The Planning Inspectorate

Appeal Decision

Inquiry held 2-5 April 2019 and 16 May 2019
Site visit made on 15 May 2019

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 21st June 2019

Appeal Ref: APP/D3125/W/18/3209551
Land north of Woodstock Road, Stonesfield

- 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 Mr Robinson, Ms Evins and Cala Land Management Ltd against the decision of West Oxfordshire District Council.
- The application Ref 17/01670/FUL, dated 23 May 2017, was refused by notice dated 1 May 2018.
- The development proposed is residential development consisting 68 dwellings, public open space and new vehicular access onto Woodstock Road.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. At the time the Council made its decision on the planning application the Development Plan comprised the West Oxfordshire Local Plan 2006-2011. The Council's Decision Notice also referred to a conflict with policies contained in the emerging West Oxfordshire Local Plan 2011-2031 (eWOLP). This emerging plan was adopted on 27th September 2018. Therefore, the Development Plan now comprises the West Oxfordshire Local Plan 2011-2031 (WOLP). The policies contained within the 2006-2011 Local Plan have been superseded by those contained within the recently adopted plan.

3. The Council's Decision Notice refers to the emerging policies in the eWOLP, at the time, that were relevant to the consideration of the application. Those policies are now adopted in the new plan. The policies retain the same reference numbers as they did prior to adoption except former Policy EH1a (Cotswolds Area of Outstanding Natural Beauty) is now Policy EH1, former Policy EH1 (Landscape Character) is now EH2 and former policy EH3 (Public Realm and Green Infrastructure) is now Policy EH4. These policy changes and the status of the recently adopted plan are recognised in the Statement of Common Ground (SoCG) dated 29 March 2019. Consequently, I do not consider that either main party has been prejudiced by the recent change in the local planning policy position.

4. During the Inquiry two Agreements pursuant to Section 106 of the Town and Country Planning Act 1990 were provided, both signed and dated

16th May 2019. These agreements, between the appellants and Oxfordshire County Council (OCC) and the appellants and West Oxfordshire District Council (the Council), are considered later in this decision. The Council agree that the completed and executed S106 Agreements would resolve its concerns relating to the pressure on the local infrastructure within the district and overcomes the second reason for refusal.

5. Community Infrastructure Levy (CIL) Compliance Statements were submitted at the Inquiry by OCC and the Council. I have had regard to the provisions of the obligations contained within the certified copies of the completed S106 Agreements in the consideration of this appeal and I shall return to this later in this decision.

6. Stonesfield Parish Council, Sustainable Stonesfield and the Cotswold Conservation Board were accorded Rule 6(6) party status as a combined party and presented evidence in support of its objections to the proposals.

7. There is some dispute between the main parties as to whether the Council can demonstrate a five year supply of deliverable housing sites. However, a Written Ministerial Statement (WMS) dated 12 September 2018 was made in relation to Housing Land Supply in Oxfordshire. This stated that for the purposes of decision-taking the provisions of paragraph 11(d) and footnote 7 of the National Planning Policy Framework (the Framework) will only apply where the local authorities in Oxfordshire cannot demonstrate a three year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 73 of the Framework). Both main parties agree that the Council can demonstrate a three year supply of deliverable housing sites and therefore, the 'tilted balance' as indicated in paragraph 11(d) of the Framework is not engaged in the consideration of this appeal.

Main Issues

8. Having taken into account the evidence before me and from what I heard at the Inquiry, the main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area with particular regard to the Cotswolds Area of Outstanding Natural Beauty (AONB).
- Whether there are any exceptional circumstances which justify major development within the AONB and whether such development would be in the public interest.
- Whether the proposed development would be appropriately located, taking into account the planning balance of whether any adverse impacts of approving the development would outweigh the benefits when assessed against the policies in the Development Plan and the National Planning Policy Framework (the Framework) taken as a whole.

Reasons

The appeal site and proposed development

9. The appeal site is located to the east of the village of Stonesfield and comprises a broadly square shaped area of part of a gently sloping agricultural field located immediately to the north of Woodstock Road. There are established hedgerows to the north and south boundaries. The western boundary is formed by the rear gardens of existing residential properties at Woodstock Road and Greenfield Crescent. The eastern boundary is not currently defined. Beyond the site to the north is a large recreation ground incorporating sports facilities, children's playground and the village hall. To the south of Woodstock Road is recently constructed housing development at Charity Farm. To the east lies open countryside.

10. The village benefits from a range of services, including a primary school, food shop, community building, sports facilities, and pub. On the basis of its location and facilities, both main parties consider that the village is a suitable location for some new housing development. I concur with this view.

11. The appellants also own land immediately adjacent to the eastern boundary of the appeal site which is proposed to be used for additional planting and landscaping of at least 50m in depth. For the purposes of the Inquiry this was identified as the "blue" land. I shall return to this land later in this decision. The site is located within the Cotswolds AONB. The AONB designation washes over the village and the surrounding countryside.

12. The proposed development would deliver 68 two storey dwellings with a single point of vehicular access off Woodstock Road located broadly centrally on the southern boundary of the site. The scheme would provide for 50% of the dwellings constructed as affordable homes. In this respect the proposed development would accord with the provisions of Policy H3 of the WOLP.

Planning Policy Context

13. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in, amongst other areas, AONB's which have the highest status of protection in relation to landscape and scenic beauty. It further states that planning permission should be refused for major development in these designated areas other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

14. With regard to local planning policies, Policy OS2 of the WOLP sets out the overall spatial strategy for the District based on a settlement hierarchy. The 1st tier settlements comprise the Main Service Centres[1]; the 2nd tier Rural Service Centres[2]; 3rd tier Villages (including Stonesfield); and the 4th tier comprising all other villages, hamlets and the open countryside. The policy identifies that the villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. It further states that proposals for residential development will be considered in accordance with Policy H2 of the WOLP.

