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## Appeal Decision

Site visit made on 13 June 2017

by **R C Kirby BA(Hons) DipTP MRTPI**

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

Decision date: 13<sup>th</sup> July 2017

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**Appeal Ref: APP/D3125/W/17/3170752**

**Land behind (to the rear of) 29 Corbett Road, Carterton**

- 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 outline planning permission.
  - The appeal is made by Mr Farmer against West Oxfordshire District Council.
  - The application Ref 16/02114/OUT, is dated 20 June 2016.
  - The development proposed is outline planning application (all matters reserved except for access) for the erection of 10 dwellings with creation of a new vehicular access from Alvescot Road, associated landscaping, and car parking and other ancillary works.
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### Decision

1. The appeal is dismissed and planning permission is refused for the erection of 10 dwellings with creation of a new vehicular access from Alvescot Road, associated landscaping, and car parking and other ancillary works at land behind (to the rear of) 29 Corbett Road, Carterton.

### Procedural Matters

2. The application was submitted in outline. The application form makes it clear that approval is being sought for access at this stage. This would be from the B4020 Alvescot Road. It is on this basis that I have considered the appeal proposal. I have treated the illustrative drawings and masterplan accordingly.
3. The Council has referred to a number of policies within the Submission Draft West Oxfordshire Local Plan 2031 (emerging LP). Although at an advanced stage of preparation, this document has not yet completed Examination. Given the uncertainties regarding the outcome of that process, I have given this Plan limited weight in my assessment.

### Background and Main Issue

4. The appeal results from the Council's failure to determine the outline planning application within the statutory period. Although there is no formal decision from the Council, it has considered the proposal and indicated that had it been in a position to determine the application it would have refused permission. The Council is concerned about the effect of the proposal on the character and appearance of the area, the setting of the town and the Shill Brook.
  5. On the basis of the above, the main issue in this case is the effect of the proposal on the character and appearance of the area.
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## Reasons

6. Corbett Road is a residential road comprising detached and semi-detached dwellings. The western side of the road, of which No 29 forms part, comprises detached properties set in spacious plots, beyond which is open land which slopes down to the Shill Brook. Beyond Shill Brook is Willow Meadows, an area where the public have access along a number of recreational routes. There is mature landscaping between the appeal site and the appellant's boundary with Shill Brook; along the B4020; and to neighbouring properties and land to the south.
7. The appeal site comprises part of the largely open area of land to the rear of No 29. There is dispute amongst the main parties as to the use of the appeal site: the appellant considers that it is garden land; the Council consider it is paddock. The lawfulness or otherwise of the use of the land is not before me. In any event, regardless of the use of the appeal site, it is included within an area identified as a Policy Area to Prevent Urban Sprawl and to Protect Existing Character (Policy Area) within the West Oxfordshire Local Plan 2011 (LP). LP Policy NE2 applies to such areas and its objective is to give protection to some of the most vulnerable gaps or fringe/buffer area adjacent to Witney and Carterton. The policy therefore only permits certain types of appropriate development in such areas. New housing is not identified as such. In that the proposal is for 10 dwellings within this Policy Area, there would be conflict with LP Policy NE2.
8. The appellant has made reference to LP Policy H7. This policy permits new dwellings in towns and villages, including Carterton, in certain circumstances including infilling; rounding off within the existing built-up area and on sites specifically allocated for residential development. I have not been presented with evidence that the site has been allocated for residential development; the proposal would not comprise infilling as the site does not comprise a small gap in an otherwise continuous built up frontage. In terms of rounding off, Policy H7 defines this as residential development on a site within the existing built up areas of a settlement that would be a logical compliment to the existing pattern of development and would not extend into the open countryside. Given the site's location within the above Policy Area, and having regard to its visual and physical relationship to the built form of Corbett Road, I consider that it is not located within the existing built up area of Carterton. As such the proposal would not comprise rounding off under Policy H7 either.
9. The appellant's Landscape and Visual Impact Assessment identifies that the site is visually well enclosed and from my observations I have no reason to disagree. I share the appellant's view that the site is different in character to the open countryside beyond the Shill Brook, being mown and well maintained. However, the appeal site and neighbouring open land contribute to the attractive rural approach into the town, providing a landscape buffer between the built up form of the town and Shill Brook, and the countryside beyond.
10. The Council is concerned that the proposal would have an adverse effect upon the Shill Brook. This watercourse is lined by mature vegetation on both sides which has the effect of limiting views of the site from Willow Meadows. The appeal site is set off the boundary with the Shill Brook, between which are a number of trees. Over time these are likely to mature which would serve to reduce the visual impact of the scheme from the Shill Brook and Willow

