



Appeal Decision

Inquiry Held on 17 to 20 and 24 April 2018

Site visit made on 17 and 23 April 2018

by J Dowling BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2018

Appeal Ref: APP/D3125/W/17/3182864

Land South East of Lancott Lane, Brighthampton, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Spitfire Bespoke Homes Limited against the decision of West Oxfordshire District Council.
 - The application Ref 17/00965/FUL, dated 22 March 2017, was refused by notice dated 12 July 2017.
 - The development proposed is full planning permission for residential development comprising 46 dwellings, together with access, landscaping and associated infrastructure.
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Decision

1. This appeal is dismissed.

Procedural Matters

2. On the application form the site address is given as Land South of Abingdon Road, Standlake. However when the application was registered, the Council referred to the site as 'land south east of Lancott Lane, Brighthampton'. Given the length of the Abingdon Road I consider that this address more accurately identifies the location of the site and therefore I have used this in my banner heading.
3. Prior to the start of the Inquiry the Council confirmed that in the second reason for refusal they had erroneously referred to policy BE5 of the West Oxfordshire Local Plan 2011(the LP). This policy deals with development in conservation areas and as the site is not within a conservation area I agree it is not relevant and have therefore not considered it when reaching my decision.
4. Since the application was determined there have been further modifications to the emerging West Oxfordshire Local Plan 2011-2031. As a consequence a number of policies referred to in the Council's reasons for refusal have been modified or changed. In particular policy EH7 under the further modifications had been revised so that in addition to policy EH7 parts of it now appear in policies EH9, EH11 and EH14 as well as EH7.
5. The Inquiry sat for five days. I undertook an unaccompanied site visit on the morning of 17 April 2018 to enable me to familiarise myself with the site and observe the traffic flows along the Abingdon Road during the morning peak. In addition on 23 April 2018 I visited the site and the immediate area on an accompanied basis before visiting a number of pre-agreed locations in the wider area on an unaccompanied basis.

6. A Statement of Common Ground (SoCG) was submitted before the start of the Inquiry which set out the policy context along with matters of agreement and those in dispute. This included confirmation that the Council could not demonstrate that they had five years worth of housing land supply.
7. The SoCG also set out that although policy BE12 of the LP is relevant to the extent that there is a Scheduled Ancient Monument (SAM) located to the south east of the site the Council do not allege any material harm to the SAM.
8. Two completed Section 106 (S106) agreements were submitted at the close of the Inquiry. The S106 agreements would deliver financial contributions towards improvements to the bus stops and bus service; alterations and improvements to the highway; provision on-site of 18 units of affordable housing and financial contributions towards enhancement and maintenance of recreational facilities for sport, play and public art.
9. At the Inquiry the Council confirmed that the S106s would resolve the fourth reason for refusal. Furthermore, the Council submitted written evidence that they considered that the S106s would be compliant with regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations (2010)(as amended).
10. In light of all I have read, heard and seen I have no reason to disagree with the Council and the appellant with regards to policy BE12 and contributions and as a result I have revised the main issues to reflect this.
11. The site would deliver a new area of public open space which the appellant refers to as a village green. However, it was confirmed at the Inquiry that this was a descriptive label and whilst the area would deliver a new area of public open space it was not a village green for the purposes of the Commons Act 2006.
12. Finally, during the accompanied site visit it became clear that a property that had been referred to as Yew Tree Farm throughout the Inquiry was in fact called Hamilton House. Whilst the property was historically known as Yew Tree Farm when the site to the rear was developed the name was transferred to this development and the original property renamed. However, in order to provide consistency and clarity for the purposes of this decision letter I will continue to refer to the property by its original name Yew Tree Farm.

Main Issues

13. Based on the original reasons for refusal and the evidence submitted and heard in relation to the appeal I consider that the main issues are:
 - the effect of the proposal on the character and appearance of the area with particular regard to the effect on the countryside;
 - the effect of the proposal on the setting of a number of listed buildings; and
 - the effect of the proposals on the living conditions of future occupiers of the proposed units with particular reference to overlooking and the future retention of trees.

