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## Appeal Decision

Inquiry held on 6 - 9 November 2018

Site visits made on 5 and 9 November 2018

**by H Baugh-Jones BA(Hons) DipLA MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> January 2019**

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**Appeal Ref: APP/Q3115/W/18/3200335**

**Watlington Road, Lewknor**

- 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 Rainier Developments Limited against the decision of South Oxfordshire District Council.
  - The application Ref P17/S3711/0, dated 17 October 2017, was refused by notice dated 26 March 2018.
  - The development proposed is the erection of up to 40 homes, associated open space, local area of play and other infrastructure, with all matters reserved save for that of access.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline with all matters other than access reserved for future consideration. At the Inquiry, it was confirmed that with the exception of the Site Location Plan (Drawing No P17-1042\_02 (Rev 1)) and Proposed Site Access (Drawing No SK01 B), all other plans are for illustrative purposes only. However, a revised masterplan was submitted at the Inquiry showing how the site might be developed and the general ratio of built-up area to open space. Whilst the revised masterplan is not determinative in the appeal, it has been seen by the Council and a copy was made available in the Inquiry room for interested parties to view. The principle of development is not changed by the revised masterplan and I am satisfied that no-one's case is prejudiced by my having regard to it.
3. Prior to the Inquiry, it was agreed between the parties that no witnesses would be called to give substantive evidence on housing land supply (HLS) matters. Furthermore, there is agreement between the parties that the matter of urban design falls to be considered as part of reserved matters. For that reason, the Council did not present evidence on urban design although the appellant's urban design witness gave evidence in chief to provide some 'scene setting' and answered questions put by interested parties.
4. I made an unaccompanied site visit on the day before the Inquiry and a part accompanied, part unaccompanied site visit to a number of places around Lewknor on the final day.
5. A completed Planning Obligation under Section 106 of the Town and Country Planning Act (S106) was provided at the Inquiry. The S106 includes obligations

relating to affordable housing, open space, public art and highway works and contributions to biodiversity enhancements, street numbering and naming and recycling.

6. After the close of the Inquiry, the Council drew my attention to a recent appeal decision<sup>1</sup> relating to another site in South Oxfordshire. The appellant has made written representations on this and I have taken those and the Inspector's findings in that other case into account in making my decision.

### **Main Issues**

7. From all I have read, heard and seen the main issues are:
  - Whether the proposal would accord with the development plan strategy for the location of housing including having regard to (i) its effects on the character and appearance of the area including the Chilterns Area of Outstanding Natural Beauty (AONB) and the form and character of Lewknor; and (ii) whether it would provide satisfactory access to shops and services with particular regard to the availability of sustainable transport modes
  - Whether there are any other material considerations which would indicate that the proposals should be determined other than in accordance with the development plan

### **Reasons**

#### ***Development plan strategy for the location of housing***

##### *Planning policies for housing*

8. The development plan for the area includes the South Oxfordshire Core Strategy (2012) (CS) and the saved policies of the South Oxfordshire Local Plan (2006) (LP). The Council is preparing the South Oxfordshire Local Plan 2011-2033 (SOLP). This is proceeding but has been subject to delays and a further pre-submission consultation is not scheduled to take place until January 2019. The LP was never intended to go beyond 2011 and is therefore time-expired.
9. It is common ground between the parties that the proposal conflicts with CS policies CSS1, CSH1 and CSR1 insofar as they relate to the provision of residential development in smaller villages. From all that has been put to me, I have no reason to take an alternative view. Nevertheless, at the Inquiry and subsequently in relation to the Emmer Green appeal decision, the appellant argued that policy CSH1 is out of date because it does not reflect the current housing requirement.
10. Policy CSS1 of the CS sets out the overall strategy which focusses major new development in Didcot. For smaller villages such as Lewknor, policy CSS1 seeks to support them by allowing for limited amounts of housing and employment and by the provision and retention of services. Outside the towns and villages, any change will need to relate to very specific needs such as those of the agricultural industry or enhancement of the environment.
11. Policy CSH1 of the CS is concerned with the amount and distribution of housing in the District and together with accompanying Tables 7.1 to 7.3 it provides