Meadows. Filtered views of the site may be possible from the west of the site, particularly when the trees were not in leaf, but it is unlikely that the scheme would be visually prominent from this area. I am not convinced that the proposal would affect the tranquillity of Willow Meadows or the Shill Brook. Matters of layout and appearance are reserved for future consideration and the scheme could be designed to reduce the impact on these areas. In light of the above, and in the absence of substantive evidence to demonstrate otherwise I find that harm to the Shill Brook and land beyond, would not result.

11. However, the appeal proposal would introduce a residential scheme into a largely open area of land, where there is no residential development at present. It would extend the built form of this part of Carterton into the rural landscaped setting of the town. Whilst the layout and appearance of the dwellings is not before me at this stage, the number of dwellings proposed on the appeal site would be likely to be of a much higher density than neighbouring development in Corbett Road. The scheme would have an urbanising effect upon this attractive rural area which would be harmful to the landscaped setting of the town.
12. Although at present there are limited views of the appeal site as a result of the mature landscaping, it is likely that this would not be so once the new access was provided into the site. This is likely to result in the loss of mature landscaping along the boundary with the road which would be harmful to the character and appearance of the area and the setting of the town. The new dwellings would be obvious from the new access and would highlight this discordant development, which would exacerbate the harm identified.
13. Taking the above into account, I do not share the appellant's view as contained within the LVIA that the 'proposal could be integrated without detriment to the character or qualities of the area'. I conclude that the proposal would result in significant harm to the character and appearance of the area. This would be in conflict with the character aims of LP Policies H2 and NE2 and emerging LP Policies OS2 and EH1. There would also be conflict with LP Policy BE4, which amongst other matters seeks to avoid development which would result in the loss of open space (whether it be public or private) which makes an important contribution to the distinctiveness of a settlement and/or the visual amenity or character of the locality. LP Policy BE2 and emerging LP Policy CA3 have similar aims, including the protection of the landscape surrounding and setting for the town. The scheme would conflict with the aims of these policies also. There would also be conflict with LP Policy NE1 which seeks to protect the countryside for its own sake and LP Policy NE3 which requires development proposals to respect and, where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types.
14. The proposal would also conflict with the National Planning Policy Framework's (the Framework) core planning principle relating to the account that should be given to the different roles and character of different areas, and to the local character aims of paragraph 58 of the Framework.
15. The Council has made reference to emerging LP Policy EH3. This policy relates to public open space and green infrastructure. The text of this policy implies the importance of such space in the public realm. The appeal site is not publically accessible, and I consider that this policy is not relevant in my assessment of the appeal proposal.

## Other Matters

16. The appellant considers that the Council's policies for the supply of housing should not be considered up-to-date as it is asserted that a five-year supply of deliverable housing sites cannot be demonstrated. My attention has been drawn to the Council's housing land supply position statement of October 2016 which demonstrated that there was a 4.2 year supply of deliverable sites.
17. It is clear from the Council's correspondence with the appellant during the course of the planning application that it accepted that it could not demonstrate a five-year supply of deliverable housing sites. However, since this time the Council has produced its housing land supply position (May 2017) which indicates that a five-year supply of deliverable housing sites can be demonstrated for the period 1 April 2017 to 31 March 2022. The appellant submits that the Examination Hearings relating to individual site allocations has not yet taken place and it is put to me that given the significant number of objections relating to the draft allocations, amongst other matters, that this housing land supply position cannot be relied upon.
18. There is clearly dispute between the main parties in respect of this matter and on the basis of the evidence before me, I am unable to conclude whether or not the Council can demonstrate a five-year supply of sites. Whilst the Council has indicated that some of the allocated sites have resolutions to grant planning permission, there are others where no planning application has been received. There are also a number of sites with outline planning permission, but no reserved matters approval, or indeed applications submitted in this regard. As such, there is no certainty that all of the sites included in the Council's housing land supply position statement would come forward in the next 5 years. This could result in the Council's supply figure falling below the 5 years required by the Framework.
19. Paragraph 49 of the Framework makes it clear that relevant policies for the supply of housing (in this case Policy H7) should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Given my findings above, I have adopted a similar approach to the Council in its determination of housing applications, which is to assume the paragraph 14<sup>1</sup> tilted balance in favour of granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. The appellant supports such an approach.
20. Paragraph 49 of the Framework also states that housing applications should be considered in the context of the presumption in favour of sustainable development. There are three dimensions to sustainable development as set out in paragraph 7 of the Framework: economic, social and environmental.
21. The appeal site is located close to the town centre of Carterton where there are a range of services and facilities, including places of employment, education and recreation. The intended future occupiers of the dwellings would be likely to support these services. Jobs would be created by the scheme, both in terms of the initial construction, the fitting out, the sale of the properties and future