[1] Whitney, Carterton and Chipping Norton
[2] Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Oxfordshire Cotswolds Garden Village and Woodstock

15. The policy also identifies some general principles with which development proposals should comply. Of particular relevance in the determination of this appeal, those general principles, amongst other things, require proposals to be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality; form a logical complement to the existing scale and pattern of development and/or the character of the area; as far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s; and in the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development.

16. The WOLP divides the district into five housing sub-areas for each of which Policy H1 considers the amount and distribution of housing and provides a minimum housing requirement figure. Stonesfield is located within the Burford-Charlbury (B-C) sub-area which is located almost entirely within the AONB. The policy identifies that 774 homes are required in the is sub-area in the plan period 2011–2031 and further states that 'this is an indicative distribution based on past completions and anticipated future supply and should not be taken as an absolute target for each sub-area or maximum ceiling to limit development.'

17. Paragraph 5.21 provides supporting text to Policy H1 and states that the 774 homes figure should not be treated as a 'cap' or 'ceiling' to development and planning permission may be granted for additional housing within the sub-area where the proposed development is shown to accord with national and local policy including Policies H1, H2, OS2 and EH1.

18. Policy H2 relates to the delivery of new homes. It identifies that development in the Villages will be permitted on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs.

19. Policy BC1 addresses development within the B-C sub area. It identifies that development outside of the Rural Service Centres will be limited to meeting local housing, community and business needs and will be steered towards the larger villages. Paragraph 9.6.7 of the WOLP provides supporting text to Policy BC1 and indicates that Stonesfield has seen considerable consolidation of development in the past with redevelopment of farmyards and conversion of barns for housing primarily during the 1980s. There has been only limited new build in recent years as few opportunities remain for residential intensification.

20. The supporting text in paragraph 9.6.29 indicates that housing development will be permitted within the B–C sub area but proposals will be considered on a case by case basis and it will need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or the sub area (e.g. meeting identified local housing needs) and which would clearly outweigh any likely harms (e.g. heritage, landscape, impact on local services). The supporting text then mirrors national policy requirements, as set out in paragraph 172 of the Framework, for major development within the AONB stating that housing proposals which constitute 'major development' will only be permitted in exceptional circumstances and where it can be demonstrated that they are in the public interest.

21. The WOLP addresses development in the AONB through Policy EH1. This policy identifies that the Cotswolds Conservation Board's Management Plan and

Guidance documents are material considerations in decision making relevant to the AONB. It further states that major development will not be permitted within the AONB other than in exceptional circumstances, as required by national policy and guidance. The policy is supportive of development proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes, provided they are consistent with the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area.

22. WOLP Policies EH2 (Landscape Character) and OS4 (High Quality Design) are also referred to in the Council's reasons for the refusal of planning permission. These policies are similar in their approach to the design of development and its impact on the landscape. Of particular relevance to this appeal is that, these policies, amongst other things, requires that new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive of the surrounding and local landscape.

Planning history and background

23. The appeal site was initially promoted as a draft allocation for housing development in the eWOLP and was subject to a number of technical appraisals undertaken by the Council. Therefore, in order to conclude on the main issues in this appeal it is necessary to consider the planning background in relation to the appeal site.

24. The Main Modifications to the eWOLP, published in November 2016, proposed the allocation of the site through Policy BC1a which indicated that the site had an indicative capacity of 'around 50 dwellings'[3]. The West Oxfordshire Strategic Housing and Economic Land Availability Assessment (SHELAA) published in December 2016 also identified that the appeal site was suitable for development and was considered to form a logical extension to this part of the village.

25. In June 2017 the Council produced a Housing Site Selection Paper (HSSP) to inform the Stage 3 examinations in public hearings (EiP) for the eWOLP. The appeal site was one of four draft allocations in the AONB. The Council considered that the four sites which have been allocated within the AONB were capable of being brought forward for development without having a detrimental impact on the environment, landscape or recreational opportunities that cannot be mitigated through appropriate design, layout and landscape treatment. At that time the Council was of the view that the "particular nature and context of the four sites, together with the relatively modest scale of development proposed and the potential for positive enhancement through development, means that they will not cause harm to the landscape and scenic beauty of the AONB[4]."

26. In July 2017 the Council agreed a Statement of Common Ground with the appellants for the purposes of the EiP. This stated that "Provided a suitable landscape buffer is incorporated on the eastern boundary of the site as an integral part of any development scheme, the parties agree that the is capable of residential development without causing significant harm in terms of

[3] CD D6 page 292
[4] CD D10 paragraph 7.18

landscape and visual impact[5].” It further identified that the appellants had included a landscape buffer on the eastern boundary (the ‘blue land’) in the planning application. This was the application which is the subject of this appeal.

27. During the EiP hearings the Council agreed to commission additional landscape and heritage advice in relation to seven site allocations proposed in the eWOLP, including the appeal site. Chris Blandford Associates (CBA) were subsequently commissioned in August 2017 to provide the additional landscape and heritage advice in relation to the seven proposed site allocations. In relation to the appeal site the CBA Report concluded that the overall landscape north of Woodstock Road site is considered to be of medium landscape sensitivity and medium-high visual sensitivity. It further identified that a few AONB elements/characteristics and special qualities here could be vulnerable to development but it is not considered that they would preclude it, subject to an appropriate character, form, density and design. Taking the above into account it was concluded that a development of approximately 50 homes could be successfully accommodated on the site, ensuring that development is generally of low density[6]. The report thereafter provided a number of recommendations in relation to the landscape and built form design of development on the site.

