



Appeal Decision

Site visit made on 26 February 2015

by Lesley Coffey BA(Hons) BTP MRTPI

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

Decision date: 2 April 2015

Appeal Ref: APP/V3120/A/14/2220879

Land at Penstones Farm, Horsecroft, Stanford in the Vale SN7 8LL

- 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 Blue Cedar Homes against the decision of Vale of White Horse District Council.
 - The application Ref P14/V0080/FUL, dated 13 January 2014, was refused by notice dated 29 May 2014.
 - The development proposed is residential development to provide 18 no. dwellings (8 no. for the over 55 age range, 7 no. affordable and 3 no. open market dwellings) with landscaping and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for 18 no. dwellings (8 no. for the over 55 age range, 7 no. affordable and 3 no. open market dwellings) with landscaping and associated infrastructure at Land at Penstones Farm, Horsecroft, Stanford in the Vale SN7 8LL in accordance with the terms of the application, Ref P14/V0080/FUL, dated 13 January 2014, and the plans submitted with it, subject to the following conditions in the attached schedule.

Application for costs

2. An application for costs was made by Blue Cedar Homes against Vale of White Horse District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council advise that the references to policy HE1 of the Vale of White Horse Local Plan 2011, which relates to conservation areas, in the committee report is an error and the correct policy is policy HE4 which relates to development within the setting of listed buildings. I have considered the appeal on this basis.
4. The appellant submitted an agreement under s106 of the Act in favour of Oxfordshire County Council. This covenants to ensure that specified highway works are completed before the dwellings are occupied. It also covenants to make financial contributions towards education, libraries, social and healthcare, a community bus service, waste and recycling, museum resources, youth support facilities and skills and learning facilities. In addition, the appellant submitted a Unilateral Undertaking. This covenants that at least 40% of the dwellings will be affordable dwellings and to make financial contributions

towards a range of infrastructure. In addition it covenants to provide public open space within the site which will be transferred to a management company following the completion of the development. These planning obligations are considered below.

Main Issues

5. I consider the main issues to be:

- The effect of the proposal on the character and appearance of the surrounding area with particular reference to the setting of the village and the views across the Lowland Vale;
- The effect of the proposal on the setting of Long Acre, the adjacent Grade II listed building; and
- Whether the proposal would be prejudicial to the allocation of housing sites within the emerging Stanford in the Vale Neighbourhood Plan.

Reasons

Character and Appearance

6. The appeal site comprises an agricultural field situated on the eastern edge of Stanford in the Vale. It is a broadly rectangular site and extends to about 0.94 hectare. The residential properties of Ock Meadow adjoin the south western boundary of the site and Long Acre, a Grade II listed building, adjoins to the east. The residential properties on the opposite side of the road are generally small cottage style properties built in the local vernacular style.
7. The proposal is for 18 houses with access from Horsecroft. The proposed retirement homes would be located towards the southern part of the site which forms the boundary with the open countryside. These dwellings would be one and a half storeys high and arranged around a central green.
8. Stanford in the Vale is a large village with a rural character derived from its historic layout and the numerous listed buildings within it. The conservation area is divided into two physically separate areas. The larger is focused on the Church Green and includes the Grade 1 listed Church of St Denys, whilst the smaller area is focused on the High Street. Much of the conservation area is characterised by 17th and 18th century properties built in the local vernacular style, with a mixture of pale limestone and red brick. The appeal site is separated from both parts of the conservation area by intervening development including Ock Meadow, a comparatively modern residential development. There are several other relatively recent residential developments throughout the village. For the most part these have adopted the vernacular style and reflect the materials found within the conservation area. They have largely been assimilated into the existing townscape and contribute to the character of the village.
9. The appeal site is located close to the periphery of the village. Views of the site from within the village are localised and would not impact upon the setting of any part of the conservation area. The appeal proposal would be contiguous with the neighbouring residential development and whilst it would alter the appearance of the part of the village in which it would be located, the rural character of the village would be maintained.