Reasons

Policy Background

14. The development plan for the area consists of the West Oxfordshire Local Plan 2011(the LP). The plan expired in 2011 however the majority of the policies were saved in 2009 and it is these saved policies that provide the basis for decisions until they are replaced by the emerging West Oxfordshire Local Plan 2011-2031 (the ELP).
15. The policies most relevant to the determination of this appeal are BE2, BE4, BE8, BE12, NE1, NE3, H2 and H3.
16. It was accepted at the Inquiry that the LP was 'time expired'. However, this does not mean that it ceases to be the development plan for the purposes of considering this appeal. The National Planning Policy Framework (the Framework)¹ advocates that the closer the policies in a plan are to the policies in the Framework, the greater the weight that they may be given.
17. Policy BE2 states that new development should respect and where possible improve the character and quality of its surroundings. It provides a number of criteria that proposals need to meet including, amongst other things, that it is well designed and respects the existing scale, pattern and character of the surrounding area (a); that existing features of importance are protected and/or enhanced (d) and the landscape surrounding and providing a setting for existing villages is not adversely affected (e). As such I consider that BE2 accords with the approach set out in section 7 of the Framework regarding good design and consequently it can be given full weight.
18. Proposals for development within or adjoining the built-up area 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 (policy BE4). The appellant advocated that as the policy does not distinguish between areas of particular merit it could apply to any area of open space that adjoins a built up area. As a result they consider that the policy effectively results in a blanket type protection contrary to the guidance provided by the Framework. However, I consider that criterion 'a' provides a number of criteria by which to assess open space. As a result in my opinion the policy does not conflict with the Framework and can therefore be afforded full weight.
19. Policy BE8 seeks to protect the setting of listed buildings. It was agreed at the Inquiry that whilst this policy was generally consistent with the underlying aims of the Framework, to conserve and enhance the historic environment, as it does not reflect the need to weigh any harm against the public benefits² the weight that can be attached to it is limited.
20. Policy NE1 aims to safeguard the countryside. It advocates that proposals should maintain or enhance the countryside for its own sake. Whilst the Framework³ recognises the intrinsic character and beauty of the countryside it also seeks to support thriving rural communities including through the

¹ Paragraph 215 of the National Planning Policy Framework (2012)

² Paragraph 134 of the National Planning Policy Framework (2012)

³ Paragraph 17 of the National Planning Policy Framework (2012)

- provision of housing. As a consequence I consider that this policy can only be afforded moderate weight.
21. Policy NE3 states that development will not be permitted if it would harm the local landscape character of the district. Furthermore it advocates that proposals should respect and, where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types. Whilst the policy is not criteria based I consider that the overall aims of the policy are generally consistent with the Framework and as such I consider that it can be given significant weight.
 22. Policy H2 advocates that proposals for additional dwellings should not, amongst other things, erode the character and appearance of the local area, including important buildings and public and private open space (a); adversely affect features of historical importance and their setting (b); create unacceptable living conditions for existing and new residents (d); create unsafe conditions for the movement of people and vehicles (e); and set an undesirable precedent (f). This policy is consistent with the Framework which seeks to achieve high quality design and good standards of amenity⁴ and it can therefore be afforded full weight.
 23. Policy H3 requires new development to provide a range and type of accommodation. This is in accordance with the Framework which seeks to deliver a wide choice of high quality homes. Consequently, in my opinion it can be given full weight.
 24. For many of these policies the appellant advocated that they should be afforded reduced weight as, unlike the Framework, they do not provide a balancing exercise of the harm against the benefits of the proposal. However, the balance of harm against benefit is undertaken not on a policy by policy basis but as part of the overall planning balance when the development plan is considered as a whole alongside any other material considerations. As a consequence I do not consider that the fact that individual policies do not include a balancing exercise would necessarily mean that they were inconsistent with the Framework or that they should be afforded reduced weight.
 25. The Framework⁵ states that the more advanced the preparation of the plan the greater the weight that the policies it contains may be given. The ELP is currently at an advanced stage. The Examining Inspector has indicated, other than in respect of the strategy/site allocations for the Burford-Charlbury sub-area, that subject to further modifications the plan is likely to be capable of being found legally compliant and sound.
 26. All the policies referred to by the Council in their reasons for refusal were subject to further modifications. These further modifications were the subject of an additional round of consultation which ended just before the Inquiry opened. Details of the results of this consultation were not therefore available to the Inquiry. As a result it is not clear whether outstanding objections to the ELP have been resolved by the further modifications. As a consequence I consider that the policies contained within the ELP at this stage can only be given limited weight.