28. The Council, in October 2017, published a Cotswolds AONB Topic Paper to further inform the EiP. The purpose of this topic paper is to consider the findings of the CBA report in relation to the proposed sites in the context of national policy requirements, in particular the extent to which exceptional circumstances exist to justify major development within the Cotswolds AONB. In this regard, the Topic Paper considered matters relating to housing need within the AONB, which will be addressed later in this decision. The Topic Paper concluded that “the Council considers that the case for allocating each of the sites proposed in the Burford - Charlbury sub area (including the appeal site) is fully justified and in each case, the exceptional circumstances test for development in the AONB set out in the NPPF (the Framework) has been met[7].”

29. The Inspector undertaking the resumed EiP identified in his letter dated 16 January 2018[8] that the AONB does not represent a policy embargo on new housing and that some new housing is appropriate within the AONB. His conclusions were that there was little case for the plan to provide more than the 774 committed dwellings within the B-C sub area “simply to ensure that district-wide housing needs are met” and further determined that the four proposed allocations were “not essential to the soundness of the plan”. Although the Inspector did not rule out development coming forward on the proposed four sites, his view was that this should be considered through the development management process based on detailed evidence submitted as part of specific planning applications.

30. The above views of the Examining Inspector were broadly expressed in his report[9] which concluded that allocation of the sites in the B-C sub area would not be sound. Consequently, the appeal site was not included as an allocation in the adopted WOLP.

[5] CD D13 paragraph 3.12
[6] CD G2 paragraphs 6.2.24 and 6.2.25
[7] CD D15 paragraph 5.1
[8] CD D4
[9] CD D4

31. At the Inquiry the appellants placed considerable emphasis on the Council's initial position of support for the principle of the proposed development up to the point of the Examining Inspector's letter of 16 January 2018. I shall return to aspects of this planning history later in this report.

32. I recognise the appellants' position, against the above background, that the Council may have been inconsistent in its views on the appeal scheme from its initial apparent supportive stance resulting in a decision to refuse planning permission. However, the Examining Inspector was clear in that in order to justify development in the AONB a site-specific analysis of individual schemes needs to be undertaken with detailed evidence dealing with the extent of the harm that development would cause to the AONB and the extent to which exceptional circumstances can be justified and appropriate considered in the planning balance. It is therefore necessary to consider that extant of any landscape and visual harm that the proposed development may cause to the character and appearance of the surrounding area with particular regard to the AONB.

Character and appearance

33. The appeal site and the surrounding area are subject to several sub-regional and local landscape character assessments. The Cotswolds AONB Landscape Character Assessment identifies the appeal site as being located within Landscape Character Type 11 – Dip Slope Lowland[10]. Key relevant characteristics define the character type as a broad area of gently sloping, undulating lowland with a strong and structured farmland landscape within a mosaic of medium to large fields.

34. The assessment further separates the above landscape character into two areas. The appeal site is located within landscape character area '11B Stonesfield Lowlands'. The area beyond the settlement is broadly described as being emphasised by large fields, low hedges with evidence of hedgerow loss. In my view, the appeal site is a typical component part and contributory feature of the broad landscape characteristics identified in the assessment.

35. The above assessment underpins the Cotswolds AONB Landscape Strategy and Guidelines (June 2016)[11] which, amongst other things, seeks to manage the effects of potential change within the AONB. With respect to new development the guidelines broadly identify that the expansion of settlements should "maintain the open, sparsely settled character of the Dip Slope Lowland by limiting new development to existing settlements and avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements on areas of open landscape; ensuring that new development is proportionate and does not overwhelm the existing settlement; the layout should respect local built character; be visually integrated into its surroundings with harsh edges broken up with appropriate adequate tree planting."

36. At a more local level, the Oxfordshire Wildlife and Landscape Study 2004 (OWLS)[12] and the West Oxfordshire Landscape Assessment 1998 (WOLA)[13] provide more localised landscape character assessment. The OWLS, amongst

[10] Appendices 7 and 8 Mr Cook's PoE
[11] Appendix 9 Mr Cook's PoE
[12] Appendix 5 Mr Cook' PoE
[13] Appendices 3 and 4 Mr Cook's PoE

other things, identifies the area surrounding the appeal site as wooded estate land with regular shaped field patterns dominated by arable fields.

37. The appeal site lies within the Lower Evenlode Valley as identified in the WOLA which, amongst other things, sets out key characteristics as large scale smoothly rolling farmland very open and exposed character and having high intervisibility. The document notes that the area has a highly attractive and unspoilt character but with some localised variations in quality. It also notes on page 45 that there are a number of factors that can potentially threaten landscape quality. Expansion and 'suburbanisation' of rural settlements and roads are identified as examples of such threats.

38. There is no dispute between the parties that the proposal constitutes major development for the purposes of paragraph 172 of the Framework. The landscape and visual impact of potential development on the site have been considered in a number of consultancy produced Landscape and Visual Impact Assessments (LVIAs) including those undertaken on behalf of the Council as part of the potential allocation of the site, by the appellants as part of the planning application and separately in this appeal and by the Rule 6 party.

39. Whilst there is a degree of commonality in aspects of these LVIAs, there are variances in the assessment of the magnitude of change and the significance of the impact of development. This is not uncommon in considering a subjective analysis of landscape and visual impact and I have taken all of these relevant LVIA's into account in reaching my views below. However, there is commonality in that the LVIA's broadly agree that the value of the landscape site and its immediate environs is medium, which indicates that the site itself is not a 'valued' landscape for the purposes of paragraph 170 of the Framework.

