



Appeal Decision

Site visit made on 12 March 2018

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2018.

Appeal Ref: APP/Q3115/W/17/3185510

Copper Beeches, Watlington Road, Stadhampton, Oxford OX44 7UQ

- 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 Mr Jon Kuan against the decision of South Oxfordshire District Council.
 - The application Ref P17/S1993/FUL, dated 16 May 2017, was refused by notice dated 8 September 2017.
 - The development proposed is the demolition of outbuildings and other structures and the erection of a new family dwelling and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of outbuildings and other structures and the erection of a new family dwelling and associated infrastructure at Copper Beeches, Watlington Road, Stadhampton, Oxford OX44 7UQ in accordance with the terms of the application, Ref P17/S1993/FUL, dated 16 May 2017, subject to the conditions in the attached schedule.

Main issues

2. The main issues in this appeal are:
 - whether the site is suitably located to provide housing in terms of its proximity to services and facilities including in respect of pedestrian accessibility to public transport links and the nearest settlement; and
 - the implications of the Council's current inability to demonstrate a five-year supply of deliverable housing sites.

Reasons

Location

3. Policy CSS1 of the South Oxfordshire Core Strategy (the CS) sets out the overall strategy for development, including housing, within the district. It seeks to focus most development in the higher tier settlements, but is also allows for limited amounts of housing development within the other villages (ie those not specifically named in the policy). Outside of these settlements any development needs to relate to very specific needs such as those related to agriculture, industry or the enhancement of the environment.
4. Policy CSR1 deals with housing in villages. Stadhampton is classed as a smaller village where infill development on sites of up to 0.2ha, and up to 5-6 houses, is appropriate. Of relevance to this appeal, Policy T1 requires that, where

- appropriate, all types of development provide safe and convenient routes for cyclists and pedestrians and be accessible by public transport and have a safe walking route to nearby bus stops.
5. The appellant does not suggest that the appeal site should be considered to be within Stadhampton. It is located about 600m from the built edge of the village. Although the appeal dwelling would sit alongside an existing house it could not be considered to be infill development. Therefore, the development does not accord with Policies CSS1 and CSR1 in terms of where it seeks new housing to be located.
 6. The location of the appeal site means that it is somewhat distant from any services and facilities. This has implications for the propensity of future occupiers to be able to access such facilities through using public transport, walking and cycling and in terms of social cohesion.
 7. Access would be provided onto the B480. The route between the site and the village has no pavements or street lighting. It is around 650m to the first section of pavement. The bus stop is further still into the village. This is not an insubstantial distance to walk along a road and many people would not find this an ideal option for regular pedestrian journeys.
 8. About half way along the road there is an alternative route taking lanes along two sides of the recreation ground; these would be very lightly trafficked and could reduce the length of the journey on the busier road. The site sits within the 30mph speed limit and the road only has a single and slight bend and so there is reasonable forward visibility. These mitigating factors would make the journey less daunting; however I note the undisputed evidence to show that the speed limit is breached with some regularity. It is inevitable that a combination of the distance and the section of road walking would still mean that accessing the village on foot would not be convenient or desirable. The development would not, therefore, comply with Policy T1 of the CS.
 9. On this first main issue, I therefore conclude that the site is not suitably located to provide housing due to its proximity to the nearest settlement, services and facilities and the nature of the pedestrian route to public transport links. The occupants of a dwelling in this location would have some barriers to being able to engage in social activities and interactions, especially if they were, or became, unable to drive.

Housing land supply

10. It is common ground that the Council is unable to demonstrate a five-year supply of deliverable housing sites. Having regard to Policy 1 of the CS and paragraph 49 of the National Planning Policy Framework (the Framework) and its interplay with paragraph 14, this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (often referred to as the tilted balance); or specific policies in the Framework indicate that development should be restricted. Footnote 9 in the Framework gives examples of the specific policies; the Council has not indicated that any apply and nor have I identified any. As such the tilted balance applies and it is a significant material consideration.