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<sup>1</sup> Ref APP/Q3115/W/17/3185997 (Land off Peppard Road, Emmer Green)

- details of the number of homes to be provided and their locations in accordance with the overall strategy in policy CSS1.
12. The amount of housing provided for by policy CSH1 is based on the South East Plan which has been revoked. Consequently, policy CSH1 no longer reflects the District's current housing needs. Having said that, I consider it to be part of an approach to housing distribution in conjunction with the strategy in policy CSS1 that is in overall consistency with the National Planning Policy Framework (the Framework).
  13. Policy CSR1 of the CS relates more specifically to housing in villages. It says that in smaller villages, such as Lewknor, there are no allocations but housing will be allowed where the scale and nature of the development is on sites of up to 0.2 hectares (equivalent to 5-6 houses). The thrust of the policy is to contribute to the present and future economic, environmental and social sustainability of the villages.
  14. Taken together, policies CSS1, CSR1 and CSH1 set out a hierarchical approach to the distribution of development in the District and do not necessarily prevent development in rural areas. Whilst there have been changes to national policy from the publication of the new Framework, there has been little change to the government's approach to rural housing<sup>2</sup>. The CS hierarchical approach remains valid and is consistent with national policy. In conjunction with policies that seek to protect the countryside from unacceptable types of development, policy CSH1 continues to play an important role in the distribution of development based on a hierarchical approach. I therefore give significant weight to policies CSS1, CSR1 and CSH1.
  15. The amount of housing proposed would not accord with the distribution of housing advocated in policies CSS1 and CSH1 and would be well in excess of the 5-6 houses envisaged in policy CSR1. I therefore find the appeal scheme to be contrary to the development plan strategy for the location of housing.
  16. The Council has not progressed a site allocations plan and the SOLP is not at an advanced stage. Accordingly, there is no adopted clear development plan policy to provide for meeting current housing need. In this context, the appeal site could fulfil a role in providing housing.
  17. Having said that, the SOLP maintains the assessment of smaller villages and in the rural area, seeks to direct development to the "most sustainable locations". Policy STRAT1 of the SOLP sets out the overall housing strategy and supports smaller and other villages by allowing for limited amounts of housing and employment to help secure the provision and retention of services. Policy STRAT3 of the SOLP addresses the matter of Oxford City's unmet housing need. It says that during the monitoring year 2021/22 provision will be made for around 3,750 new homes to meet this unmet need and which will be delivered in accordance with the spatial strategy and is not identified at any one site or location. Within the SOLP, smaller villages are not proposed to accommodate more housing other than where it would meet local needs.
  18. There is no substantive evidence that Lewknor will need to accommodate further housing growth during the SOLP period. I note the previous developments permitted in Lewknor but these are of a much more modest

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<sup>2</sup> This was accepted by the appellant and is reflected in the Inspector's conclusions in the long Wittenham appeal decision (ref APP/Q3115/W/17/3169755, paragraph 19)

scale and appear to me to be in broad accordance with the development plan strategy related to rural areas. Thus, these other schemes provide no useful comparisons with the much larger proposal before me.

19. The SOLP contains policies that reflect those in the CS and the appellant accepted that CS policy CSS1 and SOLP policy STRAT1 are "materially identical" and the emerging plan broadly reflects the existing approach in relation to smaller villages<sup>3</sup>. To my mind this indicates that the relevant SOLP policies can be given at least limited weight.
20. The Planning Practice Guidance<sup>4</sup> (PPG) in relation to rural housing states that all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence. For the reasons given above, I do not consider that the CS policies or those saved in the LP to be inconsistent with the PPG.