10. The Vale of White Horse Local Plan (adopted 2006) identifies the site as coming within the Lowland Vale, where policy NE9 states that development will not be permitted if it would have an adverse effect on the landscape, particularly on the long open views within, or across, the area.
11. The countryside around the village is crossed by a number of footpaths and bridleways. The Appellant submitted a Landscape and Visual Assessment which informed the layout of the scheme. This assessed both long range views and more local views from the footpaths and bridleways closest to the appeal site. In some of the distant viewpoints from the north and north-west, the tower of the Church of St Denys can be distinguished. However, it is seen above the existing residential development within the village and it is not conspicuous within these views. From these various distant viewpoints the proposal would be screened by other closer development and would have a negligible effect on the setting of the village.
12. The most prominent views of the proposal from the Lowland Vale would be from footpath 361/11/10. In these views the site would be perceived as a continuation of the existing built development rather than an intrusion into the open countryside. Due to the low height of the proposed dwellings towards the rear part of the site, together with their distance from the boundary, they would be less obtrusive than the existing two storey development to the north of the footpath. Any views would be filtered by the existing vegetation close to the River Ock, which even in winter months provides a good degree of screening. The submitted landscape scheme shows a substantial buffer of tree and shrub planting adjacent to this boundary, which would further limit the extent to which the proposal would intrude on these views. Overall the proposal would be considerably less stark in appearance by comparison with some of the existing dwellings visible from the footpath and would not have a significant effect on the rural setting of the village.
13. Footpath 361/8/10 runs parallel to the appeal site and is separated from it by an area of pasture and Long Acre, the neighbouring listed building. The existing curtilage building at Long Acre and the boundary vegetation would partially screen the proposed dwellings. The limited scale of the proposal, together with the manner in which it would reflect local materials would ensure that it would integrate with the existing townscape. The proposed native hedgerow adjacent to the boundary with the Long Acre further limit the extent to which the proposal would intrude upon views from the public footpath.
14. The main views of the proposed dwellings would be from Horsecroft close to the northern boundary of the site. From this viewpoint the existing built-up edge of Stanford in the Vale is prominent. Whilst views across the site towards the open countryside would be lost, the low density of the scheme, its informal layout and varied roofscape, together with the proposed landscaping would provide a transition between the larger two storey dwellings at Ock Meadow and the open countryside.
15. Some views across the site towards the open countryside would be lost and other views would change. However, overall the proposal would not harm the rural setting of the village, or give rise to any significant harm to views across, or from, the Lowland Vale and would not conflict with policy NE9 or harm the intrinsic character of the surrounding countryside.

Listed Building

16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Paragraph 132 of the NPPF requires great weight to be given to the conservation of heritage assets, including listed buildings. It advises that the significance of the asset can be harmed or lost through development within its setting.
17. Long Acre is situated to the south of Horsecroft and is the last residence along the road. It is set within a rectangular plot and fronts the public highway. There are a number of ancillary buildings within its curtilage. The building dates from the 17th century and is constructed from coursed limestone rubble with a stone slate and old tile roof. It has been altered in the past by the addition of a porch and a gabled extension in the 1970's. There is also a large detached garage to the rear of the dwelling.
18. Long Acre is separated from the appeal site by a narrow strip of land which is bound by a hedgerow/treeline. Its setting includes the garden and ancillary buildings within it, the agricultural fields (including the appeal site) which surround three of its boundaries, Horsecroft and the dwellings at Ock Meadow.
19. The Heritage Assessment submitted with the application suggests that the significance of Long Acre derives primarily from its architectural value and historic fabric. It acknowledges that the aesthetic value of Long Acre as an example of a post-medieval farmhouse built in a vernacular style using local materials also contributes to its significance. The agricultural fields surrounding it contribute to its setting by providing a context in which the property's architecture and history may be better understood.
20. The appeal site is located about 10 metres from the listed building. It currently separates the rear elevation of the dwellings at Ock Meadow from the listed building. The proposed dwellings would be separated by a distance of about 30 metres from the listed building.
21. Despite its setting the overall character of Long Acre is that of a private dwelling, rather than a farmhouse house with its associated farmstead/yard. The appeal site makes a minor contribution towards the setting of the listed building. The proposal will alter the rural nature of the appeal site, and the proposed dwellings will be visible from the listed building. However, Long Acre is not remote from residential development due to the dwellings at Ock Meadow and those on the opposite side of Horsecroft. The low density of the proposal, together with the retention and enhancement of the boundary hedgerow would limit the extent of any harm to the significance of Long Acre. The appeal proposal would alter the character of one part of the wider setting of Long Acre which makes a limited contribution to its overall significance. Overall, the proposal would result in a small adverse effect on its wider setting and a very small level of harm to the overall significance of the Listed Building.
22. The Parish Council is critical of the Heritage Assessment in that it did not take account of the location of the appeal site within a Conservation Target Area. However, this designation does not relate to the built environment, but concerns biodiversity and is addressed below.

