

WCH/1974/12 – Mr D Major

Conversion of existing restaurant into dwelling. Erection of new thatched country cottage. Revised highway access onto Faringdon Road. The Leather Bottle, Challow Station, West Challow

1.0 The Proposal

- 1.1 This application seeks planning permission for the conversion of the existing restaurant into a 4/5 bedroom dwelling and the erection of a detached 4 bedroom 'thatched cottage' style dwelling on the car park. 3 parking spaces per property would be provided and the access would be moved to the south east of the existing access. The application drawings and supporting information are at **Appendix 1**.
- 1.2 A public footpath runs through the site.
- 1.3 This application comes to Committee at the request of Councillor Andrew Crawford.

2.0 Planning History

- 2.1 In 1976 an application for a two storey dwelling to accommodate staff was refused.
- 2.2 Applications for extensions to the restaurant were permitted in 1989, 1993 and 1996,
- 2.3 In 1990 two planning applications to re-build and extend the restaurant after a fire were permitted
- 2.4 Retrospective planning permission for a satellite dish was granted in 1994
- 2.5 Retrospective advertisement consent was granted in 1995 for various advertisements.
- 2.6 Planning permission was refused in July 2002 for the construction of 8 motel bedrooms. However, this was later allowed on appeal in July 2003. A copy of the application drawings and appeal decision are at **Appendix 2**.
- 2.7 An application for the conversion of the existing restaurant into two dwellings and the erection of two dwellings with new access onto Faringdon Road was submitted in November 2004. However, it was later withdrawn. An identical application was then considered by Committee on the 23rd May 2005 and it was resolved that the application be refused. However, the application was withdrawn before the decision was issued. The previous application drawings, Committee report and the minutes of the Meeting are at **Appendix 3**.
- 2.8 The former Prince of Wales pub is relatively close to the site and, despite the Agent's assertion to the contrary, is considered to be comparable to this case. An application was refused in October 2000 for "Replacement of Public House yard/park with 4 cottage style terrace houses 14 dwellings on car park and paddock site." The application went to appeal and the Inspector allowed the 4 houses as a replacement for the fire damaged public house, however he dismissed the remaining 14 houses on the car park and paddock and awarded costs to the Council. Copies of the site plan and appeal decision are at **Appendix 4**.

3.0 Planning Policies

- 3.1 The site is not within the main built up area of any village and as such policy H8 of the Adopted Local Plan is relevant. It states that new houses in the countryside away from established settlements will not be permitted without special or exceptional justification. Policy H12 of the Draft Second Deposit Local Plan carries forward similar objectives.
- 3.2 Policy C1 of the adopted Local Plan states that building in the open countryside, away from existing settlements will be strictly controlled. It goes on to state that sporadic and ribbon

development will not be permitted. Policy GS2 of the Second Deposit Draft Local Plan carries forward this objective of restraint.

- 3.3 The adopted Local Plan contains no specific policy relating to the conversion of restaurants into dwellings, however policy C11 refers to adaptation of rural buildings. It states that buildings should be of permanent and substantial construction and in keeping with its surroundings.
- 3.4 Policy GS8 of the Draft Second Deposit Local Plan states that outside the built-up area of settlements the re-use and adaptation of vernacular buildings will be permitted provided the building is of permanent and substantial construction and is capable of conversion without major rebuilding, extension or alteration. Its re-use and adaptation must not adversely affect the character and appearance of the building, its setting or the surrounding area and any services and facilities can be provided without overall harm to the rural character of the area.

4.0 **Consultations**

- 4.1 West Challow Parish Council do not object but request the following issues be given consideration:

That a 40mph speed limit should be put in place, also this does not allow building to take place on the forecourt of the Prince of Wales at Challow Station. Some of the building does cover the chalets that this development has got planning permission for, but this is still on a car park as rejected by the inspector for the Prince of Wales.

- 4.2 Councillor Crawford has commented on the scheme. He states: "We currently have permission for a motel complex on the site (granted on appeal) and I believe that the residential option is by far preferable to the implications of the extant permission"
- 4.3 Comments have yet to be received from the County Engineer. If they are received they will be reported at the Meeting.

5.0 **Officer Comments**

- 5.1 In your officers view, the main issues to consider in determining this application are:
- 1) whether the principle of the proposed development in this location away from any existing settlement is acceptable in policy terms;
 - 2) if the principle is not acceptable whether there is any special justification for allowing an exception to the policy; and
 - 3) whether the design and highways issues are satisfactory.
- 5.2 Your Officers consider the proposed conversion of the existing restaurant into a dwelling to be acceptable given that it is an existing building. However, the new dwelling proposed on the car park must be assessed against the policies for new houses which clearly state that dwellings will not be permitted in isolated locations away from established settlements. On this basis, the proposal is clearly contrary to policy. Although the car park is defined under PPG 3 as 'previously developed land', PPG 3 goes on to state however that this does not mean that the whole area should be redeveloped. It says that the local planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations, such as policies for development in the countryside. Although this application proposes one house on the car park as opposed to the scheme for two which was refused by Committee in May the principle is the same.
- 5.3 The statement submitted (see Appendix 1) with the application attempts to justify the proposal and argues that the proposal will minimise traffic flow on the A417, will enhance the character of the area and makes use of redundant land. Your Officers do not consider that these arguments provide sufficient reason for allowing an exception to policy. Furthermore, your Officers do not

consider the history of the site and the allowed appeal for motel rooms to justify allowing this application. The motel rooms would have been judged under the tourism policy and seen as ancillary to the use of the restaurant as opposed to the creation of an independent dwelling in the open countryside.