40. Whatever 'value' is attached to the appeal site itself, it still forms part of the overall high value protected landscape of the AONB and is a localised component of the landscape setting of Stonefield within the sensitive Lower Evenlode Valley Landscape Area. The site cannot be developed without a total change to the baseline situation. The current open arable field that forms an integral part of the landscape character of the area and the approach to the village would be changed to a cul-de-sac housing development that, in my view, owing to its scale, would display sub-urban characteristics in its appearance with peripheral tree and hedge planting. In this regard, I agree with the Rule 6 parties that the site exhibits a 'high' susceptibility to change.

41. Landscape Sensitivity can be represented by a combination of the landscape value of a site and its susceptibility to change. In this case, I consider that this translates to a site landscape sensitivity of high/medium. To understand the significance of the effect of development on the landscape it is necessary to consider the landscape sensitivity with the magnitude of change. In particular, the effect on key landscape components of the landscape type, as set out in the character area assessments, the setting of Stonefield, the character of the Woodstock Road in its approach to the village and the agricultural landscape of this part of the dip slope lowlands.

42. Taking these factors into account, and based on the analysis of the various LVIA's, I find that overall landscape significance of the site is major/moderate. Owing to its scale and cul-de-sac nature, I consider that the proposed development would not acceptably visually integrate into its surroundings. It would appear as a significant standalone extension to the village that, owing to

its extent and suburban form, would significantly and adversely change the character of the approach to the village. The proposed development and would appear as an unacceptably dominant feature in views of the village from the approach along Woodstock Road.

43. Whilst I have no concerns regarding the proposed density of the development, in my view, its layout is unexceptional and displays elements of a typical suburban form with relatively regular spaced dwellings. I have no evidence to suggest that the scheme builds sympathetically upon any of the distinctive features of Stonesfield, albeit that some of the proposed materials would reflect those used elsewhere in the village. Contrary to the appellants' view, I do not consider that there are any distinctive elements of the scheme that could contribute to a description of this being 'high quality'. In considering the impact of change the scheme would not make any distinctive contribution to the character of the landscape other than replacing the open field with a relatively substantial suburban form.

44. I have considered the visual form of the current edge of the village at the rear of Greenfield Crescent. Whilst I accept that this is relatively harsh in its appearance at the interface with the countryside to the east, to some extent this is mitigated by the predominant single storey nature of the development. As such, Greenfield Crescent does not appear as an overly dominant feature in views from the east of the village. Furthermore, I am led to believe that this development was constructed in the 1960's. Consequently, the development was there prior to all of the landscape character assessments that I have referred to above. As such, it formed part and parcel of the established and settled character of the area considered in those assessments. By contrast, the proposed development would conspicuously extend the settled village edge of Stonesfield in the landscape

45. Whilst the proposed development would provide some screening to the rear of Greenfield Crescent as part of the proposed Green Infrastructure Strategy[14], I do not consider this to be of such significance to be afforded substantial weight. The proposed planting around the periphery of the site and on the 'blue' land would provide some degree of screening and to some extent 'soften' the approach to the village in views from the east. However, owing to the local topography, the 'blue' land and the south east portion of the site is at a lower level in comparison to the rest of the site. Consequently, the proposed planting would be at a lower level. Whilst there would be some screening after ten years, it is highly likely that views of the built development in the medium term would still be attainable. Furthermore, given the two-storey design of the proposed dwellings the roof tops of are likely to be visible above the planting on maturity in views from the higher ground to the east and on the approach to the village form Woodstock Road in the vicinity of Limbeck Farm.

46. The proposed planting would have a degree of positive benefit on maturity by providing a less abrupt edge to the settlement. However, I am not persuaded that the proposed planting would be effective in the short to medium term and even on maturity it is unlikely to eliminate some views of the development.

47. The appellants identify the appeal site as being a 'peri-urban' environment predominantly due to its relationship with Greenfield Crescent and the recreation ground to the north. I do not share this view. The site is part and

[14] Appendix 13 Mr Cook's PoE

parcel of the landscape described in the various character assessments and contributes positively to the landscape of the AONB as a whole.

48. The creation of woodland and planting belts themselves will change the open rural character of the area. The planted blocks are proposed to mitigate the harm that would be caused by the built development. However, the proposed planting itself would introduce further landscape change to screen a development that would already cause significant harm to the landscape. Consequently, the positive attributes of the scheme provided in the Green Infrastructure Strategy do not alter my view that the loss of part of the field, which is characteristic of the local landscape, and its replacement by 68 dwellings would represent a highly adverse magnitude of change, contrary to Policy EH2 of the WOLP.

49. Overall, in considering the landscape impacts of the proposal, the development would be contrary to the guidelines provided in the Cotswolds AONB Landscape Strategy and Guidelines. In particular, as an expansion of the settlement, it would not maintain the open, sparsely settled character of the Dip Slope Lowland. It would intrude negatively into the landscape by eroding part of its open character. The landscape impacts would not be wholly successfully mitigated and its standalone cul-de-sac nature would not successfully integrate into the morphology of the existing village. Overall, I consider this harm to a high/medium sensitivity landscape to be substantial.

50. Turning now to the visual impacts of the proposal, my unaccompanied site visit followed the route agreed by the parties at the Inquiry[15]. Owing to the substantial hedgerow around the recreation ground to the north and the along Farley Lane I do not consider the proposed development would be readily visible in views form these locations to an extent that would cause any significant harm to receptors. In distant views from the Shakespeare Way footpath the rooftops of the development would likely be seen as an extension to the village. However, given the intervening distance between the appeal site and the footpath the overall effect on users of the path would not be harmful.