⁴ Paragraph 17 of the National Planning Policy Framework (2012)

⁵ Paragraph 216 of the National Planning Policy Framework (2012)

The effect of the proposal on the character and appearance of the area and the open countryside

27. All parties agreed that the proposal would affect the character and appearance of the area by virtue of introducing housing and its related infrastructure into what is a greenfield site. However, it is the harm that would result from this change and the effect that this would have on the character and appearance of the area that falls to be assessed.
28. The site has no specific landscape designation in adopted planning policy terms and is not a valued landscape for the purposes of the Framework⁶. However, a lack of formal designation or protection does not necessarily mean that the site's landscape is without worth or value.
29. Standlake and Brighthampton are two linear villages that are clustered along the High Street/Rack End/Church End in the case of Standlake and the Abingdon Road/Witney Road in the case of Brighthampton. Whilst originally two distinct settlements over time the villages, in my opinion, have become contiguous as the boundaries between the two have become increasingly blurred as the historic gaps along the Abingdon Road have been infilled with development. I observed on my site visit that the only two significant gaps that remain along the Abingdon Road are the appeal site and the Oxford Downs Cricket Club.
30. The majority of the site consists of a series of small paddocks which are used for grazing horses and a small area of scrub and woodland. The site is enclosed by post and rail fencing, mature hedgerows and trees with larger agricultural fields beyond.
31. The appeal site has an open and pleasing aspect and offers visual relief and a sense of openness and rurality which provides the setting for the surrounding village. It is clear from what I have read and heard that the site's open and undeveloped nature is clearly appreciated and valued by those who live in and around the area.
32. I consider that the proposed new units through the use of materials and architectural detailing would reflect the design and character of other recent developments within the vicinity of the site. However, whilst I accept that the proposal would be at a relatively low density, I recognise that on the basis of what I heard at the Inquiry and observed on site that it would be higher than surrounding infill developments and the village when considered as a whole.
33. Furthermore, due to the number of units proposed, the scheme would result in a different layout and urban grain to the established pattern of development. In particular I consider that it would result in development at depth in an area of the village where the predominant character is individual houses on large plots. I also observed on site that where infill development for a number of units has occurred, such as the Orchard or at the edge of the Cricket Club, this is at a much smaller scale and of a limited depth.
34. The appellant has highlighted that a significant area of the Abingdon Road frontage would be given over to the proposed village green which would deliver a new area of public open space. As a consequence they contend that the

⁶ Paragraph 109 of the National Planning Policy Framework (2012)

- visual openness that the site contributes to the character of the area and the setting of the village would be retained.
35. However, in reality the proposal would replace undeveloped countryside with a formal enclosed area of open space surrounded by housing which would limit views out of the village and erode the feeling of rurality provided by the current natural and semi natural space. As a consequence in my opinion the sense of openness and the contribution that the site makes to the rural setting of the wider area would be lost.
36. In terms of views in the wider landscape due to the lack of public access these are very limited and mainly consist of long distance glimpsed views from the B4449. There are also limited views of the site from the access road to the 3 T's Water Sports Club and along Croft Lane both of which are private roads. I observed on my site visit that from all of these vantage points the site is viewed against the backdrop of the existing village and that the hedges and trees located along the side and rear boundaries filter views of the site from these locations.
37. The indicative landscaping plan shows this planting would be retained and reinforced and I agree that this could be achieved by means of suitably worded conditions. As a consequence, I consider that the effect of the proposal on the character and appearance of the wider countryside would be relatively limited as whilst it would extend the edge of the settlement it would be viewed against the backdrop of the existing village and would be softened by the existing and proposed boundary landscaping. This was confirmed by the appellants Landscape and Visual Impact Assessment (LVIA).
38. I observed on site that the site benefits from a degree of tranquillity particularly as you progress within the site away from the Abingdon Road frontage. The proposal would result in the replacement of the current areas of pasture with a sizeable housing scheme and the traffic and activity that would be associated with this. In my opinion, particularly given the depth of the development proposed, this would undermine the current tranquillity of the site and the surrounding area.
39. Consequently whilst I agree with the appellant that the proposal would not adversely affect the character and appearance of the wider landscape it would, for the reasons set out above, result in the loss of an area of open space that contributes positively to the character and appearance of the area by introducing development at depth and of a layout which would result in urbanisation of the site and the erosion of the rural character of the area. As a result the proposal would be contrary to policies BE2, BE4, NE3 and H2 of the LP and the Framework which amongst other things seeks that development should respond to local character and reflect the identity of local surroundings. The conflict with these policies must be considered as part of the overall planning balance.