5.4 In his consideration of the Prince of Wales appeal as mentioned above, the Inspector said the following:

"The site of the public house and its car park fall within the definition of previously developed land on which PPG3 generally encourages housing development..... However, PPG3 indicates that it will not always be appropriate to build on the whole of previously developed sites in rural areas..... I consider that it is such a case and that the advice in PPG3 does not justify building houses on the car park or paddock."

The Inspector clearly considered the principle of building on a car park in a rural location to be contrary to national and local planning policy. Whilst the current application proposes a single house on the car park, in your Officer's view, the principle is the same and that as such, the proposal is unacceptable.

5.5 The comments of the County Engineer have yet to be received. However, given the lack of objection to the previous scheme it is considered that this proposal is acceptable in highway terms. There is no specific objection to the design of the proposed dwellings.

6.0 **Recommendation**

6.1 *It is recommended that the application be refused for the following reason:*

1. *The proposed new dwelling by reason of its isolated location in the countryside would constitute an unsustainable form of development which would result in the creation of sporadic development in the open countryside. As such, the proposal is contrary to the adopted Vale of White Horse Local Plan in particular Policies C1 and H8 and the Draft Second Deposit Local Plan in particular Policies GS2 and H12.*

STEWART LILLY

A S S O C I A T E S

LAND, DEVELOPMENT & PROPERTY CONSULTANTS

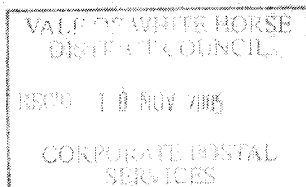
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24 October 2005

Our ref: SAGL/kpsl/05101895

Vale of White Horse District Council
Abbey House
Abingdon
OX14 3JE

WCH/1974/12

PLANNING STATEMENT IN SUPPORT

Re: **The Former Leather Bottle Restaurant, Faringdon Road, Challow
Station, Wantage, Oxon SN7 8NT**

This planning application has been made after due consultation with the Parish Council and the Local District Councillor, Councillor A Crawford.

The Leather Bottle Restaurant has had a chequered history over the last decade. It was constructed as a country cottage in the 19th century, and it became a Public House shortly after the Great Western Railway Station was built at the parish of Challow. Due to more recent legislation and the introduction of the drink driving laws, it became necessary for the activities to change and in 1995 the property became a Restaurant.

Attached is a letter dated 21 September 2004 from my client's accountant, Lloyd and Company. The contents are self-explanatory and form part of this application. You will note that it has been proved beyond reasonable doubt that over recent years, despite several tenants, **the Restaurant has persisted in making a financial loss and trading has declined**, primarily as a direct result of its location.

The property ceased trading as a Restaurant in 2003 and since then has remained empty apart from security staff in residence. The costs of maintenance, security etc, currently exceed £500 per month.

Your records will show that in July 2003, (Reference APP/V3120/A/03/1107261), the Planning Inspector allowed an appeal in favour of my client for the construction of motel bedrooms, in two blocks. These buildings equated to approximately 280 sq metres.

The site currently provides parking for up to 65 vehicles with access being serviced directly off the main A417 Wantage to Faringdon Road, which is a 50mph highway at this point. From informal conversations I've had with the Highway Authority, it was suggested – but not required – that if a new access were to be created at the 'Wantage end' of the site, this would assist and enhance visual amenity for the traffic approaching from both directions, and my client has accommodated this request within the scheme. As the proposal is for **only TWO dwellings**, the amount of traffic that would use this revised access will represent a **significant drop of some 95%** from the current commercial use. This would be a positive road safety gain.

We have read your Policies H7 and H8 within your adopted Local Plan and we respectfully suggest that this proposal **will add** to the character of the area by introducing a 'twin'



Stewart Lilly Associates is a trading name of
8 King Edward

APPENDIX 1

WCH/1974/12

thatched cottage which would compliment the existing buildings which are remaining, and enhance the area and rural scene.

This scheme is not sporadic or ribbon development. This cottage will add to the tradition of the Challow settlement by recreating a country residence of character and charm. It will eliminate the unsightly car parking area and its tarmac and weed surface of just over 0.1 hectare, which could not be considered rural enhancement.

Challow Station **is an established settlement**, and has been in existence for more than a century since the introduction of the railway. The new cottage will have minimum visual impact, and the additional planting scheme proposed along the A417 will ensure adequate and appropriate screening.