23. I am aware that an appeal for a single dwelling house on land opposite a Grade II* listed building known as Cox's Hall¹ was dismissed. However, that decision was based on the merits of that case and the effect of that particular proposal on Cox's Hall. In the case of the current appeal, the proposal would have some effect on the setting of the listed building and there would be a very small level of harm to its overall significance. I accord considerable importance and weight to this harm.
24. I have also had regard to the non-designated heritage assets within the locality, including the dwellings opposite the appeal site which I am advised date from before 1837. These are mainly cottage-style dwellings built in the local vernacular style with stone elevations, small scale windows and tiled roofs. They lie outside of the conservation area and are not listed. Nonetheless, they are attractive buildings and are typical of many other dwellings within the village. The significance of these dwellings is derived from their architectural value, including the manner in which they typify the local vernacular style. Whilst in some views the dwellings are seen together with the appeal site, I consider that it does not contribute to their significance, it merely contributes to the rural setting of the village.
25. The design of the appeal scheme reflects the local vernacular style. The low eaves line and fenestration to the frontage dwelling would replicate the characteristics of the traditional architecture within the village. Although the proposal would alter the setting of these dwellings, it would not harm their historic significance and they would continue to be appreciated as a group of attractive small scale dwellings within a rural village.
26. Overall I conclude that the proposal would give rise to some harm to the setting of Long Acre, but overall, it would respect the characteristics of the building and its setting in accordance with policy HE4 of the Local Plan and the NPPF.

Neighbourhood Plan

27. Although the Council do not consider the proposal to be premature in relation to the emerging Stanford in the Vale Neighbourhood Plan, it submits that the proposal would be prejudicial to the allocation of housing sites within it. Paragraph 216 of the NPPF advises that the weight to be accorded to the relevant policies in emerging plans is dependent on the stage of preparation.
28. The Council advise that although there has been considerable evidence gathering and the first consultation in respect of the evidence base has not yet occurred. Consequently the Neighbourhood Plan is at a very early stage, and there is no certainty as to the outcome of the neighbourhood planning process. Therefore I am unable to attribute the emerging Neighbourhood Plan any significant weight.
29. The Council refer to an appeal in Leicester where the Secretary of State accorded substantial weight to the emerging Broughton Astley Neighbourhood Plan². However, that neighbourhood plan had been subject to examination at the time of the relevant public inquiry and therefore, unlike the Stanford in the Vale Neighbourhood Plan there was greater certainty that the policies and proposals within it would be adopted. Therefore the circumstances in relation

¹ Ref: APP/V3120/ A/09/2104678

² APP/F2415/A/12/2183653

to the Broughton Astley Neighbourhood Plan are not comparable with the Stanford in the Vale Neighbourhood Plan. Nevertheless, I consider the appeal proposal to be consistent with the desire of residents to ensure that Stanford in the Vale retains its character as a rural village.

30. As part of the neighbourhood plan exercise the suitability of a number of sites, including the appeal site, for housing was assessed. The appeal site was considered to be unsuitable due to highway issues, its location within a CTA, and its proximity to a listed building. These matters are addressed elsewhere in this decision.
31. Overall I conclude that the appeal proposal would not be prejudicial to the allocation of housing sites within the Neighbourhood Plan.