The effect of the proposal on the setting of a number of listed buildings

40. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering a proposal which would affect a listed building or its setting special regard needs to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.

41. The Framework defines Listed Buildings as a designated heritage asset and defines the setting of a heritage asset as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve'*⁷.
42. The Planning Practice Guidance (the Guidance)⁸ provides further clarification by advising that as setting is the surroundings in which an asset is experienced this can be more extensive than its curtilage. However, the Guidance also advises that a thorough assessment of the impact on the setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which the proposed changes enhance or detract from that significance and the ability to appreciate it. Whilst setting is often expressed by reference to visual considerations it can include other factors such as the historic relationship between places.
43. There are three grade II listed buildings in close proximity to the appeal site. Langcotta and Midway, a pair of modest agricultural workers cottages are located on Lancott Lane adjacent to the north western boundary of the site. Glebe Farm an 18th Century farmhouse is located on the opposite side of Abingdon Road to the appeal site.
44. It would appear from what I have read and heard that the importance of Midway and Langcotta derives primarily from their group value of which the setting contributes to their significance. I observed on site that with the exception of a few glimpsed views Langcotta and Midway are effectively screened from the appeal site by the existing trees and scrub. The proposal would result in the removal of the scrub and a number of trees and their replacement with an area of landscaped public open space bounded by the new houses. As a consequence the setting of these buildings would fundamentally change.
45. The Council consider that this change would result in a high degree of harm to the setting of these buildings. However, whilst the appellant acknowledges that the setting would change they advocate that the removal of the scrub and some of the trees would improve the setting of these buildings by opening them up to wider views. They would be adjacent to the proposed village green which would enable public access and provide information about the listed buildings through information boards thereby enhancing the significance of the heritage assets and delivering the sense of place aspired to by the Framework⁹.
46. From the information available it would appear that the scrub and some of the trees are, historically speaking, a relatively recent feature and therefore views from Abingdon Road across the paddocks of Langcotta and Midway would in the past have been possible. However, whilst the proposal would potentially reinstate these views previously the properties would have been viewed in the context of an informal rural landscape which in turn reflected the agricultural past of these buildings. As a result I consider that the loss of these fields and their replacement with a sizeable housing development and formal open space would harm the setting of these buildings albeit that I accept that this harm would be less than substantial.

⁷ Annex 2: Glossary of the Framework

⁸ ID-18a-013-20140306

⁹ Paragraphs 59 and 131 of the National Planning Policy Framework (2012)

