



Appeal Decision

Site visit made on 4 December 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2020.

Appeal Ref: APP/D3125/W/19/3235474

Clover Court, Bushey Drive, Clanfield OX18 2TS

- 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 Stewart Brothers Property against the decision of West Oxfordshire District Council.
 - The application Ref 19/00115/OUT, dated 9 January 2019, was refused by notice dated 21 June 2019.
 - The development proposed is an outline application for 4 dwellings with access.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for 4 dwellings with access at Clover Court, Bushey Drive, Clanfield OX18 2TS in accordance with the terms of the application Ref 19/00115/OUT dated 9 January 2019 subject to the conditions set out in the Schedule to this decision.

Application for costs

2. An application for costs was made by Stewart Brothers Property against West Oxfordshire District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The application was submitted in outline with all matters reserved for future consideration save for access. I have determined the appeal on this basis.
4. Following determination of the planning application by the Council, the appellant has prepared a Landscape and Visual Assessment and a Design Narrative document. I have paid regard to both documents in consideration of the appeal and I note that the Council have commented on their contents. Having regard to the Wheatcroft Principles I am satisfied that no interested parties have been prejudiced by my approach.

Main Issue

5. The main issues of this appeal are:
 - Whether the appeal site is an appropriate location for new housing having regard to the development plan and relevant national planning policies; and

- the effect of the proposed development upon the character and appearance of the area.

Reasons

Appropriate location for housing

6. Clanfield is classed as a “village” in the settlement hierarchy outlined in the West Oxfordshire Local Plan (2018) (LP). Policy OS2 of the LP states such settlements are suitable locations for limited development provided they respect village character and local distinctiveness and would help to maintain the vitality of these communities.
7. Policy H2 of the LP, amongst other things, sets out a number of circumstances whereby new dwellings will be permitted in such “villages”. These include on allocated housing sites, on previously developed land within or adjoining the built-up area, on undeveloped land within the built-up area or on undeveloped land adjoining the built-up area where it meets an identified housing need.
8. The appeal site comprises stables, barn and ménage positioned in the northern part of the site with the remainder of it open, split into paddocks, adjoining agricultural fields to the north and west. Nonetheless, the site is heavily influenced by the surrounding built form including the houses within Bushey Drive. Denser development extending along Mill Lane and offshoot side roads dominate the immediate landscape.
9. Short side roads and cul de sacs leading off Main Street and Mill Lane are features of this part of the village. Bushey Drive forms part of development stretching southwards along the road. Whilst it is linear comparative to the rest of the village it has a distinct tandem layout created by the conversion of former farmsteads. This layout is noticeable when travelling along Main Street. The position of buildings to the south of the site at the Windmill Farm Conference Centre also contributes to this development pattern.
10. Notwithstanding the Council’s comments, the evidence before me indicates that the paddocks, irrespective, of being divided into sections are used in conjunction with the stables and barn and form an integral part of the equine use that extends across the entire site.
11. My attention has been drawn to a Certificate of Lawfulness application relating to the use of the site. Whilst the stables and/or the barn may have been used in part to store personal items the site clearly has the appearance of one that is equestrian, albeit associated with Clover Court. Furthermore, the site does not form part of the garden area of any neighbouring dwelling.
12. Consequently, I am satisfied that the site constitutes Previously Developed Land (PDL) as defined in Annex 2: Glossary of the National Planning Policy Framework (the Framework), irrespective of whether or not the land is damaged or in need of repair.
13. It is not unusual to find such land uses within or on the edge of rural settlements. Whilst the site is largely open and borders agricultural fields it is also heavily influenced by the surrounding built form and neighbours existing residential development on two sides. As such, in my judgement, the site is located on the edge of the built-up area of Clanfield.

14. Clanfield is a suitable location for new development and benefits from a number of services and facilities to meet residents' day to day needs. These services and facilities are directly accessible from the site by foot and by bicycle.
15. The site therefore is a suitable location for new housing forming previously developed land adjoining the built-up area of the settlement. In this regard the proposal accords with Policy H2 of the LP.