Other Matters

Infrastructure Contributions

32. The Community Infrastructure Levy (CIL) Regulation 122 provides that it is unlawful for a planning obligation to be taken into account in a planning decision on a development that is capable of being charged CIL unless it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Local Plan policy DC8 provides that development will only be permitted if the necessary infrastructure is in place, or is proposed as part of the development.
33. The S106 Agreement in favour of Oxfordshire County Council covenants to make financial contributions towards education, libraries, social and healthcare, waste and recycling, museum resources, youth support facilities and skills, adult learning facilities and a community bus service.
34. The village primary school is expected to be at capacity once permitted housing within the local area is taken into account and the County Council advise that the closest secondary school will be at capacity by 2016. The appeal proposal will add to the need for additional school places within the Wantage School Planning Area. The contributions sought will be used to increase capacity at schools within the area.
35. The appeal proposal will place additional pressures on Faringdon Library which the County Council advise is under-size in relation to the existing population. The contribution will be used to expand and refurbish the library and add to its stock. The museum service provides support to schools and the museums throughout the County. It is currently operating at capacity and requires additional storage space to cater for increased demand. The proposal will also add to the demand for adult learning facilities and day care facilities for older people and youth support.
36. Stanford in the Vale is located on a strategic bus route linking Wantage with Faringdon. The Council has a strategy to enhance the existing service to improve access to employment, education and a range of other services through the provision of an hourly bus service. A contribution towards the enhancement of this service would support sustainable travel for existing and future residents in accordance with the policies within the NPPF. It would be directly related to the development and would be fairly and reasonably related in scale and kind.

37. No justification has been provided for the contribution sought towards the strategic waste and recycling management and facility. At the time of the application the County Council sought a contribution towards the provision of waste and recycling bins. This would seem to be addressed in the Unilateral Undertaking where the level of contribution corresponds to that sought at the time of the application. Therefore the contribution sought by the County Council would not be CIL compliant and I am unable to take this obligation into account.
38. With the exception of the strategic waste and recycling contribution, I am satisfied that the above obligations are necessary to make the development acceptable in planning terms and that the scale of the contributions are directly, fairly and reasonably related to the development in scale and kind. I have therefore taken them into account in reaching my decision.
39. The justification for the contributions to the District Council relies on the evidence submitted in relation to an appeal in respect of Land off Highworth Road, Faringdon³. Based on the inspector's findings in respect of that appeal, the Council acknowledges that the contributions towards swimming facilities, sports hall, health and fitness, outdoor tennis and public art are not CIL compliant. Therefore I am unable to take these obligations into account.
40. There is a current under-provision of football pitches in the wider area, and the residents of the proposed dwellings would add to the pressure on existing facilities. The contribution would be used towards the provision of an additional pitch within the surrounding area and associated facilities.
41. The need for a full size artificial grass pitch in Faringdon (about 3 miles away) is identified in the Council's *Leisure and Sports Facility Strategy* (2013). Whilst there are other facilities within the District, the nearest is a considerable distance away. The proposed pitch at Faringdon would be accessible to future residents and the appeal proposal would add to the demand for its use. Therefore the contribution sought would be directly, fairly and reasonably related to the development in scale and kind.
42. The *Leisure and Sports Facility Strategy 2013 -2029* identifies a need for a 0.76 multi-use games area (MUGA) per 100 people. The proposal would add to the demand for the use of MUGAs within the locality and the contribution would be used to enhance existing facilities or provide additional facilities accessible to future residents.
43. No justification has been provided in relation to the cricket pitch contribution or that towards rugby pitches. Indeed the evidence on which the Council rely (the Highworth Road Appeal) states that contributions are not being sought for rugby or cricket pitches. Therefore I am unable to take these obligations into account.
44. The waste and recycling contribution is based on the cost of providing kerbside waste and recycling bins and receptacles for each dwelling. These items are directly and proportionately related to the development and are necessary to enable waste collections to take place.
45. The appellant considers that the contribution towards street naming and numbering is not CIL compliant in that this is a service provided by the Council.

³ Appeal Ref:V3120/A/13/2210891

However, the requirement for street naming and numbering is directly related to the development and necessary to make it acceptable. On the basis of the available information I judge it to be fairly and reasonably related in scale and kind to the development.