#### *The Oxfordshire Housing and Growth Deal*

21. As part of the Housing and Growth Deal (OHGD), the Oxfordshire authorities sought flexibility from the Framework on maintaining a five year HLS. The Government is supporting this strategic approach to supporting housing delivery through joint working. The OHGD expects the authorities to jointly and strategically plan for housing growth by means of a Joint Statutory Spatial Plan (JSSP) and allocations in local plans.
22. Consequently, in a Written Ministerial Statement of 12 September 2018 the Secretary of State implemented a temporary change to HLS policies as they apply in Oxfordshire. For the purposes of decision taking under paragraph 11(d), footnote 7 of the Framework applies where the authorities in Oxfordshire cannot demonstrate a **three year supply** of deliverable housing sites (with the appropriate buffer, as set out in Framework paragraph 73). The Statement of Common Ground sets out that there is agreement between the parties that the Council can demonstrate a three year HLS<sup>5</sup>. Accordingly, paragraph 11(d) of the Framework is not engaged for reasons of HLS.
23. The OHGD delivery Plan<sup>6</sup> states that one of its key objectives is to avoid incremental, speculative and unplanned development. Thus, it is clear that the level of planned growth in Oxfordshire is primarily to be achieved through the development plan process. The OHGD therefore attracts very significant weight.
24. I acknowledge the Council's conclusion in the Housing and Employment Land Availability Assessment (2017) (HELAA) that the appeal site is suitable available and achievable for 48 units. However, the HELAA is a 'policy off', high level assessment and has effectively been superseded by the Strategic Housing and Economic Land Availability Assessment (2017) (SHELAA)<sup>7</sup>. Although this later document reaches a similar conclusion, it is nonetheless clear that it does not determine whether a site should be allocated for future development or

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<sup>3</sup> Mr Smith in cross examination

<sup>4</sup> Paragraph: 001 Reference ID: 50-001-20160519

<sup>5</sup> This is also the finding of the Inspector in the Land off Peppard Road, Emmer Green appeal

<sup>6</sup> Core Document RA5.12, paragraph 1.2.3

<sup>7</sup> Core Document RA4.6

constitute a land allocation. Furthermore, it does not suggest that planning permission would be granted. In my view, the conclusions in the SHELAA do not meaningfully assist in sustaining an argument that the site should be developed.

25. The appellant has argued that the proposed development would not have an adverse effect on the ability of the Council to plan strategically and that it would impact on the delivery of the proposed strategic allocations within the SOLP<sup>8</sup>. However, The OHGD specifically seeks to avoid proposals of the type in this appeal and were such unplanned developments to be replicated across Oxfordshire, this would frustrate the planned strategic delivery of housing. Although the appeal proposal would boost the housing supply in accordance with the overall objective of growth in Oxfordshire, it is not supported by the OHGD. This was accepted by the appellant at the Inquiry<sup>9</sup>.
26. The consequence of all this is that the appeal scheme would not accord with the strategy for the location of housing as set out in the development plan and the OHGD.

#### *Character and appearance and Chilterns AONB*

27. Policy CSEN1 of the CS seeks to protect the District's distinct landscape character and key features against inappropriate development and where possible enhance them. The policy gives high priority to the conservation and enhancement of the AONB and says that planning decisions should have regard to its setting. The policy allows development to take place in the countryside where it would meet the policy requirements.
28. Policy CSQ3 of the CS says that planning permission will be granted for new development that is of a high quality and inclusive design that amongst other things, responds positively to and respects the character of the site and its surroundings and ensures it is of a scale, type and density appropriate to its setting.
29. Saved LP policy D1 sets out that the principles of good design and the protection and reinforcement of local distinctiveness should be taken into account through a series of criteria including respecting existing settlement patterns; providing a landscape structure for the development; and respecting landscape character. Saved LP policy C4 seeks to resist development that would damage the attractive landscape setting of the District's settlements.
30. The objectives of saved LP policies D1 and C4 are also broadly reflected in saved LP policy G2, which seeks to protect the District's countryside, settlements and environmental resources from adverse development and to enhance them where opportunities arise. The policy wording is unambiguous and it does not restrict all development in the countryside, only that which is adverse.
31. The various requirements of the above policies broadly align with what the Framework says about conserving and enhancing the natural environment, good design and sustainable transport modes. I therefore find CS policies CSQ3, CSEN1 and saved LP policies D1, C4 and G2 to be consistent with