This proposal supports your Policy H7 as a single dwelling will close a small gap on the northern side of the A417. It is not in the Oxfordshire Green Belt and, we trust, meets the Council's stated aims i.e. '**designed to blend in with its surroundings**'.

The proposals for the existing building are for conversion into one large family dwelling. This would ensure the preservation of internal features, which in turn will benefit the external charm of the property.

We would like to draw all parties' attention to the fact that this proposal in no way relates to, or should be compared with, other planning discussions regarding The Prince of Wales Public House, which is situated closer to Challow Station.

Referring to the Appeal decision relating to the C1 motel / hotel rooms, we have taken the liberty of superimposing on the site layout plan those buildings (which were approved at the Appeal) indicating their location in relation to the new cottage which is now being proposed.

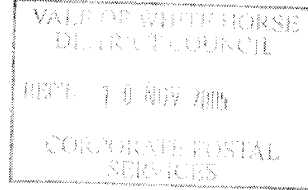
The construction of the cottage will be in sympathy with the existing main restaurant building and will consist of detailed brickwork, which would include herringbone panels if appropriate, and will have a fully thatched roof. This will accord with modern building regulation standards. The car-parking area that remains will be made up into garden for the new cottage. The private driveway serving both properties will have additional screening between the road and the developable area, which will minimise any visual impact that might be of concern. From the rear of the site (northeast direction), we attach photographs which clearly demonstrate the minimum visual impact that this proposal will have from that direction.

We reiterate the fact that this proposal represents a significant planning gain to this area, as it will:

1. Minimise traffic flow on and off the A417 at this point.
2. Enhance the area and general rural character of the area.
3. Uses redundant commercial land in accordance with PPG 3 – (Revision April 2005), and the emerging PPS3, shortly to be released by Central Government.

STEWART A G LILLY FNAEA (Honoured)
www.stewartlilly.co.uk
For and on behalf of MR. D. MAJOR

APPENDIX 1



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Bath Avenue
Wolverhampton WV1 4EG

Telephone:
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Fax:
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E-mail:
er_lloyd@hotmail.com

To whom it may concern

Re:- The Leather Bottle Limited

WCH/1974/12

Mr R A Major, the Proprietor of The Leather Bottle Limited, has requested that we provide a brief financial history of the public house and restaurant since its formation in March 1993.

We have acted as Accountants and Tax Advisors to Mr Major and the Leather Bottle for the entire period to date.

The Leather Bottle was operated by the Proprietor until 31 March 1999 and in all financial years made losses.

In the Year Ended March 1998 the company made a loss of £9576 when operation of the public house became leasehold.

Since that time The Leather Bottle has been run by three different operations all of whom have made losses and had difficulty in paying the rent.

The first tenant tried it as an Italian Restaurant who lasted just twelve months, the second couple were there 18 months and were in arrears of 6 months rent, the third couple lasted two years and advertised it for ten months with Christies and were unable to move it on, because of unsatisfactory trading figures. The property has remained closed as from 19 May 2004 when the lease was vacated.

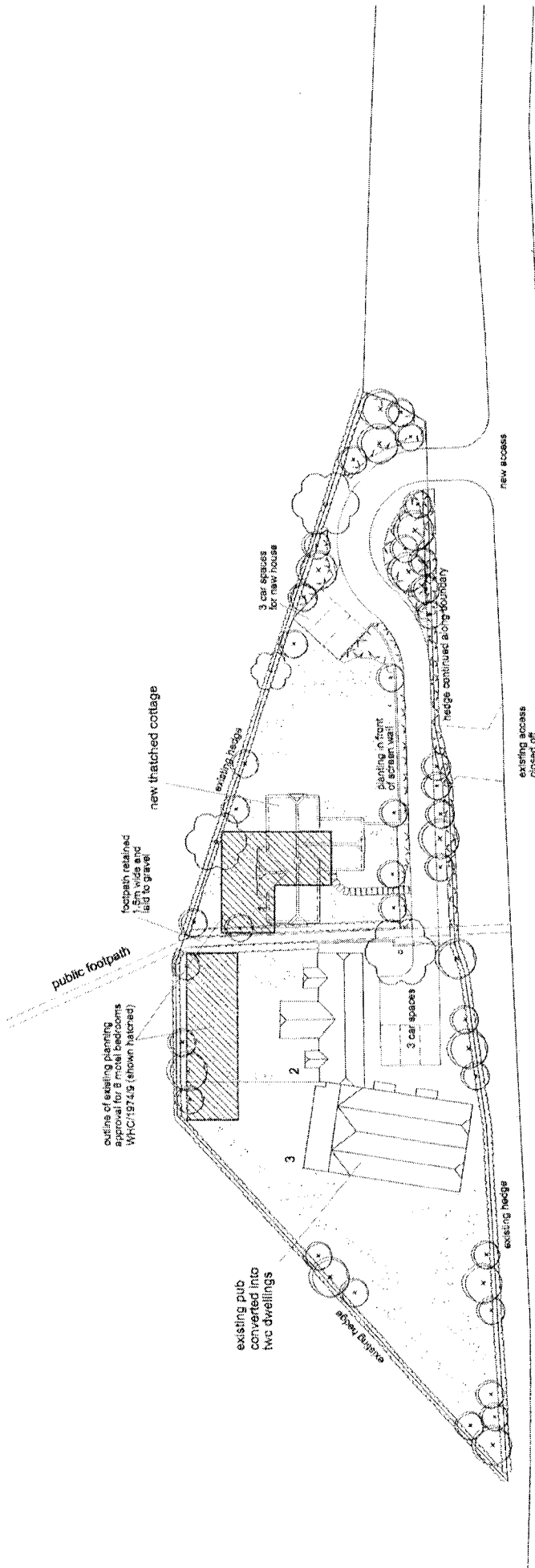
In addition to the year to 31 March 2000 the Proprietor negotiated further investment in the establishment of £50,000, prior to leasing.