46. Although the Parish Council advised that it would be seeking contributions at the time of the application, a formal request for contributions does not appear to have been forthcoming. The contributions sought by the District Council on behalf of the Parish Council are based on an adjustment of the amounts requested in respect of a planning application at Bow Farm, Bow Road, Stanford (Ref P13/V1949/O) and reflect a 2% increase in the size of the village that the Parish Council consider would arise from the appeal proposal.
47. The requested contributions relate to a range of schemes, including a community recreational field within the village, the on-going maintenance of the recreation ground, a community notice board, road safety signs, contributions to various village charities, a contribution towards the upgrading and refurbishment of the village hall, the provision of a new burial ground, the replanting of the Community Woodland.
48. On the basis of the available evidence many of these contributions do not appear to be necessary to make the development acceptable. The Community Notice Board is not required as a result of the proposed development. There are existing notice boards in the village and no justification has been made for the additional notice board as a result of the proposed development. There has been no request from the Highway Authority in respect of flashing speed restriction signs. The requested contributions towards village charities and the replanting of trees that have not survived within the Community Woodland would not comply with the CIL regulations.
49. The Parish Council is in the process of acquiring additional recreational land within the village which will be used to provide a number of facilities for residents, including additional sports pitches and allotments. The Council's evidence indicates that there is not a need for cricket or other pitches within the locality, and the pitches, and the contributions towards other sporting facilities come within the planning obligation to the District Council. The terms of the Unilateral Undertaking would permit the provision of some of these facilities close to the village. On the basis of the submitted evidence it would seem that in some instances the Parish Council and District Council are seeking contributions for similar facilities. Therefore there is insufficient evidence for me to conclude that the contribution sought by the Parish Council towards the community field would be fairly and reasonably related to the development.
50. The Unilateral Undertaking provides for the transfer of the public open space within the development to a management company, and therefore a contribution to the Parish Council towards its maintenance of is not justified. Insufficient evidence has been submitted to justify the requirement for a contribution towards a new burial ground.
51. The Parish Council is considering a number of improvements to the Village Hall to improve its capacity and facilities. Residents of the appeal scheme are likely to make use of the Village Hall and add to the existing pressure on its use. Therefore a contribution towards the Village Hall is necessary to make the development acceptable in planning terms and the scale of the contribution is

directly, fairly and reasonably related to the development in scale and kind. I have therefore taken them into account in reaching my decision.

52. For the reasons given above, I am unable to take account of the planning obligations in respect of swimming facilities, sports hall, cricket and rugby pitches, health and fitness, outdoor tennis and public art. In terms of the contributions sought by the Parish Council, the only CIL compliant obligation is that in relation to the Village Hall.

Other Matters

Biodiversity

53. The appeal site is situated within Conservation Target Area (CTA). Such areas have been identified as areas for wildlife where targeted conservation work would have the greatest benefits. It is intended to restore biodiversity at a landscape scale and help wildlife to survive and be better able to adapt to climate change. The Council explain that such areas are not considered to be a constraint on development, provided the proposed development does not impact on the ecological functioning of the CTA and contributes positively to the conservation efforts within it.
54. The Ecological Appraisal submitted with the application found that there was no wildlife of note within the development site. It also concluded that the site would provide only limited foraging habitat for bats and was unsuitable for supporting reptiles or protected amphibians. The results of the appraisal are not disputed by the Council. On the basis of the submitted evidence I consider that the proposal would be unlikely to significantly impact on the functioning of the CTA.
55. The Ecological Appraisal makes a number of recommendations to mitigate the effects of the proposal on wildlife and vegetation together with measures to enhance the ecological value of the site. Subject to the implementation of these measures, the proposal would be likely to have a beneficial effect on wildlife and biodiversity in the vicinity of the site. Overall the proposal would not conflict with the location of the site within a CTA. It would minimize impacts on biodiversity and would be likely to provide net gains in accordance with paragraph 109 of the NPPF.