51. I observed views of the appeal site from the Oxfordshire Way public footpath which runs parallel with Woodstock Road and is located to the south of the appeal site. This appears to be a well-used public right of way of County strategic importance and the users of which I consider to be sensitive receptors.

52. In wider views from the east in the vicinity of Akeman Street the appeal site is not readily discernible owing to the nature of the surrounding topography. However, views of the appeal site become quite apparent as the footpath approaches the village travelling south west. Such current views looking towards the village on this approach are dominated by the incongruity of the Charity Farm development which, owing to its urban form and materials, appears as a disjointed protrusion into the rural landscape and displays little integration with the rest of the village. This development serves to emphasise my concerns at the sensitivity of the landscape to change and the harm that can be created by a relatively large-scale modern development that fails to integrate into its surrounds.

[15] Inquiry Document 25

53. The proposed development would add to this incongruity. The cumulative visual impacts of the existing and proposed development when viewed from Oxfordshire Way would fundamentally and unacceptably change the characteristic open character of the dip slope lowland. This change would be visibly and perceptibly experienced at close quarters by users of the public right of way on the approach to the village such that in views looking north west the village would appear as more of a modern 'suburbanisation' of a rural settlements within the AONB. This change would be substantial and would adversely affect the enjoyment of the users of path.

54. Woodstock Road is relatively straight and forms one of the main approaches to Stonesfield. In being straight, and having a falling gradient from Wootton Wood towards the village, it provides substantial views of Stonesfield and the surrounding countryside. Users of the road are sensitive receptors. The appearance and rural character of this part of the AONB would be unacceptably changed and a more suburban character would prevail. This would unacceptably harm the rural setting of Stonesfield within the context of the settled landscape articulated in the various character assessments.

55. I have also taken into account the considerable debate at the Inquiry regarding the number of proposed dwellings. In particular, whether the results of the LVIAs undertaken as part of the eWOLP indicated that a maximum of 50 dwellings may have been permissible and the Council's views that the 68 now proposed grossly exceeds that which was considered acceptable at the time. However, the LVIAs, in defining approximately 50 dwellings, were not prescriptive in setting any ceiling on dwelling numbers.

56. Although the Council and the Rule 6 party expressed concerns at the density of the proposed development, I consider that a net density of 24 dwellings per hectare is not unusual for a village location. Consequently, I do not consider that the density of the proposed development would overly higher in the proposed location. Moreover, the alleged differences between a 50 or 68 dwelling development have had little material bearing on my assessment of the landscape and visual effects of the proposal before me.

57. I recognise that previous assessments, undertaken at a time when the Council could not define a 5 year supply of housing land, identified that the site could potentially support a development of around 50 dwellings. However, in the consideration of detailed evidence submitted as part of this specific planning application, as suggested by the EiP Inspector, I find that the proposed development would cause unacceptable harm in both landscape and visual terms. Accordingly, and notwithstanding the findings in previous studies, I conclude that the development would have a significant adverse effect on the character and appearance of the AONB, contrary to paragraph 172 of the Framework. It would also be contrary to Policies EH1, EH2 and OS1 of the WOLP

58. Having identified that there would be harm to the special qualities of the AONB it is necessary to consider the first test identified in paragraph 172 of the Framework. In particular, whether there would be any exceptional circumstances that are relevant to the consideration of the overall planning balance and whether it can be demonstrated that the development is in the public interest.

Whether or not there are exceptional circumstances

59. The development plan, particularly through policies OS2, H2 and BC1 read in combination, only permits development harmful to the AONB on undeveloped land adjacent to villages in the B-C sub area in exceptional circumstances and where convincing evidence is provided to demonstrate that the development is necessary to meet an identified local housing need. Whilst there are other benefits of the scheme, which I consider later in this decision, the primary benefits identified by the appellant are those relating to the provision of market and affordable housing.

60. There is disagreement between the main parties as to what may constitute 'local housing need' and whether this should be considered at a sub-area or settlement level. In that regard, the supporting text to Policy H2 of the WOLP identifies in paragraph 5.39 that "Within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas will be particularly closely scrutinised and will only be supported where there is convincing evidence of a specific local housing need such as identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site". Policy BC1 identifies that development will be steered to the larger villages and will be limited to meeting local housing needs. Therefore, in considering housing need within the context of the policy framework in the development plan, I take the view that local housing need means need of a specific settlement.

61. The appellants have referred in detail to part of the evidence base for the eWOLP. In particular, and at the request of the Examining Inspector, the Council commissioned a report from Peter Brett Associates (PBA)[16]. This informed the Cotswolds AONB Topic Paper, mentioned earlier in this decision, and dealt with the housing need element within the B-C sub area. The conclusions of this report, based on projections, estimated that the there was a minimum housing need for the B-C sub area of 834 homes over the plan period which is more than the 774 identified in Policy H1 in the plan. In addition to the completions over the period 2011-15, projections in the report suggested a need for 1,134 dwellings over the plan period.

62. The Examining Inspector's Report identified that whilst the PBA report is useful evidence as a starting point, it merely indicates the likely implications of various levels of housing growth for the sub area's population and resident labour force. Neither it nor any other substantive evidence before the examination identifies a housing requirement figure for the Burford – Charlbury sub-area which appropriately reflects needs, constraints, relevant national policy and the key issues for development and transport detailed in the Cotswolds AONB Management Plan (2013-2018).