47. The effect on the setting of Glebe Farm would, in my opinion, be more peripheral as given the orientation and location of this building it has limited visual links to the site and whilst there are views from the site to Glebe Farm these are not publicly available views.
48. However, the Council consider that by introducing development opposite Glebe Farm the rural setting for this building would be eroded which amongst other things would result in the loss of the historical context of the building which results from linkages between the ownership and management of the appeal site and Glebe Farm.
49. To support this the Council provided a series of historic maps which show that historically the appeal site and Glebe Farm to be variously owned and/or farmed by the same people. Whilst I accept that this may be the case, I consider that although an educated observer would be able to appreciate the historic nature of Glebe Farm and would be aware of its agricultural use they would not be aware of a specific link with the site. As a consequence whilst I accept that the proposal would change the setting of this listed building I do not consider that it would impair the ability to appreciate or understand Glebe Farm as an historic building.
50. In addition, although not mentioned in their reasons for refusal, at the Inquiry the Council advocated that the proposal would also result in harm to the setting of Yew Tree Farm which they considered to be a Non Designated Heritage Asset (NDHA). The Framework states that the effect of an application on the significance of a NDHA should be taken into account in determining an application. However, in weighing the harm a balanced judgement is required having regard to the scale of any harm or loss and the significance of the asset.
51. Yew Tree Farm like Glebe Farm is a circa 18th Century Farmhouse located on the opposite side of the Abingdon Road to the appeal site. As with Glebe Farm it has similar linkages to the site regarding ownership/farming which would be lost through the development of the site. As with Glebe Farm, I consider that the loss of this link would not impair the ability to appreciate Yew Tree Farm as an historic building.
52. However, the appeal site does make a contribution to the setting of both Glebe Farm and Yew Tree Farm by providing a rural and undeveloped backdrop for these buildings. As a result I accept that the loss of this backdrop would affect the setting of these buildings. However, I consider that this harm would be less than substantial and compared to the effect of the proposal on Midway and Langcotta would be at the lower end of the 'less than substantial' spectrum.
53. For these reasons I consider that the proposal would cause harm to the significance of the designated and non-designated heritage assets albeit that such harm would be less than substantial. Nonetheless, I attach considerable importance and weight to the statutory duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be had to the desirability of preserving the setting of a listed building. Where this occurs the Framework¹⁰ states that this harm should be weighed against the public benefits of the proposal and I will consider this in detail when weighing the planning balance.

¹⁰ Paragraph 134 of the National Planning Policy Framework (2012)

The effect of the proposals on the living conditions of future occupiers of the proposed units with particular reference to overlooking and the future retention of trees

54. The Council consider that at various points the interface distances between the proposed units would be unacceptably short which could result in overlooking between units. As a 'rule of thumb' they advocate that the distance between units should be a minimum of 21metres, albeit they accepted that this distance was not stipulated by any of the Council's policy or guidance.
55. I agree that due to the layout the distances between the frontages of properties would be less than the 21metres advocated by the Council. However, as was highlighted at the Inquiry and observed on site front to front distances are often much less than the suggested 21metres. The proposed layout would comply with the front to front distances envisaged by the Commission for Architecture and the Built Environment guidance¹¹ and as such I am satisfied that whilst the distances would be less than those advocated by the Council the proposal would not result in levels of overlooking that would adversely affect future occupiers of these units.
56. There are a number of mature trees and hedgerows that are located along the boundaries of the site which would be incorporated into the rear garden areas of some of the proposed new units. As highlighted earlier the retention of these trees at their current height and spread is important as they help to filter views of the site from the surrounding area and would help provide an established landscape setting for the scheme.
57. I am satisfied on the basis of the information submitted that the proposed development could be constructed without damaging the trees. I also accept that the condition suggested by the appellant could provide the Council with some control over any future tree works including removal. However, whilst I note the appellant's comments regarding the fact that occupiers of these units would have chosen to purchase them in the knowledge of the landscape features I agree with the Council that given the size of the trees, their proximity to a number of the units and the limited size of these plots there is a very strong possibility that there would be pressure from future occupiers concerned about light to both the house and garden, leaf litter or structural damage to remove or substantially reduce these trees.
58. Given that one of the tests that a condition must meet is that it is reasonable I consider that the Council would find it difficult to refuse permission for trees to be reduced or removed if they adversely affected the residents living conditions. As there are limited opportunities for soft landscaping within the site the reduction or loss of these trees, which are important to help to filter views, would be unacceptable. As a consequence I consider the proposal would be contrary to policy BE2 and H2 of the LP.

Other matters

59. Local residents raised concerns given the issues currently experienced within the village, as to whether the drainage network would have the capability of accommodating the proposed new units. From the evidence I heard at the Inquiry it would appear that the current capacity problem results from the

¹¹ DETR/CABE – By Design Urban design in the planning system: towards better practice (2000)

infiltration of surface water into the foul water system and that if this was removed the network would have sufficient capacity to accommodate the development. Furthermore, it was confirmed at the Inquiry that the development would connect to the network at a point where the pipes had the correct dimensions to take the predicted flows. Whilst the pumping station where these waters accumulate is currently having to be pumped by tanker this appears to be a short to medium term problem that the Water Authority is aware of and are developing a strategy to resolve.

