The Planning Inspectorate

Appeal Decision

Inquiry held on 21 February 2023

Site visit made on 23 February 2023

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/V3120/W/22/3310788
Land East of Grove, Grove, OX12 7FS, 441052, 190896

- 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 David Wilson Homes against the decision of Vale of White Horse District Council.
- The application Ref P22/V055/O, dated 2 March 2022, was refused by notice dated 28 July 2022.
- The development proposed is up to 300 dwellings and provision of public open space including associated landscape planting with associated infrastructure, drainage measures and earthworks and all other associated works.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline with all matters reserved except for access into the site.

3. The Council's decision notice contained 5 reasons for refusal. Reasons for refusal 3, in respect of archaeology, and 4, concerning highways impact, were resolved before the inquiry opened. Reason for refusal 5, which referred to affordable housing provision and development contributions, was resolved through the completion of a s106 agreement, dated 23 February 2023. Two main issues remain, as discussed below.

Main Issues

4. These are:

   (i) the effect of the scheme on the countryside and landscape;

   (ii) the position regarding the 5 year housing land supply, and the need for additional housing in this location.

Reasons

Issue (i)

5. Grove is defined as a Local Service Centre in Core Policy 3 of the adopted Vale of White Horse Local Plan 2031 Part 1 (hereafter referred to as Local Plan Part 1); Core Policy 4 contains a presumption in favour of development within the built-up areas of Local Service Centres or on allocated sites outside the

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settlement. The site is outside the settlement boundary and is not allocated for development. Core Policy 4 indicates that development in open countryside will not be appropriate unless specifically supported by other relevant policies as set out in the development plan or national policy. Core Policy 44 seeks to protect from harmful development the key features that contribute to the nature and quality of the Vale of White Horse District's landscape.

6. Grove has expanded over the years; Station Road, the A338, now forms a strong eastern boundary to the village. To the east of Station Road is open countryside, of which the appeal site forms an integral part, consisting of arable land and pasture intersected by hedgerows, ditches, watercourses and footpaths. There are attractive wider views towards higher land to the north and south. Though not having a national landscape designation, the site and the surrounding countryside have a pleasant rural character, identified by the Vale of White Horse Landscape Character Assessment (2017) as part of the wider Lower Vale Farmland area. There are a few building groups in this rural area, but not many. The buildings of Grove, the F1 Williams buildings, the petrol station and passing vehicles on the A338 are visible from the site and various nearby locations, but rather than degrading the rural character of the site, they are seen as a typical village edge and do not alter the perception that the site is part of the wider countryside.

7. The Appellant's landscape evidence concluded that the visual and landscape impacts of the scheme would be localised. However, the scheme would introduce a substantial block of development into this pleasant rural area. Even the maturing of the proposed on-site planting would not be able to disguise the fundamental change of a large area of land from open agricultural land to housing development. Whilst no public rights of way cross the site, the scheme would have a significant urbanising influence on Grove Park Drive and on the rural character of hedge-lined Tulwick Lane which border the site. Despite the proposed planting on and around the site, the development would be clearly apparent from these roads and from parts of the extensive footpath network beyond the site. From the raised area of Crab Hill, it would be seen to intrude into the pleasant expanse of countryside to the north, which is currently interspersed only with a few individual building groups.

8. From all these locations, and indeed from Station Road itself, the scheme would appear as a notable departure from the existing settlement form and an awkward eastern extension of the village. Recent plan-led development has enlarged Grove, but the appeal scheme, by extending eastwards beyond Station Road, would appear as unplanned sprawl. In making this observation it is appreciated that nearby East Hanney and Wantage extend to the east of the A338, but they are separate settlements with their own development forms and are not part of the immediate visual context for the site.

9. In conclusion, the scheme would cause significant harm to the character of the countryside and landscape and would conflict with that aspect of Core Policy 4 which resists development outside settlement boundaries, and with Core Policy 44 of the Local Plan which seeks to protect the nature and quality of the landscape.

Issue (ii)

10. Core Policy 4 of Local Plan Part 1, adopted in 2016, states that the housing requirement for the district is 20,560 dwellings for the period 2011/12 to

2030/31. This strategic policy remains extant. Core Policy Part 4a of the adopted Vale of White Horse Local Plan 2031 Part 2, "Detailed Policies and Additional Sites", adopted in 2019 (Local Plan Part 2), adds 2,200 dwellings to the Core Policy 4 figure as an allowance towards the unmet needs of the City of Oxford, giving 22,760 dwellings as the total housing requirement for the district over the same period as Local Plan Part 1. Apart from the element that addresses Oxford's unmet needs, the housing requirement in Core Policy 4a is derived directly from Core Policy 4.

