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## Appeal Decision

Site visit made on 29 September 2015

**by John Chase MCD DipArch RIBA MRTPI**

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

Decision date: 15 October 2015

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**Appeal Ref: APP/V3120/W/15/3017366**

**Land to the North of Portway Villas, Reading Road, East Hendred, Wantage, OX12 8JD**

- 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 Pye Homes against the decision of Vale of White Horse District Council.
  - The application Ref P14/V1964/FUL, dated 13 August 2014, was refused by notice dated 4 February 2015.
  - The development proposed is residential development of 26 dwellings, and off-site works.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development of 26 dwellings, and off-site works at land to the north of Portway Villas, Reading Road, East Hendred, Wantage, OX12 8JD in accordance with the terms of the application, Ref P14/V1964/FUL, dated 13 August 2014, subject to the conditions in the schedule at the end of this decision.

### Main Issue

2. The main issue is whether the proposal represents a sustainable form of development in the context of a shortfall in the supply of housing land.

### Reasons

3. The appeal site is the southern portion of a field to the north of the village of East Hendred. Immediately south is a recently completed development of 21 new houses, which was granted permission at appeal in 2013 (APP/V3120/A/13/2195492). The new scheme would be a similar form of cul-de-sac development, served by the existing estate road taking access from a junction with the A417 Reading Road, which separates this area from the main part of the village to the south.
4. In granting permission for the first phase of development, the Inspector noted that the Council were not able to demonstrate a five year supply of deliverable housing sites, to comply with para 47 of the National Planning Policy Framework (NPPF), and that there was therefore a need to boost the supply of both affordable and market housing. There is no reason to consider that circumstances have changed in this respect; whilst there is a new Local Plan in the course of preparation, the Council acknowledge that it has not yet reached

the stage where it can be allocated significant weight, and, in the meantime, it is not possible to meet the five year land requirement. In these circumstances, NPPF para 49 indicates that policies for the supply of housing should be considered out of date.

5. In this context, the Council's reason for refusal of the planning application refers to policy GS2 of the adopted Local Plan, which creates a general restriction on development outside existing settlements, including the present appeal site, and which implements the locational strategy of Policy GS1 to concentrate development at the main settlements. The previous Inspector determined GS2 to be out of date and, having regard to its wide ranging effect in determining the location of housing, there is no reason to reach a different conclusion in this appeal. Where this is the case, NPPF para 14 indicates that sustainable development should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council's statement accepts that there is not an objection in principle to the scheme in view of the need for a supply of housing.
6. The question arises as to whether the proposal amounts to sustainable development, which is defined in para 7 of the NPPF as having three components: economic, social and environmental. A supply of market and affordable housing would help to meet the social and economic roles; the main potential objection to this development lies in its environmental impact, both in terms of the effect on the character and appearance of the countryside and the setting of the village, and the degree of accessibility to local facilities and services.
7. On the first point, whilst it was noted in the earlier appeal that the site then under consideration fell within a partially developed frontage along the A417 road, that argument has less force in the present case, where the site more clearly projects into countryside to the north. On the other hand, there is some containment provided by the hedge lines on either side of the farm road on the western boundary, and by the mix of orchard, allotment and sheds on the eastern side, as well as the group of buildings in the vicinity of the north western corner of the site.
8. It is certainly true that the development would bring the urban area closer to the footpaths on the eastern side of the site and to the north, and that Local Plan policy NE9 seeks to protect the quality of the local landscape, especially long open views across the area. However, the northwards movement of the urban area would have an incremental, rather than decisive effect on the character and appearance of countryside, and the proposal to create a planted buffer zone on the outer boundary would help to soften the impact of the buildings. The land is relatively featureless, without special landscape merit in its own right, and there is no indication that the development of the site would have a significant impact on views to or from the North Wessex Downs Area of Outstanding Natural Beauty. It would have a limited effect on the perception of the setting of the village, which is largely determined by the nature of the A417 road in this location.
9. Reference is made to appeal decision APP/V3120/A/14/2224475 issued in March 2015, which dismissed a scheme for a solar farm on land to the north of the appeal site because of its effect on the character and appearance of the area. Whilst this site is within the general vicinity of the present scheme, there

are some significant differences, both in location and scale. Where the current proposal would be a marginal extension of the present settlement, the solar farm would have occupied a substantial portion of land within the countryside, where its position and elevation would have had a significant impact on the appearance of the surrounding area. There is justification for a different assessment in this instance.

