



## Appeal Decision

Hearing held on 20 January 2016

Site visit made on 20 January 2016

**by Tim Wood BA(Hons) BTP MRTPI**

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

**Decision date: 19 February 2016**

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**Appeal Ref: APP/V3120/W/15/3129361**

**Land at Longcot Road, Shrivenham, Oxfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Taylor Wimpey UK Ltd against the decision of Vale of White Horse District Council.
  - The application Ref P13/V1514/O, dated 3 July 2013, was refused by notice dated 24 March 2015.
  - The development proposed is residential development comprising up to 59 dwellings with associated highway works, landscaping and infrastructure improvements.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development comprising up to 59 dwellings with associated highway works, landscaping and infrastructure improvements at land at Longcot Road, Shrivenham, Oxfordshire in accordance with the terms of the application, Ref P13/V1514/O, dated 3 July 2013, subject to the conditions set out in Schedule 1 of this decision.

### Preliminary Matters

2. The appeal relates to an outline proposal with means of access as the only detailed matter to be determined at this stage. The Council and the appellants have submitted a Statement of Common Ground (SoCG).

### Main Issues

3. The main issues in this appeal are;
    - The effects of the proposal in relation to the loss of agricultural land
    - The effects on the setting of the nearby Listed Church of St Andrew
    - The effects of the proposal on the landscape character of the area
    - The effects of the density and design of the proposal on the character of the locality.
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## **Reasons**

### **Background**

4. It is accepted by the Council that they are unable to demonstrate a 5 years' supply of housing land and that the relevant policies within the adopted local plan are not up to date. Consequently, if there are adverse effects arising from the proposal, these would need to significantly and demonstrably outweigh any benefits if the scheme is to be dismissed. The site is outside the defined village of Shrivenham and the Council set out in their evidence that Policy GS2 (which states that no new building will be permitted outside built up areas) and Policy H11 (which allows for limited infill within the built up area of Shrivenham) are out of date. They also state that the relevant policies in the draft Local Plan can only be afforded limited weight. However, the Council considers that the proposal cannot be considered as sustainable development.

### **The effects of the proposal in relation to the loss of agricultural land**

5. The agreed evidence is that the proposal would result in the loss of land with a varied Agricultural Land Classification (ALC). Between 0.5ha and 0.8ha is Grade 1, the remainder of the 3.5ha is Grade 2 or Grade 3a. Although this is quite different from the information used by the Council when refusing the application, it still represents the 'best and most versatile' land. There was some verbal challenge to the grade of the land raised at the Hearing but this was not supported by any technical or expert evidence.
6. The National Planning Policy Framework advises at paragraph 112, that account should be taken of the economic and other benefits of the best and most versatile agricultural land. It adds that, "Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."
7. The Council states that they are seeking to allocate land for housing development adjacent to the northern edge of Shrivenham, where the quality of the land is not as good as the appeal site. The Council states that a resolution to grant permission for major developments of homes has been made by the Council in this area.
8. In my consideration of this matter, I do not see the proposal as a "significant" development as referred to in paragraph 112 of the Framework, although the term is not defined. However, some land of the best quality would be lost and the proposal would mean that it probably would not be used for agricultural use in the foreseeable future or at all. In this respect I see some harm arising from the proposal but would categorise that harm as slight, taking account of the size of the site and its grade.

### **The effects on the setting of the nearby Listed Church of St Andrew**

9. St Andrew's church is set at the heart of the village of Shrivenham, approximately 800m from the appeal site. The church has its origins in the 12<sup>th</sup> Century, its prominent tower dating from the early 15<sup>th</sup> Century and other parts from 1638. It provides an impressive focal point within the village and is

Grade I listed. Its significance is derived from its age, its architectural interest and its strong contribution to the history of the settlement and area.

10. In terms of its setting, it is primarily experienced from areas close at hand within the village. Views from the north, across open land include the upper parts of the church within its village setting. It forms part of the composition of the village and is the most prominent part of it.
11. The Council sets out in evidence that the church is visible from the appeal site and public footpath which runs immediately to the south of the appeal site. I was able to walk along the path at the Hearing and I could catch a few glimpses of the upper parts of the tower between the houses and trees. Much of the land within the village to the south of the church is taken up with post-war housing; these and the intervening trees limit the appreciation of the church from here.
12. The immediate context of the church provides its close setting which is the village context and the surrounding historic buildings. Its wider context and setting extends to the more open land to the north where it is visible within its village setting. To the south and from the appeal site, I consider that the intervening post war housing and the very restricted visibility means that the appeal site is possibly within the far reaches of the setting of the church. Taking account of the evidence before me and from my inspection of the area, I consider that the appeal site does not add appreciably to the significance of the church and it is not in a position where one can readily experience the church. I agree with the appellant's summary, that the proposal will have a negligible effect on the significance of the church and one which can be said to be 'less than substantial'. I attach considerable importance and weight to harm to significance. In accordance with paragraph 134 of the Framework I shall balance the negligible harm against any benefits that may arise, later in this decision.