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<sup>1</sup> Of the Framework

- maintenance. The Council would benefit from the New Homes Bonus and would receive income from Council Tax revenue. These matters support the economic role of sustainability and weigh in favour of the proposal, and to which I give moderate weight.
22. The social role of sustainability includes supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services, amongst other matters. Whilst only access is before me for consideration at this stage, I have no doubt that a mix of dwelling types could be incorporated into the scheme which could be of a design that would be locally distinctive and of a high quality. The proposal would make a contribution to boosting the supply of housing in the area in the short term (the appellant has indicated that the housing could be delivered within 5 years) and this, along with the sites accessibility to local services amount to social benefits in favour of the scheme. I attach considerable weight to the provision of new homes, but limited weight to the other matters as they are not before me at this time.
23. The environmental role of sustainability includes making improvements to biodiversity and moving to a low carbon economy. I note the appellant's submissions that the proposal would improve biodiversity upon the site and whilst not before me at this stage, I have no reason to doubt that measures could be taken to achieve this. Given the proximity of the site to the town centre it is likely that the intended future occupiers would be able to walk or cycle to local services which would assist in moving to a low carbon future. Measures could also be taken in the design and layout of the new dwellings to ensure this. I attach moderate weight to the relationship of the site to the town, but limited weight to the other matters for the reason given above.
24. The environmental role of sustainability also includes the protection and enhancement of the natural, built and historic environment. Whilst I have not been presented with evidence that the proposal would have an impact on the historic environment, I have found earlier in my decision that the proposal would result in significant harm to the character and appearance of the area, including the rural setting of Carterton. The proposal would not protect or enhance the natural or built environment for the reasons given. This brings the scheme into conflict with the environmental role of sustainability.
25. Paragraph 8 of the Framework makes it clear that the three roles of sustainability should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. Whilst there would clearly be economic, social and environmental gains associated with the proposal, there would also be environmental harm. This would be significant and I find that this harm demonstrably outweighs the benefits of the scheme. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted. The proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations above do not justify making a decision other than in accordance with the development plan.

26. In reaching this conclusion I have had regard to the appeal decisions and schemes that the appellant has referred me to<sup>2</sup>. The 2 appeal decisions were for much larger schemes than that before me and in different areas of the District. Whilst the main issue identified was similar to that identified in this appeal, I find little similarity to the scheme before me. In terms of 17 Corbett Road, this was for a single dwelling located close to the built form of the town and is not directly comparable to the appeal proposal. The schemes at Shilton Road, East Carterton and Sunset View are in a different part of the town to the appeal site. The scheme at Sunset View was in any event withdrawn prior to the Council determining it. In light of these matters, I find that the referenced schemes are not directly comparable to the one before me. I therefore attach limited weight to them in my assessment of the appeal proposal. I have not been provided with drawings of the scheme referred to in the evidence submitted by Aspect Landscape Planning<sup>3</sup> so have been unable to consider this matter further. In any event, each planning application and appeal should be determined on its individual merits and this is the approach that I have taken in this case.

### **Conclusion**

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

*R C Kirby*

INSPECTOR

Richborough Estates

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<sup>2</sup> Ref APP/D3125/W/16/3148400; APP/D3125/W/15/3139687; scheme to the east of Carterton; 17 Corbett Road; Land west of 93A Shilton Road, Carterton; East Carterton and Sunset View, Upavon Way, Carterton.

<sup>3</sup> Ref APP/D3125/W/16/3143885