10. Turning to the accessibility of the location, East Hendred is a relatively large village, with a range of facilities and services. It is the case that the majority of these are within the historic village centre, to the south, and that it would be necessary for new residents to cross the A417 road. However, the previous appeal determined that the site then under consideration was within a reasonable walking distance of the centre, and the new scheme would not be so much further removed as to justify a different conclusion on this point. Pedestrian access has been facilitated by a footpath connection and lights controlled crossing. The site is not in an unacceptably remote location, and the additional population would help to provide support for the village facilities.
11. Amongst other matters raised by third parties is a concern about the impact on the flow of traffic and road safety. These are matters which were considered in some detail by the previous Inspector when allowing the earlier appeal and, whilst the additional housing would increase the overall level of vehicle movements, there are no substantial grounds to counter the appellants' highways analysis showing that the additional load would remain a small proportionate increase, with limited impact on the road system. The highway authority do not object to the proposal and there is not reason for this decision to take a different view. Similarly, the evidence does not indicate that any potential harm arising out of matters such as flooding and pressure on local infrastructure could not be adequately overcome by obligations or planning conditions. Whilst the solar farm appeal drew attention to the potential loss of higher grade agricultural land in the area, it is not certain that the present site occupies such land nor, even if it does, that the area involved would amount to the significant loss referred to in the NPPF.
12. Taking all these matters together, there are sufficient grounds to determine that the scheme would be a sustainable form of development, and that any conflict with the development plan would not outweigh the benefit of the provision of a supply of market and affordable housing.

### **Obligations**

13. The appellants have submitted Unilateral Undertakings in accordance with Section 106 of the Town and Country Planning Act 1990 to the County Council and the District Council. The former makes contributions for the provision of bus stops and bus services; the latter includes a 40% supply of affordable housing, obligations to provide and maintain amenity areas, and contributions to a range of sporting facilities and waste collection. The obligations are subject to the determination of this decision that they comply with the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, 2010.
14. It is recognised that the additional population will create an increased load on the local infrastructure, and there is no reason to consider that the proposed contributions are unnecessary, or that they do not represent a fair proportion of the costs arising. The need for affordable housing meets the objectives of Local Plan policy H17, and there is a requirement to provide amenity space for

the benefit of the new residents. The obligations meet the tests in CIL Regulation 122, and there is no evidence to contradict the Council's assertion that they satisfy the criteria of Regulation 123.

### **Conditions**

15. The Council's suggested conditions are assessed in relation to the advice in the Planning Practice Guidance. The shortening of the timescale for implementation of the scheme to one year is not unreasonable as the housing is intended to address the current land supply shortfall. The approved drawings are specified for the avoidance of doubt and in the interests of proper planning. There is a need to agree the external materials of the development and details of levels for the benefit of the appearance of the estate, but there is no indication that the site is in such a sensitive location that the submission of additional house design details is justified.
16. Whilst the appellants have submitted a schematic landscaping layout, further details are required to ensure the minimum impact on the character and appearance of the area. This may include boundary design, without the need for a separate condition. Details of surface water drainage are required to avoid the risk of flooding but foul drainage and other utilities are subject to alternative powers. The provision of on-site parking is necessary for highway safety, as are a construction traffic management plan and details of road design.

### **Conclusions**

17. It is recognised that the proposal represents a further incursion into countryside to the north of the A417 road, and that there is concern about the impact that this would have on the character and sustainability of the village and its surroundings. However, for the reasons given, any harm is not of such importance as to outweigh the benefit of increasing the supply of housing in a situation where the Council is not able demonstrate a 5 year supply. Taking all representations into account, there are not grounds to dismiss the appeal.

*John Chase*

INSPECTOR

## **SCHEDULE OF PLANNING CONDITIONS**

- 1) The development hereby permitted shall begin not later than one year from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, except as modified by compliance with these conditions: 2740.100, 101A, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, ASA-431-DR-001C & 002.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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) No building hereby permitted shall be occupied until provisions for the disposal of surface water have been implemented in accordance with the principles set out in the Flood Risk Assessment Ref CV8120209/JR/LR/044 dated 25 November 2014, and with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5) Notwithstanding the details shown on the approved drawings, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include all boundary treatment, hard surfacing materials, schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme.
- 6) All hard and soft landscape works shall be carried out in accordance with the details and programme approved under the preceding condition. Thereafter, the landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted.
- 7) Prior to the commencement of development, details of the existing ground levels of the site and the proposed slab levels of the new dwellings shall be submitted to and approved in writing by the Local

Planning Authority, and the development shall proceed in accordance with the approved details.

- 8) Prior to the occupation of the new development, the car parking spaces shown on the approved drawings shall be constructed, surfaced and marked out. Thereafter, the parking spaces shall be kept available for their intended purpose.
- 9) All of the roads and footways shown on the approved drawings and all ancillary highway works and street lighting shall be provided in accordance with the specification in the current edition of Oxfordshire County Council's Residential Road Design.
- 10) Prior to commencement of development a construction traffic management plan shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved plan during the course of construction.

Richborough Estates