60. I note that the Water Authority provided conflicting comments to the council when they considered the application. However, I am satisfied on the basis of the evidence that I heard that their current position is that subject to a number of suitably worded conditions they do not object to the scheme. I am therefore satisfied that there would be no conflict with paragraphs 100-103 of the Framework. I am also satisfied on the basis of what I have read and heard that subject to the use of a suitably worded condition that surface drainage could be managed acceptably on site.
61. It was clear from the evidence submitted that there is a strong level of local concern regarding highway safety in relation to the proposed new access point; pedestrian crossing and the alterations that would be required to the road and pavements in the vicinity of the site. I observed on my site visits that the A415 is a busy road and that the site is located between two bends. Furthermore, it was clear from the evidence submitted and what I observed on site that most traffic using the road travels in excess of the 30mph speed limit.
62. The concerns regarding highway safety appear to relate to the fact that the road alterations and junction have been designed using the Chartered Institution of Highways and Transportation Manual for Streets Two (2010)(MfS2) standards rather than the Design Manual for Roads and Bridges (DMRB). The guidance contained within DMRB would amongst other things require wider visibility splays than currently proposed. Oxfordshire County Council (the Highways Authority) have confirmed that they are satisfied that the proposed junction design accords with their guidance which is based on both MfS2 and DMRB. As a result they did not object to the proposal. I am satisfied that the proposed junction layout would meet the requirements of the OCC guidance. As a result although I note the detailed evidence provided by Standlake Objects to Spitfire I do not consider that on balance this is sufficient to require the use of the more onerous DMRB guidance as I am satisfied that the proposed road alterations and new junction have been designed to maintain highway safety.
63. However, following my site visit I do have concerns regarding the proposed pedestrian crossing point which appears to have no visibility splays; is in close proximity to a bend in the road; would be unlit and would be located within the area of the new road markings designed to slow traffic. As a result I have a degree of uncertainty as to whether this would provide a secure crossing point for future occupiers of the site.
64. The Council and local residents advocate that due to its location the proposal would be remote from local facilities the majority of which are located in Standlake. Whilst I acknowledge that it would be possible to walk or cycle from the site to these facilities I accept that there are limited public footpaths in the vicinity of the site and the volume of traffic on the Abingdon Road makes

it a relatively hostile environment for cyclists. However, I note that through the S106s that footpath improvements and a pedestrian crossing point are proposed which would in my opinion increase the likelihood of people cycling or walking.

65. I agree with the Council that to meet their day to day needs most future residents would need to access facilities in the larger neighbouring settlements of Witney, Oxford or Abingdon. However, I consider that this is due to the fact that facilities in the village are relatively limited. Although there is a shop/post office it provides a relatively limited range of goods and services; the bus service to Witney and Carterton is restricted and in my opinion would not be an attractive option for travel on a regular basis. Furthermore, from what I observed on site opportunities for employment within the village and the surrounding area would appear to be relatively narrow. As a result given the limited access to public transport, even with the potential future improvements to the frequency of the service that would be delivered by the S106, I agree with the Council that the majority of these trips would be by private car.
66. However, I recognise that given its rural location Standlake and Brighthampton are not unique in having access to limited facilities and residents who are reliant on the car to meet their day to day needs. As the appellant has highlighted the ELP Sustainability Report classifies Standlake as 14th out of 41 settlements and 5th out of 32 villages in terms of sustainability. Therefore, whilst recognising that the development would be on the edge of the village, given the location of the site in the context of this predominantly rural district I consider that the proposal would be located within one of its more sustainable locations.

Section 106 Contributions

67. In order to comply with the Framework and policy H11 of the LP a percentage of the proposed units would need to be affordable. The appellant has submitted a completed S106 agreement. Under the terms of the agreement 18 of the units would be affordable.
68. In addition the S106 would also provide financial contributions to enable the delivery of off-site highways works and improvements which the Highways Authority considered necessary in order ensure that the site can be accessed safely by both vehicles and pedestrians.
69. In order to encourage future occupiers of the site to travel sustainably financial contributions would fund improvements and access to the bus stops in the vicinity of the site and in time potentially enable improvements to the frequency of the service.
70. Financial contributions would be paid towards enhancement of local sport and play facilities. In addition there would be a contribution towards public art which could potentially be used for the interpretation boards or focal feature on the proposed village green.
71. On the basis of the evidence that I have read and heard I am satisfied that the obligations within the S106s are related to requirements of development plan policies and necessary to make the development acceptable in planning terms. Furthermore, I consider that they are directly related to the development and fairly and reasonably related in scale and kind. As a consequence I consider

that they would meet the tests within the Community Infrastructure Levy Regulations (2010)(as amended)¹² and the Framework¹³.