Housing Land Supply

56. National planning policy is set out in the NPPF and seeks to significantly boost the supply of housing. It encourages local planning authorities to ensure that their local plan meets the need for market and affordable housing in their housing market area and to identify a supply of deliverable sites sufficient to provide 5 years worth of housing against their requirements. To ensure choice and competition in the market an additional buffer of 5% is required or, where there has been a record of persistent under delivery, a buffer of 20%.
57. Evidence submitted in relation to a recent appeal⁴ sets out the Council's position at that time in relation to housing land supply. It explains that a Strategic Housing Market Assessment (SHMA) prepared jointly with other local authorities within Oxfordshire was completed in April 2014. This established an objectively assessed need for 1028 dwelling per year 2011-2031 and also provided evidence of previous delivery rates. At that time the Council

⁴ APP/V3120/A/13/2210891

submitted that it had a 4.4 years of deliverable housing sites, including a 20% buffer if the residual housing requirement is spread over the remainder of the plan period, or 3.1 years if the shortfall is met in the first five years of the plan.

58. Despite the limitations of the available evidence, the Council acknowledges that it does not have a supply of specific deliverable sites sufficient to provide five years worth of housing. It further recognises that due to its persistent record of under delivery, a 20 % buffer should be applied in accordance with paragraph 47 of the NPPF.

Archeology

59. Some residents are concerned that the proposal would damage the archaeological significance of the site. Ridge and furrow earthworks within the site are highly eroded and not readily discernible. They are a non-designated heritage asset and would be removed as a consequence of the proposal. The submitted heritage assessment found that they were not a significance that would warrant preservation in situ and are limited heritage value.
60. The Council advise that the County Archaeologist is satisfied with the heritage Assessment and does not object to the proposal, or consider any archaeological conditions to necessary. In the absence of any persuasive evidence to the contrary I have no reason to reach a different conclusion.

Sustainability

61. The NPPF sets out a presumption in favour of sustainable development. It advises that sustainable development should be seen as the golden thread running through both plan-making and decision-taking. It identifies three dimensions to sustainable development - economic, social and environmental.
62. Economically, the development would bring short-term advantages in respect of jobs. In the longer term it would increase household spending within the village, although I acknowledge that due to the number of dwellings proposed the effect would be modest.
63. The proposal would provide 18 new dwellings, including 7 affordable dwellings in an area where there is an identified shortage of housing and a need for affordable housing. It would also assist with meeting the need for retirement properties within the District.
64. The Parish Council and some local residents consider that due to the manner in which the affordable housing, retirement housing and market housing are arranged within the site the proposal would not be socially sustainable. Whilst the affordable housing would be located within its own cul de sac, it would be situated towards the centre of the site and would not be isolated from either the market or retirement housing. In my view, given the small size of the site, the proposed layout would not be a deterrent to social integration between the various residents living on the site. The proposal would create a mixed and inclusive community in accordance with paragraph 50 of the NPPF.
65. The proposal would benefit the wider community through the contributions towards recreational and other facilities, including the village hall which is accessible to existing residents within the village. Overall I consider the proposal would be socially sustainable.

66. The Appellant and the Council are agreed that the site lies within a sustainable location within walking distance of the village school, shop and post office. The village is served by bus services from Faringdon to Wantage, although the service does not operate during the late evening or Sundays. Therefore residents of the development would not be reliant on the use of a car for all of their journeys. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary between rural and urban areas, indicating that a lower level of sustainability may be expected and consequently sometimes acceptable, in areas such as Stanford in the Vale.
67. The Highway Authority considers that the proposal is unlikely to have a significant impact in terms of highway safety or congestion. No compelling evidence to the contrary was submitted. The S106 Agreement provides for the widening of the carriageway and the provision of a footpath using land within the appeal site. The proposed footpath adjacent to Horsecroft would ensure that residents of the proposal would not be at risk from traffic.
68. The proposal would provide safe routes for pedestrians and cyclists. The scheme would help meet the needs of present and future generations for housing, and has the potential to provide a high quality built environment including an area of publicly accessible open space. The development would not be at risk of flooding or increase flood risk elsewhere.
69. I am aware that the Council's SHLAA assessment found the site to be unsuitable for housing in that it was at risk of flooding and is located within a CTA. However the conclusions within the SHLAA related to a much larger site, of which the appeal site forms part. The Council do not consider the appeal site, which lies within Flood Zone 1, to be at risk of flooding, and for the reasons given above the proposal would not conflict with the CTA.
70. Although there would be some harm due to the loss of open land, this would be mitigated by the landscape scheme and the mitigation and biodiversity enhancement strategy. There would be a very small level to the setting of the Grade II listed building at Long Acre. Looked at in the round, I conclude that the proposal would be socially, environmentally and economically sustainable.