63. The Examining Inspector concluded that in the absence of a specific housing need figure for the sub-area, it is not possible to identify that new dwellings, over and above existing completions and commitments, are as a matter of principle, necessary specifically in the context of the AONB or the Burford – Charlbury sub-area[17].

[16] CD E9
[17] CD D4 paragraph 219

64. The WOLP is a recently adopted plan which at the time of adoption provided for a 5 year housing supply (HLS) using a staged delivery with a 20% buffer applied. The Council referred to the HLS figures, published in November 2018 for the period 2018-2023[18] which indicated that HLS exceeds 6 years. The Council therefore considers that it does not have an identified 'need' for further deliverable market housing. Furthermore, no windfall sites of any size are relied upon in the B-C sub area in the HLS[19].

65. Therefore, the Council's position is that on the current evidence available the identified housing needs for market and affordable housing in the District is likely to be met without further sites. As such, the Council considers that it does not rely on proposals such as the appeal development to meet its HLS. Furthermore, the HLS does not rely on future large windfall sites of any size at all within the B-C sub area and there is no need for additional large housing sites anywhere in the District beyond those already committed and/or allocated.

66. The appellants have attempted to calculate housing need in Stonesfield using the PBA Report as a starting point[20]. In the period 2011-18 the appellant indicates that 333 dwellings were completed in the sub area leaving a residual of 801 to be built in the period 2018-31 (1134-333) which would equate to 723 households. Stonesfield accommodated 9.04% of the dwelling stock of the sub area in 2011 and so the appellants consider that it would be expected that of the 723 households, 65 would need to be accommodated in Stonesfield (9.04% of 723). Applying an appropriate market signals uplift based on affordability data[21] would suggest that there would be a minimum local housing need in Stonesfield in the period 2018-31 of 96 dwellings.

67. The Council's Housing Land Supply Position Statement November 2018[22] identifies a committed supply of 24 dwellings in Stonesfield. The appellants also contend that 62 dwellings were constructed in the period 2011-18. Mr Woods also identified that an additional 5 dwellings have been permitted at Land West of North Farm, Woodstock Road[23]which provides for a total of 91 dwellings across the plan period or 29 dwellings across the remainder of the plan period. This compares to the minimum indicative need for either 123 across the plan period based on the PBA report or a minimum of 96 dwellings across the remainder of the plan period taking into account the uplift. The appellants therefore contend that a minimum of 32 to 67 dwellings will be needed through the development management process to meet the needs of Stonesfield.

68. In addition to the above, the appellants also consider that the Council is unable to demonstrate a 5 year housing supply. Although this does not trigger the tilted balance, they consider that it further underlines the need for additional housing provision across the district including the B-C sub area and Stonesfield.

69. The appellants have produced detailed evidence as to why the Council may not have a 5 year housing supply across the District and in the sub area. I have carefully considered this evidence which provides a useful overview of the housing market in the district at the current time. However, notwithstanding

[18] Appendix 5a Mr Wood's PoE
[19] Paragraph 7.16 Mr Wood PoE .
[20] Section 5 Mr Tiley's PoE
[21] Paragraph 5.4 Mr Tiley's PoE
[22] CD E21
[23] Paragraph 4.40 Mr Woods PoE

the level of detail contained within the evidence of Mr Tiley, it does not provide convincing evidence of a local housing need specific to the settlement which is a requirement of the application of Policy H2, as indicated in the supporting text set out in paragraph 5.39 of the WOLP.

70. In the absence of any other published and evidenced figure regarding housing need in Stonesfield, the appellants attempts to calculate a figure are not without some merit. However, it would be inconsistent with the Examining Inspector's findings to suggest that figures based on the PBA Report establish anything more than a "broadly indicative housing need". Consequently, taking into account the Council's views on the HLS position, I do not consider the appellants calculation basis is sufficiently robust to provide a defined need figure for Stonesfield.

71. Moreover, the WOLP is recent adopted plan and which does not rely on windfalls from the B-C sub area. There is only limited information available of HLS figures since adoption on which to forecast any trends with certainty. Consequently, any alleged underperformance in delivery at this early stage of the plan period is not necessarily a reliable indicator of longer-term effects. Against this background, I do not consider that the appellants' calculations of Stonesfield's alleged housing need provides a robust basis, at this time, on which to deduce that this constitutes convincing evidence of local housing need sufficient to conclude that an exceptional circumstance exists.

72. Turning now to affordable housing, the appeal proposal would provide 34 affordable homes, in line with the requirements of Policy H3 and which could be secured through the planning obligation. The Council accepts that this would be a benefit of the scheme and I have no reasons to doubt that view. However, in considering the requirements of Policies H2 and BC1 the affordable housing need in Stonesfield requires to be considered.

73. The appellants case on affordable housing need in Stonesfield is predominantly predicated on the information contained in the Council's Affordable Housing Register (AHR). I accept the analogy of the findings of the Inspector in the 'Hailey' appeal decision[24] that the expression of a preference on the AHR does not equate to a need to be accommodated in Stonesfield as since applicants may express a preference for more than one part of the District.

74. The use of the AHR has limitations which impact on its reliability in providing a sound evidence basis. In particular, anyone can add their name to the AHR irrespective of actual need as no assessment is made at that point. There are 42 individuals whose names are on the AHR and are classified as "bronze" being "low housing need". The mere presence of a name on the AHR indicating a preference for Stonesfield cannot relied upon as establishing a need to house them in Stonesfield. There are names who indicate a preference for Stonesfield but also a location outside of the AONB and as such it is not necessary to build housing within the AONB to accommodate the needs of these individuals. Only 2 of the 52 names on the AHR said they only wished to live in Stonesfield only.