Planning Balance

72. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that determination of planning applications should be carried out in accordance with the development plan unless material considerations indicate otherwise. Whilst the requirement of planning law is at the heart of the balancing exercise the planning balance also requires planning judgement to be exercised.
73. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. It advocates that where the development plan is absent, silent or relevant policies are out of date permission should be granted 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 within the Framework indicate development should be restricted. Designated heritage assets are one such policy albeit that paragraph 134 of the Framework requires the harm to the asset to be weighed against the public benefits of the proposal.
74. The proposal would deliver several social and economic benefits. The site is in an accessible location and would deliver housing in a district where it is accepted that they do not have a Framework compliant supply of housing. Moreover, the scheme would secure the delivery of affordable housing in an area where there is an acknowledged local need, a history of under provision and a declining stock. Furthermore the proposal would deliver a mix of unit sizes which would increase housing choice within the local area. There would be a number of limited financial benefits that would result from the delivery of the new units including increased council tax receipts and the New Homes Bonus. In the short term the proposal would deliver a number of construction and supply jobs and in the longer term the new units would bring new households which would use local businesses and services. As a result I acknowledge that the scheme would deliver a number of positive benefits which, particularly the delivery of housing, must be given significant weight.
75. The proposal would provide a significant area of open space which would be publicly accessible and would be retained in perpetuity. Heritage interpretation boards and opening up views of the listed buildings would enable greater accessibility and understanding of the heritage assets. The proposal would also deliver improvements and access to the bus stops and in the long term has the potential to increase the frequency of the service. Financial contributions to enhance local sport, play and public art would improve facilities within the local area all of which would benefit the wider community as well as future residents of the scheme. However, these predominantly represent measures to mitigate the harm that would arise from the scheme and consequently I consider that I can only give them limited weight.
76. I also accept that due to its rural nature development elsewhere in West Oxfordshire and within the housing sub-area is often constrained due to restrictive designations such as Green Belt, Areas of Outstanding Natural

¹² Regulation 122

¹³ Paragraph 204

Beauty and Conservation Areas. I agree with the appellant that development of this site could help remove pressure to develop these sites and help towards the housing target within the housing sub-area that the ELP envisages will be delivered through windfall sites and as such I give this matter some weight.

77. In addition to the weighing of the harm to the asset against the public benefits of the proposal the Framework also requires that great weight should be given to the assets conservation¹⁴. For the reasons I have outlined I consider that the level of harm to Yew Tree Farm and Glebe Farm would be limited and as such the harm to these assets would be outweighed by the public benefits delivered by the scheme.
78. However, with regards to Langcotta and Midway I consider that there would be significant harm to the setting of these assets which would not be outweighed by the public benefits, including the provision of housing, that would be delivered by this scheme and as a result I consider that the 'tilted balance' in favour of sustainable development does not apply.
79. Furthermore, for the reasons that I have outlined I consider that the proposal would adversely affect the character and appearance of the Abingdon Road and Lancott Lane and the setting of Brighthampton and Standlake. Consequently I consider that the proposal is contrary to the Local Plan as a whole and specifically policies BE2, BE4, NE3 and H2 and the Framework. As a result I consider that the impact of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework when considered as a whole.