11. The Council has undertaken a review of Local Plan Part 1 under Regulation 10a of the Town and Country (Local Planning) (England) Regulations 2012. The review, which was not challenged, has concluded that Core Policy 4 is more than 5 years old, is out of date, and needs revision, its housing requirement being based on the 2014 strategic housing market assessment (SHMA) which used the 2011 interim household projections to 2021. National policy as set out in paragraph 74 of the National Planning Policy Framework, and Planning Practice Guidance "Housing Supply and Delivery", state that, where strategic policies are more than 5 years old, the 5 year housing land supply will be measured against the area's local housing need (LHN), calculated using the standard method. This is directly applicable to Core Policy 4 of Local Plan Part 1.

12. Core Policy 4a of Local Plan Part 2 is only 3 years old and has not been reviewed. However, the housing requirement in that policy, apart from the City of Oxford allowance, is the same as that set out in Core Policy 4 of Local Plan Part 1. The provenance of Core Policy 4a and its derivation from the same figure and the same ageing statistical inputs and projections as Core Policy 4 are a clear indication that its housing requirement (apart from the Oxford allowance) is also out of date for the purposes of assessing the 5 year housing land supply. The purpose of the 5 year housing land supply calculation is to ensure that there is at least 5 years' supply of deliverable housing land based on an up to date calculation of housing need. The more up-to-date figure from LHN should therefore be used.

13. LHN is 636 dwellings per annum, significantly lower than the 1,028 dwellings per annum requirement in Local Plan Part 1. The Council state that a further 183 dwellings per annum should be added to the LHN figure to allow for Oxford's unmet needs from Core Policy 4a. This addition is appropriate in this particular instance because it is an agreed figure which addresses the level of unmet housing need in Oxford, which was reassessed and confirmed in the up-to-date Oxford Local Plan 2036, adopted in June 2020. Taking the two components together, the total housing requirement for the district, for the purposes of the 5 year housing land supply calculation, is 819 dwellings per annum.

14. Using 819 dwellings per annum as the housing requirement, there are 6.36 years' supply of deliverable housing land in the district on the Council's figures and 5.01 years on the Appellant's figures. Whilst the Appellant disputes the deliverability of some sites or phases, it is agreed between the parties that there is more than 5 years' supply if the housing requirement is based on LHN. As to the extent of the surplus, it is evident that most of the disputed sites have outline permission, many have outstanding applications for reserved matters and on most of the sites where there are impediments such as outstanding infrastructure requirements, there is evidence that positive action

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is being taken to resolve the issues. There is no justification in policy for applying a 10% reduction to contributions from deliverable small sites. On this basis the housing land supply is nearer to the Council's figure of 6.36 years, and there is substantially more than 5 years' supply of deliverable sites in the district.

15. Core Policy 5 in Local Plan Part 1 ring fences Science Vale, where the site lies, and treats it as a separate sub-area for the purposes of the assessment of housing land supply, with a housing requirement of 11,850 homes in the plan period (593 homes per annum) in support of the 15,850 jobs planned in this sub-area and as a contribution towards meeting the district's housing needs set out in Core Policy 4. The delivery of housing and employment in the sub-area has been lower than anticipated by Local Plan Part 1, and if the ring-fenced housing requirement in Core Policy 5 were to be taken as the basis for the 5 year housing land supply calculation in this area, there would be a shortfall in supply. It is noted that the Inspector in the East Hendred case (Ref no APP/V3120/W/16/3145234) gave weight to a housing supply shortfall in the ring-fenced area.

16. However, things have changed since the Science Vale housing requirement was established in 2016 and the East Hendred decision was made in 2017: the lower levels of housing and employment delivery in Science Vale have been influenced by a recent combination of macroeconomic factors, and Core Policy 5, like Core Policy 4, has been reviewed under Regulation 10a and found to be out of date and in need of revision. Core Policy 5 is based on a historic calculation of housing need. The calculation of the 5 year housing land supply looks forward, and must use an up-to-date figure of housing need.