If we can be of any further assistance please do not hesitate to contact us.

Yours faithfully,


Lloyd & Co
21 September 2004

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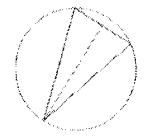


WCH/1974/12

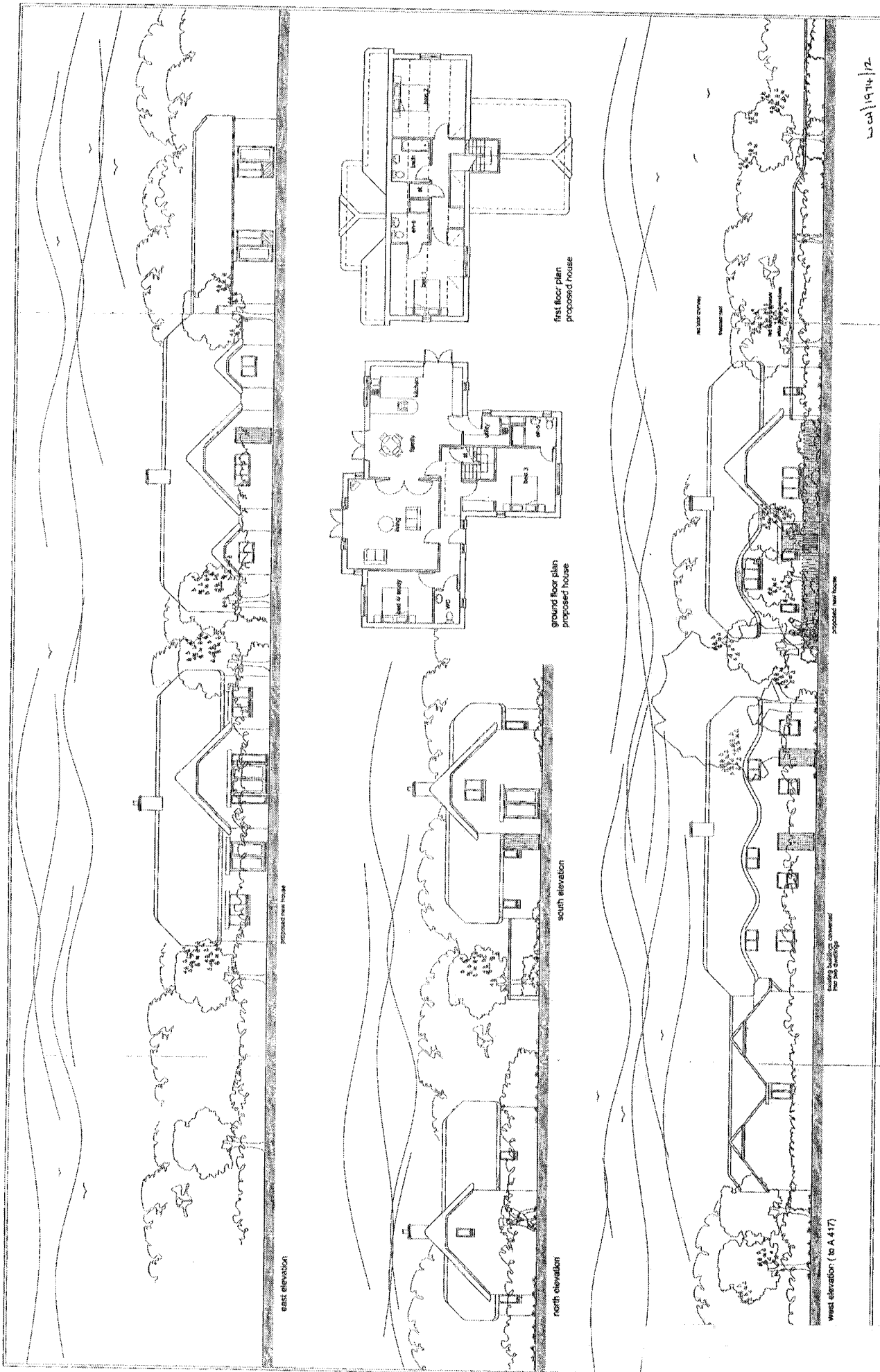
Leather Bottle Challow Station	Aug 05	P13
	1:500	
VALUE OF WHITE HORSE DISTRICT COUNCIL RESCUE 10 NOV 2005 CORPORATE INSTAL SERVICES		
Site Plan - Existing approval shown		