75. In the light of the above limitations in the use of the AHR I do not consider this to be a robust mechanism to constitute clear and convincing evidence of a need for 34 affordable homes in Stonesfield. On the evidence available the proposed

[24] Inquiry Document 29

34 affordable homes could constitute an oversupply in terms of meeting a local need specific to the settlement.

76. In arriving at this view, I have taken into account the evidence of Mr Tiley regarding the increase in average house prices in Stonesfield, the fact that rental prices in the village are greater than those across the district, the affordability across the district in comparison the rest of south east England, the number of concealed households, the demography of the village and in particular the population age, the number of affordable homes in the village and homelessness across the district. I have no reason to doubt any of these factors, which were not disputed by the Council. However, as important as they are, they do not assist in defining an affordable housing need in Stonefield.

77. I accept that district wide there may be a need for the delivery of more affordable homes. However, in considering the exceptional circumstance test to justify development within the AONB I do not consider that the evidence before me provides convincing case to demonstrate that the development which includes 34 affordable units is necessary to meet an identified local housing need in Stonesfield.

78. Taking the above factors into account, I find that the evidence in this case is not sufficiently convincing to demonstrate that the development is necessary to meet an identified specific local housing need. Consequently, the proposed development would be contrary to Policies OS2, EH1, H2 and BC1 of the WOLP.

Other benefits of the proposal

79. Notwithstanding my findings above regarding the demonstration of a local identified need, the proposed development would contribute to the supply of market and affordable homes in the district. This factor does attract substantial weight.

80. There would be economic benefits from the construction jobs and then from the increased use of the settlements services which would support the vitality of the village. In this regard the proposal would gain some support from some of the provisions of Policy OS2. These factors also attract substantial weight.

81. The scheme would deliver new public open space and additional recreational opportunities on the 'blue' land. However, the 'blue' is located on the eastern extremity of the village and given its relatively small area it is unlikely to provide a significant recreational opportunity for the village as a whole. As such, I attach limited weight to this.

82. The proposed planting identified in the Green Infrastructure Strategy would provide some benefit in diminishing the 'harshness' of the approach to the village form the east. In addition, the proposed planting would also provide biodiversity benefits. These benefits are afforded moderate weight.

Other matters

83. The Rule 6 party and local residents expressed concerns regarding the effect of the proposal on highway and the free flow of traffic in Stonesfield. However, this matter was not contested by the Council in its decision to refuse planning permission. The Framework advises in paragraph 109 that development should only be prevented on highway grounds if there would be an unacceptable

impact on highway safety, or the residual cumulative impacts on the road network would be severe. OCC, in its capacity as highway authority, is satisfied that the safe access on to Woodstock Road can be made from the site and have not identified that impacts on the road network would be severe. I have no other evidence to suggest that the additional traffic arising from the proposed development cannot be acceptably accommodated on the surrounding highway network. Consequently, whilst I have taken these concerns into account, I have afforded them little weight in my consideration of this appeal.

84. The Rule 6 party also contend that the proposal would be located in a village that is considered to have a limited range of facilities and poor public transport accessibility. The SoCG identifies that the site is reasonably well related to local shops and facilities. Those are identified in paragraph 8.50 of the SoCG. The village is served by a hourly bus service that provides access to Chipping Norton, Woodstock, Kidlington and Oxford. The proposed planning obligation would provide a financial contribution intended to increase the frequency of the bus service. On this basis, both main parties agreed in the SoCG that the village is a suitable location for some new housing development as is reflected in the policies relating to the location of new development set out in the WOLP and explained above in this decision.

85. Although the above matters have been carefully noted, they do not alter the main issues which has been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

86. The parties in this appeal have referred to many appeal decisions which have been provided to support their respective case. However, it is rarely the case that appeal decisions on other sites will bring to light parallel situations and material considerations which are so similar as to provide justification for a decision one way or another. My decision is based squarely on the evidence before me. For that reason, I do not consider that appeal decisions brought to my attention have a determinative influence on my consideration of the appeal case.

Planning Obligations

87. The Section 106 Agreement between the appellants and OCC includes obligations relating to financial contributions towards 'Early Years' childcare provision in Stonesfield, 'Primary Education' facilities and 'Public Transport' provision to support public transport services serving Stonesfield.

88. The agreement between the appellants and the Council includes obligations requiring that 50% of the dwellings constructed are provided as affordable housing, and financial contributions towards play/recreational areas, public art and sports and recreation facilities.

89. The Council agree that the completed and executed S106 Agreements would resolve its concerns relating to the pressure on the local infrastructure within the district and overcomes the second reason for the refusal of planning permission. There is no substantive other evidence before me which would indicate that the available services and facilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require the provisions of the planning obligation.

90. At the Inquiry the Council and OCC submitted a CIL Compliance Statements. These confirm that none of the obligations would conflict with Regulation 123 requiring that no more than five contributions are pooled towards any one specific infrastructure scheme.

91. Having regard to the above, and based on the evidence before me, I am satisfied that all of the provisions set out in the obligations are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale to the development. Therefore, they all meet the tests as set out within paragraph 52 of the Framework and CIL Regulations 122 and 123. I am satisfied with the form, drafting and content of the obligations and therefore I have attached weight to the provisions contained therein in this decision.

92. Stonesfield Parish Council identified concerns at a perceived lack of transparency in how the Council and OCC utilise contributions received from development through planning obligations. In relation to the obligations above, concerns were expressed at the lack of engagement with the Parish Council in discussions regarding the content and financial value of the obligations. Whilst I recognise the Parish Council's role in the community, these concerns are not planning matters relevant to my determination of this appeal and, as such, I have not afforded them any weight in my determination of this appeal.