Overall Planning Balance

71. I found above that the proposal would not harm the character and appearance of the area and would not be prejudicial to the emerging Neighbourhood Plan. There would however be some slight harm to the setting of the listed building at Long Acre. Having regard to the duty under s66(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 I attach considerable weight to this harm.
72. Paragraph 134 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would deliver a number of public benefits, in terms of new housing including affordable housing, the provision of open space, improvements to the pedestrian environment and the enhancement of biodiversity on the site.
73. The NPPF sets out a presumption in favour of sustainable development. I found above that the proposal would be sustainable development. The Council does not object to the principle of development, and acknowledges that that it

does not have a five year supply of deliverable sites and therefore in accordance with paragraph 49 of the NPPF the relevant policies for the supply of housing cannot be considered up-to date.

74. Paragraph 14 of the NPPF states that where the development plan is absent, silent, or the relevant policies are out of date, permission should be granted for development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework as a whole, or specific policies within it that indicate that development should be restricted.
75. For the reasons given above, there would be some slight harm to the setting of Long Acre to which I accord considerable weight. There would also be some intrinsic harm due to the encroachment of built development into the countryside.
76. It is evident that there is a significant shortfall in the delivery of housing within the District. The acceptance by the Council that the 20% buffer required by paragraph 47 of the NPPF applies, indicates that there has been a long-standing failure to deliver the necessary dwellings. Moreover, the Council is unable to demonstrate a five year supply of housing land, even when the existing shortfall is spread over the remainder of the plan period. Having regard to the Council's position in relation to the supply of housing and the aim of the NPPF to significantly boost the supply of housing, the contribution that the appeal proposal would make towards the meeting the housing needs of present and future generations is a matter to which I accord considerable weight. In addition, the SHMA indicates a considerable need for affordable housing within the District. I therefore attribute significant weight to the contribution that the 7 affordable dwellings proposed would make towards meeting this need.
77. The appeal scheme would also provide pedestrian and highway improvements in this part of Horsecroft. These matters also add weight in favour of the proposal. In addition the enhancement of the CTA and the contribution towards the bus service weigh in favour of the proposal.
78. Having regard to the mitigation proposals in relation to the setting of the listed building and the public benefits of the proposal, I consider that the considerable harm to the setting of the listed building would be clearly outweighed by the totality of the benefits of the proposal. I therefore conclude that the adverse effect of allowing the proposal, including its effect on the setting of the listed building, would not significantly and demonstrably outweigh the substantial benefits of the proposal.

Conditions

79. I have considered the suggested conditions in the light of discussions at the inquiry, the advice at paragraphs 203 and 206 of the NPPF and the PPG. The Council suggest that due to the pressing need for new homes within the District the development should be commenced within 1 year. However the suggested conditions also include a number of matters to be submitted for approval. Therefore, although the appellant does not object to this condition, I consider that it would fail the test of reasonableness. For the avoidance of doubt and in the interests of proper planning the scheme should be carried out in accordance with the approved plans.