Conclusion

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

Jo Dowling

INSPECTOR

¹⁴ Paragraph 132 of the National Planning Policy Framework (2012)

APPERANCES

FOR THE LOCAL PLANNING AUTHORITY

Mr Charles Streeten, of Counsel

He called

Mr Justin Ayton	West Oxfordshire District Council
Ms Catherine Tetlow	West Oxfordshire District Council
Mr Will Marshall	Oxfordshire County Council

FOR THE APPELLANT

Mr Jeremy Cahill QC, of Counsel

He called

Mr Andrew Cook BA(Hons) MLD CMLI MIEMA CENV	Pegasus Group
Mr Tim Cooke MMath (Hons) MCIHT	BWB Consulting Ltd
Mr Robert Linnell BSc (Hons) MPhil MRTPI	Savills (UK)
Mr Stuart Nelmes BSc (Hons) MCIWEM CENV MRes	BWB Consulting Ltd
Mr Simon Roper-Presdee BSc (Hons) PG Cert PCIfa IHBC	WYG
Mr Trevor Wright	Thrive Architects

FOR THE RULE 6 (Standlake Objects to Spitfire and Standlake Parish Council)

Mr Andrew Bateson

He called

Ms Carolyn Place	Local resident
Mr Matthew Harris	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

Document Number	Document name	Submitted by
Document 1	Rebuttal Statement in respect of Rule 6 party on planning matters	Appellant
Document 2	Transport rebuttal note	Appellant
Document 3	Technical drainage note	Appellant
Document 4	Flood Zone map	Council
Document 5	Plan showing the extent of the land rising (plan number: LSB-BWB-HDG-XX-DR-PD-005 S2 P1)	Appellant
Document 6	Images of Thames Water tankers undertaking tankering of foul water at Standlake pumping station	Rule 6
Document 7	Opening statement on behalf of Spitfire Bespoke Homes Limited	Appellant
Document 8	Opening statement on behalf of West Oxfordshire District Council	Council
Document 9	Opening statement on behalf of the Rule 6 Party the residents group 'Standlake Objects to Spitfire' (SoS) and Standlake Parish Council (SPC)	Rule 6
Document 10	Summary of proposed S106 agreements	Appellant
Document 11	Draft suggested conditions and covering explanatory email	Council
Document 12	Copy of High Court judgement on the case of Alwyn De Souza and the Secretary of state for Communities and Local Government and Test Valley Borough Council	Council
Document 13	Note to Inspector on the Emerging Local Plan 2031	Council
Document 14	Copy of the modified wording for policy EH7 of the emerging West Oxfordshire Local Plan 2031	Council
Document 15	Plan showing the location of Tree Preservation Orders in the Brighthampton and Standlake area	Council
Document 16	Series of aerial photos from 1952 showing the appeal site and surrounding properties	Council
Document 17	Extracts from Manual for Streets 2	Appellant
Document 18	Core Document references for Mr Stuart Nelmes technical drainage note	Appellant
Document 19	Copy of appeal decision for the land south of High street, Milton-under-Wychwood, OX7 6ET (PINS reference: APP/D3125/W/16/3143885)	Appellant
Document 20	Extract from British History Online regarding Standlake (pages 203-204)	Council
Document 21	Copy of appeal decision for land west of Church Road, Long Hanborough, Oxfordshire (PINS reference: APP/D3125/W/17/3184056)	Council
Document 22	Copy of appeal decision for land south of New Yatt Road, North Leigh, Oxfordshire OX29 6TN (PINS reference: APP/D3125/W/15/3136376)	Council
Document 23	Copy of response from WODC – leisure facilities	Council

Document 24	SHELAA 2016 Map extract for site 158	Rule 6
Document 25	Site visit map	All parties
Document 26	Copy of Court of Appeal decision for Hopkins Homes Ltd v Secretary of State for Communities and Local Government and another Cheshire East Borough Council v Secretary of State for Communities and Local Government and another	Council
Document 27	Suggested condition with regards to trees and hedgerows	Appellant
Document 28	Manual for Street references in relation to Mr Tim Cooke's evidence on highway matters	Appellant
Document 29	Closing submission on behalf of the Rule 6 Party the residents group 'Standlake objects to Spitfire' (SOS) and Standlake Parish Council (SPC)	Rule 6
Document 30	Closing submissions on behalf of West Oxfordshire District Council	Council
Document 31	Closing submission on behalf of Spitfire Bespoke Homes Limited	Appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

Document 32	Copy of appeal decision APP/D3125/W/17/3182718 for Land South of Oxford Road, Enstone, Oxfordshire OX7 4NE which was Core Document 35	Appellant
Document 33	Certified copy of the signed S106 agreements	Appellant
Document 34	Set of agreed conditions	All parties