TSH
TECHNICAL SERVICES

TONY ENGINEERING HARDY
 14 CHICHESTER ROAD
 WOODSIDE, HUNTING HILL,
 OXFORD, OX4 2SF
 Telephone: 01865 224602
 Fax: 01865 224809



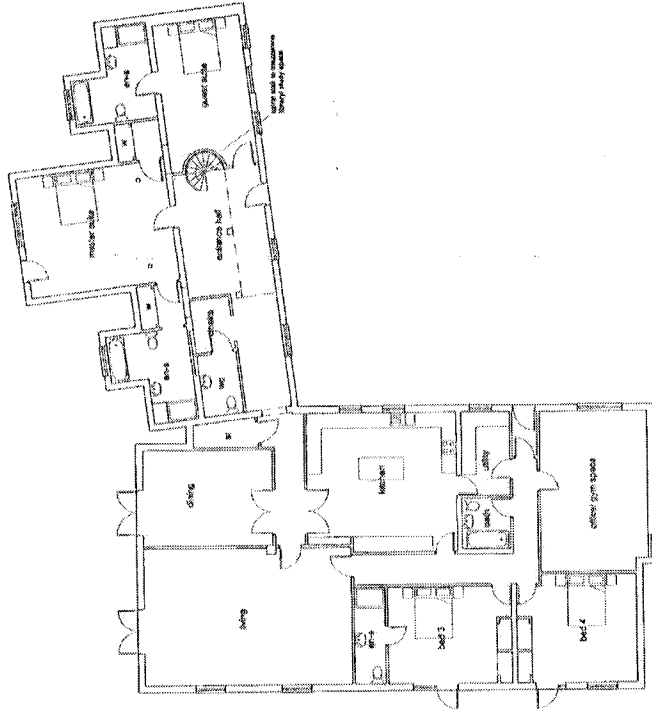
APPENDIX 1



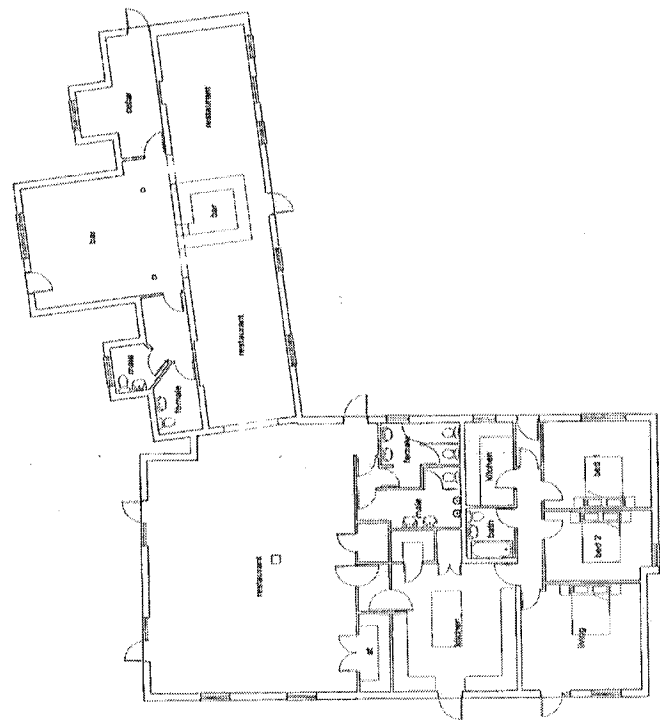
WCA/19/14/12

Leather Bottle Chalchaw Station CONSULTANTS 118 RIVER STREET LEATHERBOTTLE.CO.UK	VALLEY DISTRICT COUNCIL 118 RIVER STREET LEATHERBOTTLE.CO.UK	Aug 05 11:00 240148
	Plans and elevations P12	





Floor plan as proposed (converted into dwelling)



Floor plan as existing

week 19th / 12

	Odl 05 1:100 24/11/16
LEATHER BOTTLE CHALLOW STATION	YALE & WALTERS ARCHITECTS 118 RIVER WALK CHALLOW STATION READING

APPENDIX 1



Appeal Decision

Site visit made on 7 May 2003

by **Sherry Bates MA (Oxon)** Dip Arch BSc Hon NDA MAPS
an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Mill Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PX
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gov.uk

Date

31 Jul 2003

Appeal Ref: APP/V3120/A/03/1107261

The Leather Bottle, Challow Station, Wantage, Oxfordshire

- 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 D Major against the decision of the Vale of White Horse District Council.
- The application ref. WCH/1974/9, dated 20 April 2002, was refused by notice dated 4 July 2002.
- The development proposed is the construction of 8 No motel bedrooms.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Preliminary Matters

- The refusal notice gave 2 reasons for the refusal of this application. The district planning authority (DPA) has however written to withdraw the first, which concerned the location of guesthouse or hotel accommodation outside existing settlements. As the location of the proposed development is no longer an issue of concern to the DPA, I shall consider this appeal on the basis of the second reason given for refusing the application.