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<sup>8</sup> See letter to PINS from Mr Dawber at Savills dated 30 November 2018 contained in an email to PINS of the same date (in relation to the Emmer Green appeal decision)

<sup>9</sup> Mr Smith in cross examination

- national policy notwithstanding that they exist within a time-expired LP and that saved LP policy G2 was formulated in the context of protecting the countryside for its own sake. They can be given weight accordingly, which in this case, I consider to be significant.
32. The B4009, which runs next to the appeal site, marks the northern boundary of this part of the AONB. The AONB in this area is characterised by open and wooded rising escarpments. There are public vantage points within the AONB that provide extensive vistas towards and well beyond the site. The site therefore reads as a small parcel of land in the overall generally open landscape to the north of the AONB.
33. Nevertheless, the site lies within a landscape that forms the setting to the AONB. This is not simply a matter of its geographic proximity to this designated landscape but more because it shares a similar character. Topographically, the rolling landscape forms part of the more gentle slopes that give way to the much higher land within the AONB.
34. The two key viewpoints from within the AONB are from Beacon Hill and Bald Hill, both within the Aston Rowant National Nature Reserve. Within the appellant's evidence, these are viewpoints 8 and 9 respectively<sup>10</sup>. At my site visit, I looked towards the appeal site from these two viewpoints and it was apparent to me that the actual view with the naked eye results in the various landscape features and the appeal site appearing more prominent than the photographic material shows. The development would consequently be more visually prominent than the appellant's evidence suggests.
35. However, it would still appear a considerable distance away and would be seen in the context of the village's existing built form. I recognise that it would appear as an extension to the current amount and spread of built form and contrast with the existing linear pattern of development along Watlington Road. Nevertheless, from the elevated positions at Beacon Hill and Bald Hill, because of the distance involved, the proposed dwellings would not appear to have an out-of-kilter and adverse relationship with the existing built up area of Lewknor.
36. From within Lewknor, views towards the AONB are mostly limited to those close to the appeal site because of the prevailing topography within the village. However, there is a viewpoint along a Public Right of Way (PRoW) further to the north where there is a substantial gap in the hedgerow. It is possible to make out the site in this view with the rising land of the AONB beyond.
37. Whilst the gap in the hedgerow might encourage those using the PRoW to pause to take in the views, the site is a considerable distance away and the proposed development would not appear unduly prominent. It would also be experienced in the context of the much more dramatic escarpments within the AONB beyond. Accordingly, I do not consider that the proposed development would detract from such views in any significant way.
38. Taking all of this into account, there would be no harm to the setting of the AONB arising from the appeal scheme.
39. In the other available views from within and around Lewknor, the site sits in the foreground as part of the foothills of the AONB. It is a component of the

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<sup>10</sup> See ID06

small-scale landscape that wraps around the southern and eastern side of the settlement between the B4009 and the M40. It is redolent of the Semi-Enclosed Rolling Downs Landscape Character Type, which in turn, reflects the character of the landscape to the south of the B4009 and which lies within the lower AONB slopes.

40. Paragraph 170 a) of the Framework indicates that planning policies and decisions should contribute to and enhance the natural and local environment by protecting, amongst other things, valued landscapes but makes clear that this should be done so in a manner commensurate with their statutory status or identified quality in the development plan. The site does not form part of a landscape identified as being valued in the development plan. This is hardly surprising given that the Framework post-dates the CS, the LP and the SOLP. It would be wrong in my view to conclude that a landscape cannot be considered as valued simply because it was not identified in a development plan formulated at a time when no such requirement existed.
41. Having said that, much of the agricultural landscape around Lewknor is unremarkable. Whilst it is a pleasing and not unattractive pastoral landscape, it goes no further than that. I acknowledge the similarities in the character of the landscape either side of the B4009 within and outside the AONB. However, it is not for me to question why the land to the south of the B4009 lies within the AONB boundary but the landscape on the other side of it does not.
42. The smaller scale fields next to Lewknor and which include the appeal site are of a character that is not dissimilar to those around other nearby settlements such as Aston Rowant, Kingston Blount and Postcombe. I observed this at my unaccompanied site visits. Therefore, these smaller scale landscapes around settlements are a common feature of the area more widely and I do not consider that for this reason and those already given, that the site or its undesignated surroundings comprise anything above the ordinary. Thus, the site does not constitute or lie within a valued landscape for the purposes of Framework paragraph 170 a).