17. Therefore, in accordance with national policy, LHN should be used for the calculation of the 5 year housing land supply, and LHN is calculated on a district wide rather than sub-area basis. There was discussion at the inquiry about the effect of this approach on the implementation of the Local Plan's spatial strategy for Science Vale. In this regard it should be recognised that the purpose of the 5 year housing land supply calculation is not to drive the implementation of the spatial strategy, it is simply to ensure that current housing needs can be met, using up-to-date calculations of housing need and supply. Core Policy 5 is not an appropriate basis for that calculation because it is derived from a past calculation of housing need. The spatial strategy is already in place as part of the statutory development plan; it covers the period up to 2031; its allocations have been made, and they are already delivering, or are anticipated to deliver, a substantial amount of development during the plan period. The spatial strategy, including its approach towards Science Vale, is not undermined by the use of LHN in the 5 year housing supply calculation.

18. To conclude on this issue, there is a supply of specific deliverable sites in the district sufficient to provide a minimum of five years' worth of housing against the housing requirement. It is acknowledged that the scheme would bring benefits; it would provide up to 300 new homes, of which 35% would be affordable, on a site which benefits from a good bus service on Station Road, and it would deliver a useful cycle link and toucan crossings on Station Road. There would be new planting, public paths, open space and a heritage park which would reflect the presence of the nearby deserted medieval village. But the decision-making approach in paragraph 11(d) of the National Planning Policy Framework does not apply, and the harm to the landscape and

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countryside, described under Issue 1, would significantly outweigh the benefits of the additional housing provision and the other benefits of the scheme. Indeed, that would be the case even if the housing land supply calculation were to be based on the out-of-date housing requirement established in the Local Plan, resulting in a supply of less than 5 years and the decision-making balance in paragraph 11(d) of the National Planning Policy Framework were applied.

Conclusion

19. The scheme would lie outside the settlement boundary of Grove and would appear as an awkward eastern extension of the village, causing significant harm to the countryside and the character of the landscape, contrary to the relevant part of Core Policy 4, and Core Policy 44, of Local Plan Part 1. LHN is the appropriate figure to use for the purposes of the 5 year housing land supply calculation and the use of LHN would not undermine the spatial strategy for Science Vale. Using LHN there is more than 5 years' supply of deliverable housing land in the district and the decision-making approach in paragraph 11(d) of the National Planning Policy Framework does not apply. The harm to the landscape and countryside would significantly outweigh the benefits of the additional housing provision and the other benefits of the scheme; that would remain the case even if there were a 5 year housing land supply shortfall and the decision-making balance in paragraph 11(d) of the National Planning Policy Framework were applied.

20. I have considered all the other matters raised, but they do not alter the balance of my conclusions. For all the reasons given above the appeal is dismissed.

Jonathan Bore

INSPECTOR

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APPEARANCES

FOR THE APPELLANT:

Zack Simons	Counsel for the Appellant
He called:	
Jeff Richards MRTPI	Senior Director, Turley
Jeremy Smith CMLI	Director, SLR Consulting Ltd
James Bancroft MIHT	Director, Vectos (South) Ltd
David Murray-Cox MRTPI	Director, Turley

FOR THE LOCAL PLANNING AUTHORITY:

David Lintott	Counsel for the Local Planning Authority
He called:	
Stuart Walker MRTPI	Team Leader, Major Applications Team
Thomas Rice MRTPI	Principal Planning Policy Officer
Avril Williams CLA	Senior Landscape Officer
Michael Spence MLD CMLI REIA FRGS	MS Environmental

INTERESTED PARTIES:

Julie Mabberley	Wantage and Grove Campaign Group
Ronald Batstone	District Councillor, Grove North, and Parish Councillor
Jenny Barnett	Local Resident

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DOCUMENTS

Proofs and appendices of:

Jeff Richards
Jeremy Smith
James Bancroft
David Murray-Cox
Stuart Walker
Thomas Rice
Avril Williams
Michael Spence

Statements of Common Ground in respect of:

Planning, including suggested conditions
Landscape
Housing delivery and housing land supply
Highways
Archaeology

Core documents 1.1 to 5.9, including, inter alia:

Design and Access Statement
Transport Assessment
Air Quality Assessment
Flood Risk Assessment and addendum
Arboricultural Impact Assessment
Noise Assessment
Residential Travel Plan

CIL compliance statement

Signed agreement under s106

PLANS

Location Plan 1218 004 Rev I
Parameter Plan 1218 006 Rev F
Illustrative Framework Plan 1218 SK004 Rev V15
Density Plan 1218 010
Highway Scheme Location Plan 184390-PD06 Rev D
Proposed Highway Alignment 184390/PD06.1 Rev E
Proposed Site Access Arrangement 184390/PD06.2 Rev C
Plans setting out visibility, signals and swept paths

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