Main Issue

- In view of this, I consider that the main issue is the effect of the proposal on highway safety.

Development Plan and other Planning Policies

- The development plan includes the Oxfordshire Structure Plan 2011 (OSP), adopted in 1998 and the Vale of White Horse Local Plan (VWHLP), adopted in 1999. The policies relevant to this decision are OSP policy G3 together with VWHLP policy D3. In particular, G3 states that development will not be permitted unless the planning authorities are satisfied that necessary on or off site transport measures have been or will be provided. VWHLP policy D3 seeks to ensure that all new development is located to maximise accessibility to public transport and provides for, and does not interfere with, the safe and free flow of pedestrian, cyclist and vehicular traffic in terms of access.

- The local plan is currently under review. Although this is a material consideration in this appeal, it is not clear whether any emerging policies would alter the relevant policies of the current local plan. Moreover, as the emerging plan is at a very early stage of preparation, I can only give it little weight.

Appeal Decision Ref: APP/V3120/A/03/1107261

Reasons

- The appeal site property is an old roadside public house on the A417, a busy road on which traffic is permitted to travel at up to 60mph. There is no street lighting at this location. For such speeds, the local highways authority require a vision splay at a point of access that would allow visibility of 210 metres in each direction at a position 2.4 metres back from the edge of the carriageway. However, to the northwest the road bends slightly and a hedge on the appeal site screens the view. It is not proposed to change the existing access. The visible distance from it in this direction is only about 100 metres and the full 210 metres would not be achievable even if the hedge were removed.
- However, this is the existing situation. Although this does not meet the required vision splay standard, I would only consider this failure sufficient to dismiss this appeal if the proposed development would lead to more traffic entering and leaving the site. Although the local highways authority has suggested that the proposal would lead to increased car movements into and out of the appeal site, no substantial evidence has been put forward to support that view. Further, I see no reason why the motel rooms would give rise to more car movements than the public house. I therefore consider that the proposal would not lead to an increase in the number of vehicles entering or leaving the site. I can also find no clear evidence from that authority that the reduction in car parking would either result in a parking provision below the Council's accepted standards or lead to problems of highway safety from the likely consequences of on street parking.
- I conclude that it would not therefore materially reduce the standard of highway safety. It would not therefore conflict with the aims of development plan policies G3 or D3.

Other Considerations

- The previous appeal cited by the DPA is no longer relevant to this decision as it addresses the first reason for refusal that has been withdrawn.
- The Section 106 legal agreement attached to a planning permission (ref. WCH/1974/7) granted 1996, which sought to prevent any further building on the appeal site, never came into effect as the development then granted permission was not commenced. It does not therefore place any restriction on the proposal considered here.

Conclusion

- It is therefore my overall conclusion that the proposal is acceptable and should be permitted. I have considered all other matters raised but nothing is of sufficient weight to alter my conclusion in this regard.

Conditions

- The DPA has suggested a number of conditions and I have considered these in the context of Circular 11/95. I shall not impose a condition concerning a scheme of access, as there is no position on the appeal site where such an access will provide a vision splay in accordance with the required highway authority standard. Extensive asphalted parking already exists on the site and I find no reason to require the drainage surfacing and marking out of this area to be made the subject of a condition. DPA

approval of a soft landscaping scheme would however be appropriate to ensure a satisfactory development in this rural location. To ensure the amenity of all who occupy the site and to reduce its impact on adjoining properties a suitable drainage scheme should be provided.

Formal Decision

12. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the construction of 8 No motel bedrooms at The Leather Bottle, Challow Station, Wantage, Oxfordshire in accordance with the terms of the planning application ref: WCH/1974/9, dated 20 April 2002 and the drawings submitted therewith, subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
2. No development shall take place until details of soft landscaping works have been submitted and approved in writing by the DPA. These works shall be carried out as approved. The soft landscaping works shall be carried out in accordance with a programme agreed with the DPA and shall be maintained for a period of 5 years. Any trees or shrubs removed, or which in the opinion of the DPA are dying, being severely damaged or becoming seriously diseased within 5 years of planting, shall be replaced by trees or shrubs of similar size and species to those originally specified in the approved details.
3. The development hereby permitted shall not be occupied until a scheme for both foul and surface water drainage has been submitted to and approved in writing by the DPA and implemented as approved.