Planning Balance and whether the development would be appropriately located

93. Paragraph 172 of the Framework provides that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's which have the highest level of protection in relation to these issues. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

94. Neither the development plan nor national policy preclude major development in the AONB at Stonesfield. However, to provide exceptional circumstances to overcome the great weight attached to conserving the landscape of the AONB the WOLP, through Policies H2 and BC1, requires that windfall housing proposals on undeveloped land adjoining built up areas will only be supported where there is convincing evidence of a specific local housing need specific to a particular settlement.

95. Notwithstanding the planning background relevant to the site, on close scrutiny of the development before me, I have found that it would cause significant harm to the character and appearance of the AONB. In this respect, it would be contrary to paragraph 172 of the Framework. It would also be contrary to Policies EH1, EH2 and OS1 of the WOLP

96. The appellants have made a case to support their contention that there is both a market and affordable housing need in Stonesfield. Whilst I applaud the level of detail provided this does not meet the stringent requirements of the combination of Policies H2 and BC1 in providing convincing evidence of a specific local housing need specific to the settlement. Consequently, in being in conflict with the requirements of these policies I do not consider that the exceptional circumstances test has been met.

97. The scheme would provide additional benefits which I have outline above and which are afforded moderate to significant weight. However, in finding harm to the character and appearance of the AONB, and the in absence of any convincing exceptional circumstances case being made, these do not outweigh the highest level of protection that the Framework provides to conserving the landscape of the AONB. Consequently, the location of the proposed development would be contrary to the provisions of the development plan. Moreover, the public interest test as identified in paragraph 172 of the Framework is not met.

Conclusion

98. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Charles Streeten	of Counsel instructed by West Oxfordshire District Council
He called	
Chris Wood BA, Dip TP	Senior Appeals Officer, West Oxfordshire District Council

FOR THE APPELLANT

Paul Cairns QC	of Queens Counsel instructed by the Pegasus Group
He called	
Andrew Cook BA (Hons), MLD, CMLI, CMLI, MIEMA, CENV	Pegasus Group
Neil Tiley Assoc RTPI	Pegasus Group
David Hutchinson BSc (Hons), Dip TP, MRTPI	Pegasus Group

FOR THE RULE 6 PARTY (STONESFIELD PARISH COUNCIL, SUSTAINABLE STONESFIELD AND COTSWOLDS CONSERVATION BOARD)

Jim Astle	Local Resident
He called	
Will Harley BSc (Hons), CMLI	WHLandscape Consultancy Ltd
John Mills BEng (Hons), MSc MRTPI	Planning and Landscape Officer Cotswolds Conservation Board
David Illingworth BSc, PhD, Dip TP, FRGS, MRTPI, CIPFA	Local Resident
David Brown	Chairman Stonesfield Parish Council
David Morris	Chairman Sustainable Stonesfield

INTERESTED PARTIES

Gillian Salway	CPRE West Oxfordshire
Sue Haywood	Responsible Planning in Burford
David Lines	Local Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

1 Statement of Common Ground dated 29 March 2019
2 List of suggested planning conditions
3 A0 size copy of submitted drawing No 501B (Public Open Space, Detailed Soft Landscape)
4 Copy of Judgement [2018] EWHC 1799 (Admin)
5 Copy of RPS Landscape and Visual Impact Assessment Preliminary Report
6 Copy of missing Appendix 5.1 of Mr Cook's evidence (Drawing No P16-0174_06)
7 Copy of The Stonesfield Slate (October 2018)
8 Copy of The Stonesfield Slate (November 2018)
9 Appendices (RM1 – RM9) of Richard Morris Proof of Evidence
10 Appendices (DJB1 – DJB20) of David Brown Proof
11 Review of CBA Report 'Recommendations for Land north of Woodstock Road, Stonesfield' by Will Harley (November 2007)
12 Transcript of Appellant's Opening Statement
13 Transcript of Council's Opening Statement
14 Transcript of Rule 6 Party Opening Statement
15 Draft S106 Agreement (West Oxfordshire District Council)
16 Draft S106 Agreement (Oxfordshire County Council)
17 Errata/Update to Proof of Evidence of Neil Tiley
18 Plan showing Landscape Character Types – West Oxfordshire Landscape Assessment (1998) (Drawing No P16-0174_12)
19 Spreadsheet extract from Homeseeker Plus Database showing applicants who have expressed a desire for affordable housing in Stonesfield
20 Email dated 19 March 2019 confirming appellant's intent to undertake a public consultation on landscaping proposals
21 Transcript of Statement read by Gillian Salway
22 Transcript of Statement read by Sue Haywood
23 Transcript of Statement read by David Lines
24 Copy of Homeseeker Plus Policy 24
25 Plan illustrating suggested route and viewpoints for unaccompanied site visit
26 Signed and dated S106 Agreement (West Oxfordshire District Council)
27 Signed and dated S106 Agreement (Oxfordshire County Council)
28 Comments submitted by Mr Brown, Chair of Stonesfield Parish Council with regard to planning obligations
29 Copy of Appeal Decision APP/D3125/W/18/3202562
30 Oxfordshire County Council CIL Regulation 123 Compliance Statement
31 Oxfordshire County Council CIL Regulation 122 Compliance Statement
32 West Oxfordshire District Council CIL Regulation 122 and 123 Compliance Statement
33 Closing submissions by West Oxfordshire District Council
34 Closing submissions by Rule 6 Party
35 Closing submissions by appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY (Following discussion and agreement during the Inquiry)

36 Updated and agreed list of suggested planning conditions dated 16 May 2019, including the appellant's consent to suggested pre-commencement conditions