***The effects of the proposal on the landscape character of the area***

13. The appeal site sits within the Lowland Vale which is identified in the adopted Local Plan as sitting between the Corallian Ridge and the AONB and is valued for its landscape quality. It adds that the long views over the patchwork of fields, farms and villages are an essential part of the landscape quality. It identifies that insensitively located or designed proposals could have an adverse effect on the open vistas and on landscape quality. Policy NE9 of the LP states that development will not be permitted in the Lowland Vale if it would have an adverse effect on the landscape, particularly on the long open views within or across the area.
14. The appeal site sits immediately adjacent to the edge of the village, which is mainly formed here by the boundary of rear gardens and is described as a rather ad hoc or incoherent boundary. Although the site itself is undeveloped, its character includes it being influenced by the settlement edge with clear and open views of the houses on Vicarage Lane. The site is well contained within the wider landscape and only limited views of it are available from anywhere but its immediate surroundings due to the flat and low landform and intervening vegetation. The numerous views contained within the evidence, some of which I had the opportunity to see, confirms this to me. From the much longer distances within the elevated land in the AONB and the Ridgeway, the appeal site would be virtually imperceptible within the wide vista.

15. I accept that people using the adjacent footpath would be able to see the new development close at hand but it is stated that the edge of the development here could be softened by open space and planting and this would form a more coherent edge to the settlement than currently exists. This and further additional planting could be seen as an enhancement to the landscape character as a whole. Taking these points together, I find no conflict with Policy NE9 of the LP.

***The effects of the density and design of the proposal on the character of the locality***

16. The appeal is for an outline scheme with matters of appearance, landscaping, layout and scale to be determined at a future stage. It is notable that a number of comments made by the Council relate to the submitted illustrative layout as though that would represent the ultimate form of the development. I have taken account of the fact that, if the appeal were to be allowed much of the nature of the development would still yet to be determined.
17. The Council sets out that the density of the adjacent part of the village on Vicarage Lane is about 9 dwellings per hectare (dph) and that the proposal would be 16.6dph (or 22.7 dph if the open space is excluded). I accept that this means that the density would not be the same as the immediately adjacent housing area, it would be considerably less than that set out in Policy H15 of the LP which aims for 30dph in order to make efficient use of land. Although only illustrative, I consider that the information submitted by the appellant confirms that a suitable level of amenity space and separation space between the proposed and the existing dwellings could be achieved. In addition, there appears to be scope to provide a soft edge to the development, and hence the village, with the provision of open spaces within or at the edge of the site. If this were to be the case, it would provide a better edge to the village than currently exists.
18. Taking account of the illustrative material submitted with the appeal, I am satisfied that a suitable form of development could be achieved here which would be of an appropriate density and form so as not to harm the character of the village. Some of the issues raised by the Council relate to detailed matters and I judge that they could be resolved at the detailed stage, if it were justified to do so. I have had regard to the Council's Design Guide as a Supplementary Planning Document and consider that the ultimate form of the development could be designed to be consistent with its aims. In this context, I find no conflict with Policies DC1 and DC9 of the LP and advice in the Framework.

**Other Matters**

19. Although the Council and the County Council as highways authority raise no objections to the proposed access, others at the Hearing did. I have given careful consideration to the submitted material and views. From my consideration of this and from a close inspection at the site visit, I am satisfied that suitable visibility can be provided for drivers at and around the proposed new junction.
20. The illustrative layout indicates the presence of some ponds within the site and the drainage strategy would seem to include this too. In relation to safety, I am satisfied that details of the location, any enclosure, planting and profile of

the ponds could be dealt with at the detailed stage so that they do not give rise to undue safety risks.

21. The Council refer to an appeal decision of January 2011 which relates to part of the current appeal site (Ref: APP/V3120/A/10/2134318). That appeal proposed 1 house on the Longcot Road frontage and was dismissed. It seems to me that some major distinctions can be made between that appeal and the one now before me. There is no reference in the previous appeal to housing land supply and the Inspector appeared to give full weight to those relevant policies; these same policies are acknowledged as being out of date in the current appeal as the Council cannot demonstrate a suitable supply of housing land. The Framework was published in the intervening years and sets a clear context for determining applications in these circumstances. In relation to Policy NE9, the previous Inspector considered that harm would be caused by the single house. I am not aware of the evidence before him when he considered that appeal, but I have considerable evidence before me including detailed landscape assessments. From the evidence before me, I am satisfied that there would be no conflict with Policy NE9, for the reasons given above.