Character and appearance

16. I acknowledge that the site and the field to the north are largely open. However, the proposed development would be modest in scale and read against a backdrop of existing development. It would not, in my view, lead to an unacceptable narrowing of the gap between the sprawling village core and the linear part of the village. The linear form would remain largely unaltered and the difference between the two parts of the settlement would still be very much apparent. The proposed development would not unacceptably alter the established layout or character of the village.
17. Whilst the site is largely open and located on the edge of the village, it is an ordinary equestrian field with no evidence to suggest it is a valued landscape including whether it comprises pasture associated with the district's historic wool trade. In my view it does not make an important contribution to the setting of the village. By the same token it also does not contribute to the wider agrarian landscape which provides an intrinsic landscape setting to the village.
18. There would be a degree of urbanisation and a greater depth of built form as a result of the development. However, there is no reason to suggest that an appropriate scale, design and layout could not be secured at reserved matters stage that reflects the surrounding context and local distinctiveness. The development, whilst increasing the depth of built form, would not undermine the appreciation of the linear built form or the countryside beyond.
19. I note the Council's comments that Clover Court, Bramble House and Thistle Dew have ignored historic principles, but they are nonetheless notable features that make up part of the area's character and appearance. As such, I am satisfied that the proposed development would form a logical complement to the scale and pattern of development in this part of the village.
20. The proposed development would not encroach into the surrounding agricultural fields and countryside and would be relatively well contained with limited localised views from nearby properties. There would be longer range, albeit only glimpsed views of the development and moreover, it would be viewed against a backdrop of existing houses. As such, I am satisfied that the proposed development would successfully integrate into the village and not result in landscape harm.
21. The Framework acknowledges that there will, at times, be a conflict between making the most efficient use of land and development reflecting the prevailing character and appearance of an area. In this instance a development of 4 dwellings would be proportionate and appropriate taking into consideration the character of the village and its immediate context.

22. Consequently, the proposed development would accord with Policies OS1, OS2, H2 and OS4 of the LP which, amongst other things, seek development that is proportionate and appropriate to its context; forms a logical complement to the existing scale and pattern of development and the character of the area; does not involve the loss of an area of open space that makes an important contribution to the character or appearance of the area and respects the landscape character.

Other Matters

23. I note reference has been made to previous applications and appeals near the site. However, every application and appeal must be considered on its own merits. By the same token, I am not convinced that were planning permission to be granted, other schemes would be likely to come forward as I have no substantive evidence to support such an argument.
24. It is not the purpose of the planning system to protect private views and thus I have given this negligible weight in coming to my decision.
25. The proposed development would be compatible with neighbouring uses and I have no reason to believe that it would lead to an unacceptable impact upon living conditions of nearby occupiers in respect of privacy or noise and disturbance.
26. There is no substantive evidence that the access is unsuitable or that the proposal would adversely affect highway safety, and I note that the Highway Authority raised no objection to the application. Planning conditions would manage access details and the visibility splay.
27. Whilst there may well be more bins for collection each week, considering the short length of time bins would be outside I find that they would not harm the appearance of the area or pose a health and safety risk.
28. In respect of flood risk, I note that the lead local flood authority raised no objection to the planning application and I see no reason to disagree with their advice. Planning conditions would manage surface water drainage. There is no substantive evidence that the proposal would lead to an increase in crime or be a strain on local services. I have no compelling evidence to indicate that the proposal would result in harm to protected species.
29. I note that there are a number of statutory listed buildings within the area including Setting Barn, Widford House, Windmill House and Windmill Barn. The appeal site is separated from these heritage assets by a fields to the north and existing built form to the south. Whilst the proposal has been submitted in outline form I am satisfied that the proposed development would not affect the setting of nearby listed buildings given this separation.

Conditions

30. The Council has suggested 19 conditions in the event that the appeal was to be allowed. I have considered these in light of the Framework and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have reworded some of the suggested conditions.

31. Conditions relating to the submission of reserved matters and the time limits associated with this have been imposed. I have imposed a condition specifying the relevant drawing as this provides certainty.
32. In the interests of securing water sustainability a condition requiring details of a sustainable surface water drainage scheme has been imposed. In the interests of highway safety a condition requiring the means of access and the visibility splay with Main Street has been imposed. In the interests of human health I have imposed a condition regarding land remediation in the event that contamination is found during construction works.
33. The Council has suggested conditions for a scheme of ecological mitigation, integrated bat roosting features, bat friendly lighting and a Landscape and Ecology Management Plan. However, no clear justification has been provided for the conditions. As such these conditions are not necessary and I have not imposed them.
34. With regard to tree protection there are no trees or hedges of note on the site and therefore, in my view, the suggested condition is not necessary.
35. The Council has also suggested a condition for the development to connect to and receive superfast broadband. However, ensuring a minimum broadband speed is beyond the gift of the appellant and is an unreasonable request and I have not imposed it.
36. Taking into consideration the development would be well connected to the services and facilities in the village, accessible by means of transport other than motor vehicles and its modest scale a condition for a residential travel plan is not necessary or reasonable.
37. The Council has suggested a condition for a construction management plan. However, taking into account that the modest scale of the development is unlikely to result in intensive levels of construction activity and direct access is available from the highway to the site is available this condition has not been imposed.

Conclusion

38. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of 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 takes place 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 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan Drawing No LP1 but only in respect of those matters not reserved for later approval.
5. No development shall take place until details of the means of sustainable surface water drainage has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. The development hereby permitted shall not commence until the means of access onto Main Street and the visibility splay have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details prior to development. The access and visibility splay shall then be retained thereafter for the life of the development.
7. Any contamination that is found during the course of the construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.