80. The submitted plans provide some details of the proposed wall and roofing materials, however further details are necessary in order to ensure that the proposal integrates with the surrounding area. For this reason samples of materials should be submitted for approval. Details of refuse storage are required in the interest of the appearance of the development. In order to ensure that there is satisfactory off-street parking for future occupants the garage accommodation should be retained for its intended purpose.
81. The appellant submitted details of the proposed landscape scheme. I consider a condition is necessary to ensure the implementation of the landscape scheme and the replacement of any trees, shrubs or other plants which form part of it. It is proposed that the public open space will be transferred to a management company. However, give the sensitivity of the boundaries relative to the listed building and the Lowland Vale, I agree that a landscape management plan should be submitted.
82. The Council suggested a condition requiring the trees shrubs and hedges on the appeal site to be preserved and maintained. Whilst there are no trees on the appeal site, there are two individual trees and three hedgerows situated just beyond the site boundary. The Arboricultural Impact Assessment and Tree Protection Plan makes recommendations to safeguard these trees and hedgerows during the construction period. I agree that they should be retained in the interests of visual amenity and biodiversity. Therefore a condition requiring the proposal to be implemented in accordance with the recommendations within the Arboricultural Impact Assessment and Tree Protection Plan would be more precise.
83. For the reasons given above, the proposal should be implemented in accordance with in mitigation, compensation and enhancement measures within the ecological report.
84. The foul and surface water drainage strategy submitted with the application concluded that a more detailed design would be necessary as part of the technical approval process. Therefore details of surface water and foul water drainage works are necessary in order to prevent flooding and pollution in the locality. However a separate condition prohibiting the discharge of surface water onto the highway is not required.
85. I agree that a construction traffic management plan is necessary in order to mitigate the effect of construction traffic on the surrounding highway network and local residents. To promote the use of non-car modes of transport in the interests of sustainability, a travel plan will be required.
86. PPG advises that permitted development rights should only be restricted in exceptional circumstances. In the case of the appeal scheme, the layout and scale of the proposed dwellings have been designed to reflect the edge of settlement location of the appeal site and its proximity to the Long Acre. In these circumstances I consider the removal of Class A permitted development rights to be reasonable.

Conclusion

87. For the reasons given above I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

Richborough Estates

Schedule of Conditions

Appeal Ref: APP/V3120/A/14/2220879

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, 13.093.HT-B.01 rev P2, 13.093.HT-B1.01 rev P2, 13.093.HT-B1.02 rev P2, 13.093.HT-B1.03 rev P2, 13.093.HT.B1.04 rev P2, 13.093.HT-B1.05 rev P2, 13.093.HT-D.01 revP2, 13.093.HT-D.02. rev P2, 13.093.HT-D.03 revP2, 13.093.HT-D.04 rev P2, 13.093.HT-E.01 rev P2, 13.093.HT-F.01 rev P2, 13.093.HT-G.01 rev P4, 13.093.HT-H.01 rev P3, 13.093.HT-H.02 rev P3, 13.093.HT-J.01 rev P2, 13.093.HT-J.02 rev P2, 13.093.DG.01 rev P2, 13.093.DG.02 rev P2, 13.093.DG.03 rev P2, 13.093.GS.01rev P2, 13.093.SG.01rev P2, 13.093.SI.02.01 rev P4,13.093.SI.02.02 rev P3, 13.093.SI.02.03 rev P3, 13.093.SI.02 rev P5, 13.093.SI.02 rev P6, 13.093.SS rev P3, 616-01C STAN-01 and TPP1.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of the development hereby approved details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall be implemented in accordance with the approved details prior to the occupation of the development and retained thereafter.
- 5) The garages hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
- 7) Prior to the commencement of development, a maintenance schedule and long term management plan for the soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The schedule and maintenance plan shall be implemented in accordance with the approved details.
- 8) The development shall be implemented in accordance with the tree protection measures specified in sections 3 and 5 of the Bosky Trees

Arboricultural Impact Assessment & Tree Protection Plan dated 19 December 2013.

- 9) The development shall be implemented and maintained in accordance with the recommendations for the enhancement of the site as set out in Section 6 of the Malford Environmental Consulting Ecological Appraisal dated 10 December 2013.
- 10) Prior to the commencement of the development details of the surface and foul water drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.
- 11) A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site, and shall be maintained throughout the course of the development and include details hours of operation, deliveries and wheel washing facilities.
- 12) No development shall take place until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include proposals for all travel by modes other than the private car for journeys to and from the site.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development falling within Class A of Part One of the Second Schedule of that Order shall be carried out on site.

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