### **Planning Obligations**

22. The appellant has submitted a S106 Agreement with the County Council relating to education and highways matters. In addition an Undertaking has been submitted in favour of the District Council relating to sport and recreation, on-site public open space, waste collection, policing, street naming, affordable housing, play/recreation equipment and enhancements to Memorial Hall and, public art.
23. In relation to the education contribution, the amount has been arrived at by calculating the likely population of the proposed development and the likely number and age of children. I consider that the information submitted by the County Council demonstrates that additional accommodation is needed at primary and secondary school level as a direct result of the proposed development and that the amount is justified by the scale of the development.
24. The highways/transport contributions relate to: improvements to public transport; altering the speed limit on Longcot Road; footpath improvements; travel plan monitoring and an administration and monitoring fee. The County Council has justified the public transport contribution in order to provide a suitable bus service between Oxford and Swindon which would aim to reduce reliance on the private car. The footpath improvements and the alterations to the speed limit would mean that highway safety and the convenience of walkers and pedestrians would be catered for, as a result of the development. Furthermore, I am satisfied that the travel plan monitoring and the general administration and monitoring fee are justified. Taken together, I consider that these obligations relate directly to the proposed development, are necessary to make it acceptable and are of an appropriate scale and so comply with Regulation 122 of the CIL Regs. The County Council has also provided confirmation that Regulation 123 is satisfied by the contributions.
25. In relation to the affordable housing obligation, I am satisfied that these are necessary in order to comply with the Council's policy H17 in relation to this matter. The amounts and provisions sought relate to the proposal and are appropriately scaled. The proposal would give rise to an increased demand locally for use of the limited amount of play and recreational facilities. From

the evidence submitted, I am satisfied that the scale of the development and the facilities referred to justifies the contributions for pitches, games area and tennis. However, I find no specific justification for the Memorial Hall contributions and so I shall not take this into account. The sum sought for the on-site provision is appropriately justified. There is no justification submitted for the public art contribution and so in these circumstances I shall not take this into account.

26. The contributions for street naming and waste are as a direct result of the proposal and I judge then to be acceptable in nature and scale. Thames Valley Police have submitted a detailed justification for contributions arising directly from the additional population of the proposal. On the basis of the submitted evidence, I judge this to be necessary and acceptable. Therefore, in relation to the Undertaking, with the exception of the specific contributions mentioned above that I shall not take into account, I am satisfied that the others comply with the requirements of Regulation 122 of the CIL Regs.

### **Conditions**

27. I have taken account of the advice in the national Planning Practice Guidance in considering appropriate conditions; an agreed set of conditions was included within the SoCG.
28. The standard time limits for commencement and submission of reserved matters have been amended in the suggested conditions to reflect the urgency in the delivery of the proposed houses. I agree that this is reasonable in the circumstances of this case. The means of access is a matter to be determined at this stage and reference to the approved plan for the access is justified. So that important trees on the site are protected an arboricultural method statement is necessary and justified.
29. It is necessary and reasonable that the site should be drained in a sustainable manner and this should be the subject of approval by the Council. Similarly, in relation to foul drainage implementation of an agreed scheme is necessary. Habitats suitable for Great Crested Newts are nearby and a mitigation strategy with recommendations has been submitted; it is reasonable that these recommendations are required by a condition. Conditions relating to archaeological investigation and implementation of works are necessary and reasonable in order that any remains are protected. It is possible that the land contains some contamination and suitable remediation is justified. In order that the construction process does not have an unacceptable effect on the locality a Construction Method statement is necessary. So that the proposed buildings are set at an appropriate level in relation to surrounding properties and land, a condition requiring these to be agreed is justified. A green travel plan would encourage alternative methods of travel and so is justified.
30. In order that the proposal is safe in relation to highways and parking, conditions relating to the provision of visibility splays at the new junction and the provision of the road up to a point adjacent to a new house to be constructed are necessary and reasonable. Conditions requiring the timely provision of open spaces and play area and the provision of a management plan for them are reasonable and necessary.