11. The Council's policies for the supply of housing should not be considered up-to-date. Policies CSS1 and CSR1 are such policies. I do not give these full weight. However, being mindful that they align with one of the core planning principles of the Framework to seek to manage growth to allow for the fullest possible use of public transport, walking and cycling I still give these moderate weight.
12. The level of housing supply is not common ground between the parties. The Council suggest that it can demonstrate a 4.1 year supply and the appellant is of the view that there is only a 2.9 year supply. In respect of the latter reference has been made to an appeal decision¹. This has been subject to an application for permission to seek a judicial review. However, permission was refused. The information from the Council setting out its position that there is a larger supply predates the appeal decision. In this context, and with no other more recent authoritative evidence, the best available evidence is that decision. In any event, even if the Council's position were correct, the tilted balance would apply and there would be a shortfall by a fairly significant margin.
13. The harm from the development relates to the location of the site where access to Stadhampton and public transport links on foot would not be convenient as well as the interrelated social implications for any future occupiers of the development. This harm is tempered given the small scale of the development and also to an extent as the site is not so distant from the village. Walking along the road is unlikely to be attractive to many future occupants of the appeal dwelling and it ought not to be encouraged. However, the use of a vehicle to reach the village would only be a very short journey and so the harm associated with this would be limited. Taking these factors together, overall I give this modest negative weight.
14. An appeal decision² has been drawn to my attention. Although the site is located in the general vicinity of the appeal site, it is significantly further from the village and located within a higher speed limit area. As such, I do not consider the adverse environmental impact of that development in terms of the proximity to services and public transport would be as significant for this appeal. The site at Ascott Lane³ is also more distant from the village and similarly the site at Cholsey⁴ was further from the nearest settlement. A recent appeal⁵ has been allowed on a site immediately adjacent to this appeal site. I note the distinctions the Council has drawn between that development and this scheme as well as the seemingly contradictory view given by the appellant's agent. However, I have reached my own view on the merits of the appeal in terms of the weight I have given to the location of the site and the associated harm.
15. The Council has not identified any other harm, nor have I found any. For example, the appeal development would sit immediately adjacent to an existing residential property and replace a collection of out buildings. Therefore, it would not result in harm to the character of the area and it would make use of previously developed land. It's siting and arrangement would also

¹ APP/Q3115/W/16/3161733

² APP/Q3115/W/16/3163589

³ APP/Q3115/W/17/3173905

⁴ APP/Q3115/W/17/3172311

⁵ APP/Q3115/W/17/3176196

mean that the living conditions of the occupants of the existing dwelling would not be harmed.

16. The development would bring about social and economic benefits through the provision of a dwelling. In isolation these benefits would be modest given the small scale of the proposal, but the development would make a contribution to the Council's housing supply. The adverse impacts of the development are modest and these would not significantly and demonstrably outweigh the benefits that would arise.
17. The development would not accord with the development plan. However, the Council's current inability to demonstrate a five-year supply of deliverable housing sites and the associated application of policy in the Framework is a significant material consideration. In the particular circumstances of this appeal I consider that this indicates that, despite the conflict with the development plan, planning permission should be granted.

Conditions

18. I have imposed a condition specifying the relevant plan as this provides certainty. In the interests of the character and appearance of the area it is necessary to secure a means of protecting the existing landscaping on site; to be effective the details would need to be approved before development commences. Appropriate foul and surface water drainage would need to be provided. However, these details do not need to be approved before the commencement of any works and demolition could take place in advance of this.
19. In the interests of the character and appearance of the area it is necessary to secure suitable external materials for the dwelling and landscaping details. It is not necessary that these details are secured before any other development commences. It is necessary to secure adequate parking facilities and suitable visibility at the site access in the interest of highway safety.
20. A condition to require that access works are carried out in accordance with the specifications of the local highway authority lacks the necessary precision and, given the requirement to provide the access in accordance with the approved plans and with suitable visibility secured, it would not be necessary. Permitted development rights should only be removed in exceptional circumstances. I do not consider that any apply and so it is not necessary that conditions are imposed to remove these rights for alterations, extensions and outbuildings.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

K Taylor

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 323XD-1-B, 323XD-4-A, and 323XD-3 except as controlled or modified by conditions of this permission.
3. Prior to the commencement of any site works (including demolition or site clearance) a protected area shall be designated for all existing trees and hedging which are to be retained, and these shall be protected in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The approved measures shall be kept in place during the entire course of development.
4. Prior to the commencement of development, except for demolition and site clearance, details of surface water drainage works and the proposed foul drainage system shall be submitted and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the drainage works have been carried out in accordance with the approved details.
5. Prior to the commencement of any development which involves the use of any external materials, a schedule of all materials to be used in the external construction and finishes of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
6. Prior to the occupation of the development hereby permitted a scheme for the landscaping of the site, including the planting of live trees and shrubs and the treatment of the access road and hard standings, shall be submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be implemented before the development is occupied and thereafter be maintained in accordance with the approved scheme. The approved soft landscaping scheme shall be implemented in the first planting season after first occupation of the development. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the local planning authority, shall be planted and properly maintained in a position or positions first approved in writing by the local planning authority.
7. Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plan 323XD -1-B and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
8. The vision splays shown on the approved plan 323XD -1-B shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.