Information

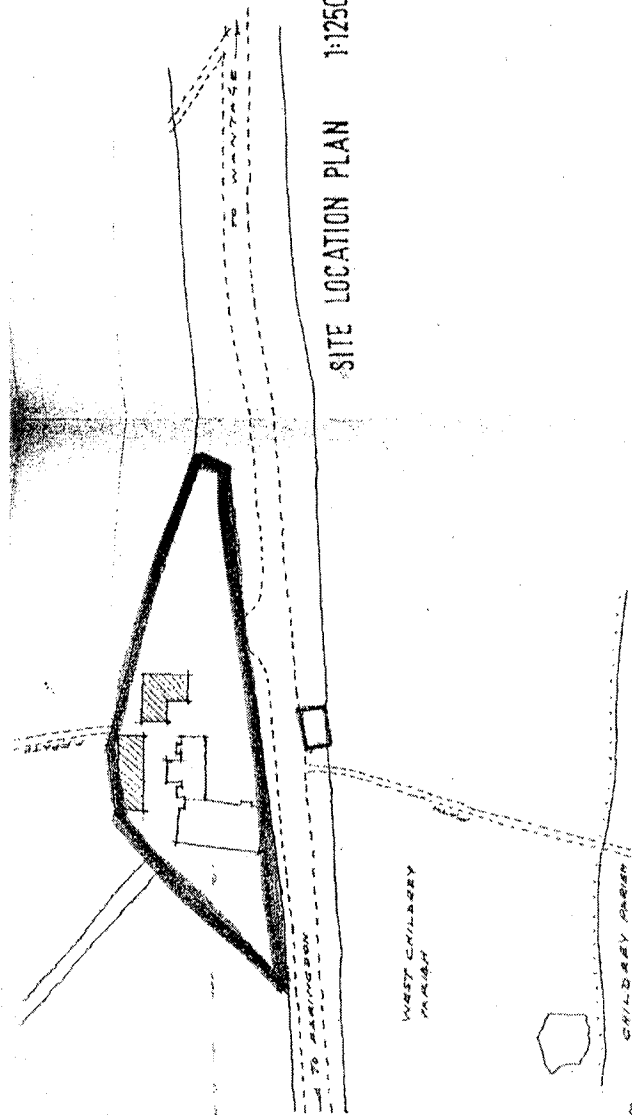
13. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
14. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town & Country Planning Act 1990.
15. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
16. Attention is drawn to the requirements of section 76 of the Town & Country Planning Act 1990 concerning provisions for the benefit of the disabled.