#### *Form and character of Lewknor*

43. The settlement pattern is formed mainly by dwellings set in a broadly linear arrangement along the various roads running through Lewknor. There has been some further linear development that extends along Watlington Road and an infill scheme on Weston Road but none of this has notably diluted the sense of a compact nucleated village core. The appeal site rises away from Watlington Road up to the B4009 and provides part of the buffer between the built up area of Lewknor and that road. It makes a significant contribution to the small scale open landscape around Lewknor that plays an important functional role in separating the built up part of the settlement from the B4009 and the extensive commuter parking that takes place along it.
44. The area of smaller scale landscape around the settlement cannot be easily discerned as such by the casual observer passing along the B4009 and the M40 because of the intervening mature vegetation. However, this does not diminish the importance of this open area as a spatial buffer between the settlement and those two main roads.
45. The settlement predominantly sits on lower land and although there is a small amount of development on the slope up to the B4009 within Hill Road, most of

the built up part of the village sits comfortably within the landscape and is well-contained by it. Whilst recognising that the application is in outline and thus, that the layout is not fixed, the proposed number of dwellings would out of necessity, cover much of the site and sit on higher land than most the other parts of Lewknor.

46. Currently, in views from the west along the B4009, because of the landform and the low lying character of the settlement, only one or two dwellings within Lewknor can be readily seen and the sense is very much one of a village that turns its back on the passing busy road and nestles within the landscape . Until the proposed tree belt screening had grown above the height of the proposed houses, many of them would be very visible on the slope in views from the west along the B4009. For a considerable period of time the development would appear incongruous and obtrusive. Even once the vegetation had been in place for 15 years or so, the perception would remain of a development on higher land breaching the functional open buffer that the site currently provides.
47. I note the various comments of the Council's officer and other consultees and in particular that the site could accommodate 8 units<sup>11</sup>. However, in my view, the appellant can get no purchase from this given that a development of that much more modest scale is not what is being sought. It would be a very different prospect in terms of the potential site layout and any associated landscape or visual effects.
48. There is inevitably some cross-over between landscape and urban design considerations. Whilst I note the urban design argument that the proposal could in some way 're-nucleate' the village due to its relationship with the linear housing along Watlington Road, it would create a broad area of built form that would be at odds with the more linear arrangement of buildings that form the prevailing settlement pattern. The effect would be substantial in its significance and adverse in its nature
49. For the above reasons, the proposed development would be at odds with the character of the settlement and would harm its setting thereby running counter to CS policies CSQ3, CSEN1 and saved LP policies D1, C4 and G2.

#### *Access to shops and services*

50. Policy CSQ3 of the CS seeks to ensure high levels of accessibility and ease of use by all modes of transport and that new and existing development are properly integrated, ensuring accessibility to local services. This is also broadly reflected in saved LP policy D1 which seeks to provide for a choice of routes and transport modes to, from and within the development.
51. Lewknor's day-to-day services and facilities consist of a primary school, church and public house. Consequently, the village's residents have to travel to larger settlements such as Watlington or Chinnor to access shops and other services and potentially further afield to their places of work.
52. The village is located along the route of the Oxford Tube and the Airline, which are bus services operating throughout the day and night providing direct access to Oxford and London and more locally to Headington. The Oxford Tube service

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<sup>11</sup> Accepted by Ms Bolger in cross examination



runs every 20 minutes<sup>12</sup> and the Airline at a similar frequency. The stops for these services are located close to Lewknor along the B4009 and thus provide a viable alternative to the use of private motorised transport for work and days out.

