/W/15/3019438).
9. Appellant's opening submissions.
10. Hanborough Parish Council's opening statement.
11. WODC's opening statement.
12. Plan extract showing the western edge of Long Hanborough, and Freeland.
13. Hanborough Action Group opening statement.
14. WODC decision notice 14/0050/P/FP, dated 11 March 2014, erection of 18 dwellings, land adjacent to Riely Close, (Kents Bank), Long Hanborough.
15. Note signed on behalf of the Vanbrugh Trustees Ltd, the appellant and Eynsham Medical Group clarifying the intention that the 125-year lease of the proposed surgery would be at a peppercorn rent.
16. Calculations on behalf of WODC relating to the evidence of Ms Winnett.
17. Hanborough Action Group's calculations relating to the evidence of Ms Winnett.
18. Agricultural land classification relating to the residential site.
19. Email of 18 May 2016 to WODC from Lachlan Robertson regarding the S106 obligation in relation to land east of Church Road, Long Hanborough.
20. Note on compliance with Regulation 123 of the CIL Regulations of planning obligations sought by Oxfordshire County Council.
21. Summary of provisions within the submitted planning obligations.
22. Revised suggested planning conditions for the two proposals.
23. Hanborough Action Group's closing statement.
24. Hanborough Parish Council's closing statement.
25. WODC's closing submissions.
26. Commercial Estate Group's closing submissions.
27. Appellant's closing submissions and additional points in response to those of Hanborough Action Group, the Parish Council and WODC.
28. Costs application on behalf of the appellant.
29. WODC's response to the appellant's costs application.