### **Planning Balance and Conclusion**

31. I have judged that some slight harm would arise from the loss of the agricultural land and that a negligible harm would result to the significance of the listed church. I have balanced these matters against the benefits of the provision of new homes in an area where there is an under-supply and with the provision of affordable homes; I see these as considerable benefits. In other respects, I consider that the proposal would fulfil the economic, social and environmental roles of sustainable development. In undertaking the balance set out in paragraph 14 of the Framework, I consider that the small amounts of harm that would arise are insufficient to clearly and demonstrably outweigh the benefits of the development. Therefore the appeal is allowed.

*S T Wood*

INSPECTOR

Richborough Estates

**APPEARANCES**

FOR THE APPELLANT:

A Ross  
J Vernon-Smith  
M Chard  
S Neal

Turley Assocs  
Turley Assocs  
Barton Willmore  
Taylor Wimpey

FOR THE LOCAL PLANNING AUTHORITY:

A Butler

Major Planning Applications Officer

INTERESTED PERSONS:

J Coats  
J Varney  
S Day

Oxfordshire County Council  
Resident  
Chair of Shrivenham Parish Council

Richborough Estates



**SCHEDULE 1; Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.
- 3) The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) None of the dwellings shall be first occupied until the approved means of vehicular access, visibility splays and pavement as shown on drawing 14326-08 have been constructed in accordance with the approved plan. Thereafter, the visibility splays shall be permanently maintained free of obstruction to vision.
- 5) No dwelling shall be occupied until public open spaces and a local area of play have been laid out in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority. Those areas shall not thereafter be used for any purpose other than as open space and play areas, as approved.
- 6) The development hereby approved shall be carried out in accordance with the details shown on the following approved drawing No 14326-08, except as controlled or modified by conditions of this permission or by details submitted as part of a reserved matters application.
- 7) Prior to the commencement of development, an arboricultural method statement to ensure the protection of trees on the site during construction shall be submitted to and approved in writing by the local planning authority. No works shall be carried out on site before the arboricultural statement has been approved. The statement shall include; i) the location, materials and means of construction of temporary tree protection and/or ground protection measures (in accordance with BS 5837/2012); ii) the programme for implementing and retaining the protection measures; iii) any works to trees to prevent damage during construction. All works shall be carried out in accordance with the approved statement. At all times during construction the tree protection areas shall not be used to park or manoeuvre vehicles, site temporary offices or other structures, store building materials or soil, mix cement/concrete or light fires.
- 8) No development shall take place until a scheme for the sustainable drainage of the site, including an implementation timetable, and details of future maintenance and management of the scheme have been submitted to and approved in writing by the local planning authority. The scheme be implemented and thereafter managed and maintained in accordance with the approved details and timetable.
- 9) No dwelling hereby permitted shall be occupied until one of the recommended options set out in the submitted Thames Water Sewer Impact Study reference X4503-509, dated August 2013 has been

- implemented in accordance with the approved details or such alternative as is first agreed in writing by the local planning authority.
- 10) The development shall be implemented in accordance with the recommendations of the Ecosulis Great Crested Newt Mitigation Strategy (Ref J005607). Any variation shall be agreed in writing by the local planning authority before such change is made.
  - 11) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
  - 12) No development shall commence on the site until a phased Contaminated Land Risk Assessment has been carried out. The details of the Assessment shall be submitted to and approved in writing by the local planning authority prior to the assessment commencing and it shall proceed in accordance with the approved details, including any necessary remediation.
  - 13) Prior to the first occupation of the dwellings hereby approved a Green Travel Plan shall be prepared and submitted to and approved by the local planning authority. The Plan shall include proposals for all travel modes other than the private car for journeys to and from the site. The approved plan shall be provided to all new residents of the development.
  - 14) Works shall not commence on the construction of any dwelling until the roads serving that part of the development under construction, have been constructed (apart from the wearing course and kerbing) in accordance with a specification to be first submitted to and approved in writing by the local planning authority.
  - 15) Prior to the first occupation of any dwelling a management plan for the future maintenance and layout of all open spaces and the children's play area shall be submitted to and approved in writing by the local planning authority. Thereafter the open spaces and play area shall be permanently maintained in accordance with the management plan.
  - 16) 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. The development shall be carried out in accordance with the approved details.
  - 17) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
    - i) the parking of vehicles of site operatives and visitors
    - ii) loading and unloading of plant and materials
    - iii) storage of plant and materials used in constructing the development
    - iv) the erection and maintenance of security hoarding
    - v) wheel washing facilities
    - vi) measures to control the emission of dust and dirt during construction
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- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) site offices and temporary buildings
- ix) the nature and size of vehicles entering and leaving the site, the times of deliveries and collections and any measures necessary to ensure highway safety.

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