53. In addition there are local bus services that go to Chinnor, Stokenchurch, High Wycombe and Thame. These would provide access to the higher order services in those places. At my unaccompanied site visits, I took the opportunity to drive to Watlington and to Chinnor. I also walked to the bus stops for the various services and observed the distances and the terrain involved.
54. Although the proposal would provide for an improved footpath link, the walking distance between the site and the bus stops which are located on the A40 London Road at The Lambert Arms and Aston Hill Bottom would discourage most people from using them. This would particularly be the case after dark during late afternoons in the winter and during periods of inclement weather. It would be far more likely that people would opt to drive the short distance to Watlington for most day-to-day needs given the availability of shops and services there. This was a view put to me by a number of local residents<sup>13</sup>. However, such trips would be of limited duration and a weekly shop would be possible that would help to minimise the frequency of travel by car.
55. There are school buses between Lewknor and Icknield Community College in Watlington and Lord William's School in Thame. However, at the Inquiry, a number of local residents informed me that these services would not run at times to accommodate after school clubs and which they also told me, are an important feature of school life. Consequently, whilst children could travel to school by bus in the morning, some of them would be likely to be picked up by car later in the day. However, overall, unless nearly all children were regularly engaged in after-school activities, the number of trips by car would be limited and of modest duration.
56. Paragraph 103 of the Framework states that the planning system should actively manage patterns of growth. Significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. However, it recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
57. Whilst there would be some conflict with CS policy CSQ3 in design terms and with saved LP policy D1, overall, given the bus services on offer close to the site, and accepting that there would still be some short journeys made by car, I do not find that the development would occupy a wholly unsustainable location. In this specific respect, the proposal would not run counter to the accessibility content of the development plan and would be acceptable.

### **Conclusion on the first main issue**

58. The proposal would not accord with the development plan strategy for the location of housing. Whilst there would be no harm to the setting of the AONB, there would be other unacceptable landscape and visual harm including to the settlement pattern of Lewknor notwithstanding that I have not found the landscape to be valued for the purposes of national planning policy. This

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<sup>12</sup> The service previously ran at 15 minute intervals but evidence to the Inquiry updated the timetable – see ID22

<sup>13</sup> In addition to the verbal evidence of local residents, see also the various written statements (IDs09-18)

conclusion is unaltered by my finding that the development would occupy a satisfactory location in terms of access to shops and services other than by means of private motorised transport.

59. I have found the relevant development plan policies to be broadly consistent with the Framework. Thus, the policies which are most important in making my decision are not out-of-date and paragraph 11(d) of the Framework is not engaged on that basis. Nor is it engaged for reasons of HLS given that the Council can demonstrate a 3 year supply.

### **Other Material Considerations**

60. The provision of market housing is a benefit of the proposals that attracts substantial weight. Also attracting substantial weight is the provision of 16 affordable homes.
61. There would be economic benefits from construction jobs and then from the increased use of the settlement's services and facilities and wider afield in the larger settlements such as Watlington and Chinnor. In my view these attract moderate weight commensurate with the scale of development proposed.
62. On the environmental side, the provision of open space would be necessary to make the development acceptable in planning terms. The design of development is a pre-requisite of the relevant development plan policies and the Framework. I do not consider these to be anything more than neutral factors in the overall planning balance.
63. The proposed development would be acceptably located in terms of its potential for sustainable transport use, which carries some weight in favour of the scheme.
64. However, I give very substantial weight to the proposal's conflict with the development plan and the vision for housing in the OHGD. I also give substantial weight to the conflict with to CS policies CSQ3, CSEN1 and saved LP policies D1, C4 and G2. This conflict is not overcome by the scheme's
65. A number of other appeal decisions have been put before me. However, of those that relate to South Oxfordshire, they were made in the context of the Council being unable to demonstrate a 5 year HLS and were schemes at larger villages in comparison to Lewknor which does not fall into that category. As the appellant accepts, the WMS in relation to the OHGD is a "game changer"<sup>14</sup>. My decision, and the application (or otherwise) of Framework paragraph 11 is therefore taken in a very different set of circumstances. There is no compelling case for these other decisions to alter my decision in this appeal.
66. There are listed buildings within the village but these are located some distance away from the appeal site and their settings would not be affected. Accordingly, there would be no harm caused to the significance of these designated heritage assets.
67. With due regard to the housing and other benefits of the scheme, there are insufficient other material considerations to indicate that the proposal should be determined other than in accordance with the development plan.

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<sup>14</sup> Mr White in closing submissions

## **Planning obligations**

68. The appellant has submitted an executed Section 106 Agreement which includes a number of obligations to come into effect in the event that planning permission is granted. I have considered the obligations in light of the Framework, PPG and the Community Infrastructure Levy Regulations (the CIL Regulations).
69. The obligation in respect of the on-site provision of affordable housing is supported by CS policy CSH3 that requires 40% affordable housing to be provided on site in developments of 10 or more dwellings. Having regard to this and the evidenced need for this type of housing in the District, I am satisfied that this obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related to it in scale and kind. It therefore meets the statutory tests set out in paragraph 56 of the Framework.
70. The provision of open space, public art and highway works along with contributions to biodiversity off-setting, street numbering and naming and recycling are all required by various CS and saved LP policies. I am satisfied from the evidence before me, that these obligations would meet the statutory tests set out in paragraph 56 of the Framework. However, with the exception of affordable housing, which I consider to be a benefit of the proposals, as I am dismissing the appeal for other substantive reasons, I do not need to consider these other obligations in greater detail.

## **Overall Conclusion**

71. The proposal would run contrary to the strategy for housing in South Oxfordshire as set out in the development plan and more recently agreed with the Government through the OHGD. The proposal would cause unacceptable harm to the form and character of the settlement. The absence of harm to the Chilterns AONB and its setting together with the benefits of the proposals do not significantly and demonstrably outweigh the clear identified adverse effects.
72. I have found conflict with the development plan and the Framework when considered as a whole. I have no reason to take a decision other than in accordance with the development plan and for the above reasons, the appeal does not succeed.

*Hayden Baugh-Jones*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Cain Ormondroyd of Counsel	Francis Taylor Building.
He called	
Michelle Bolger CMLI DipLA BA(Hons)LA PGCE BA(Hons) Eng	Michelle Bolger Expert Landscape Consultancy
Mark Flood BA(Hons) DipTP MRTPI	Insight Town Planning Ltd

### FOR THE APPELLANT:

Sasha White of Queens Counsel	Landmark Chambers.
He called	
Andrew Williams BA(Hons) DipLA DipUD CMLI	Define
Simon K Parfitt BA MSc MCIHT CMILT	David Tucker Associates
Duncan McInerney BSc(Hons) MLD CMLI	Environmental Dimension Partnership Limited
Roger Smith BA(Hons) B.PI DMS MRTPI	Savills

### INTERESTED PARTIES:

Alexander Lewis	Local resident
Duncan Boulton	Lewknor Parish Council
Helen Knight	Local resident
Ellen Peters	Local resident
Peter Gardner	Local resident
Nick Gowens	Local resident
Elan Preston-Whyte	Local resident
Peter Freeman	Local resident
Louise Boitoult	Local resident
Heather Weston	Local resident

Caroline Hjorth

On behalf of Lewknor Parish  
Council

Councillor Caroline Newton

Ward Councillor for Haseley  
Brook, South Oxfordshire  
District Council

John Horseman

Local resident

Richborough Estates

## DOCUMENTS

ID01	Mr McInerney's Viewpoint 4 images reproduced at A2
ID02	Signed planning obligation
ID03	Signed Statement of Common Ground
ID04	Delegated report, application plan and photograph relating to application P17/S3608/FUL
ID05	Updated Masterplan
ID06	Mr McInerney's photomontages relating to Viewpoints 7, 8 and 9
ID07	Appellant's opening Statement
ID08	Local planning authority's opening statement
ID09-ID18	Interested party statements
ID19	Housing and Employment Land Availability Assessment
ID20	Photograph provided by Mr Horseman
ID21	Chilterns Conservation Board Position Statement
ID22	Revised Oxford to London bus timetable
ID23	Local planning authority's closing submissions
ID24	Appellant's closing submissions

Richborough Estates