INSPECTOR

SHEETS UNDER PREPARE	
ENVIRONMENTAL DESIGN CONSULTANTS	
NO. 29	16 MAY 2002
ATTENTION	AGP

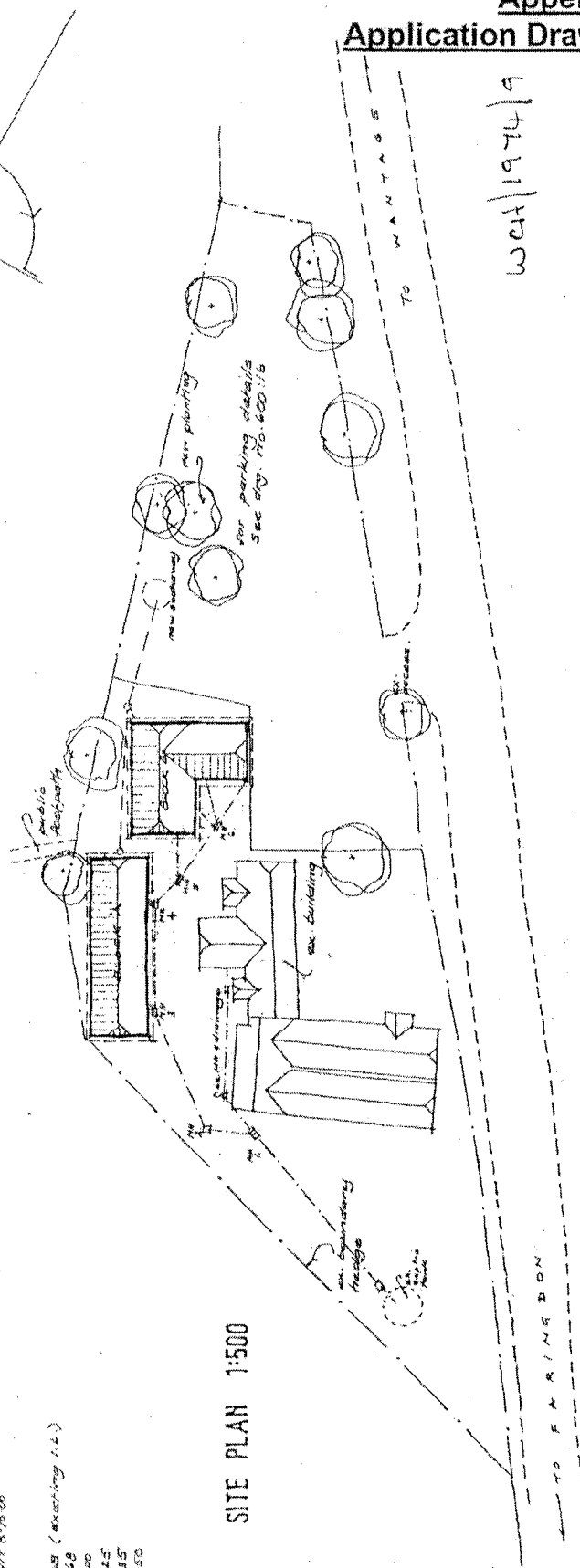
SITE LOCATION PLAN 1:1250



UNIT A - 5.90 UNIT B-10.00

Level	Height (existing i.l.)
9.50	9.48
9.20	9.00
9.70	9.25
9.75	9.35
9.80	9.50

SITE PLAN 1:500



WCH/1974/9

REV. 15) AT. H. LEVELS ADDED
 REV. 14) DRAINAGE ADDED
 title SITE AND LOCATION PLANS
 project ROOMS AT LEATHER BOTTLE - CHALLOW STATION - OXON
 scale as shown

ARCHITECTS
 HYARD - WITNEY - OXON 01993 703619

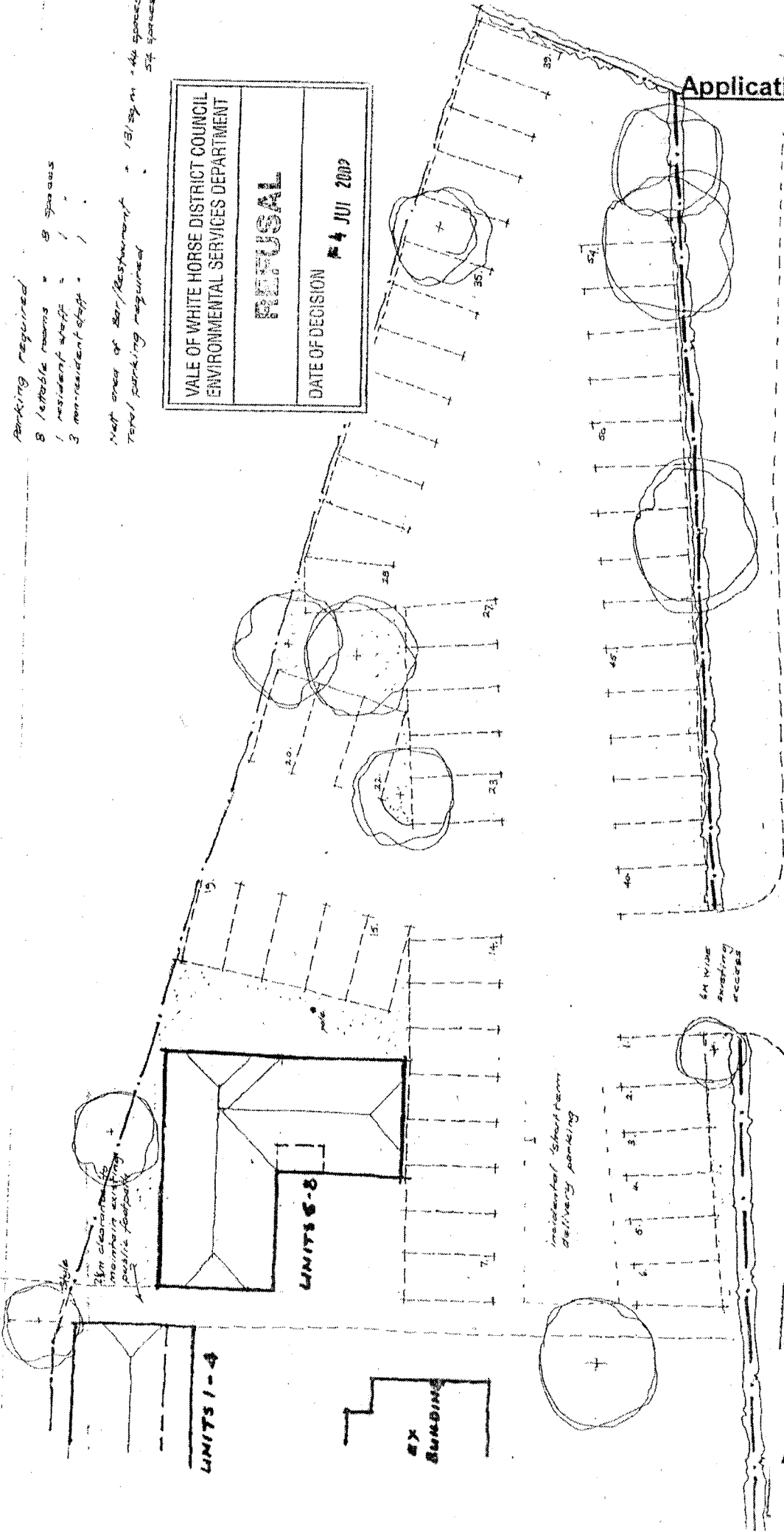
30/1/03
WCH
19/7/09

Parking Required

- 8 lettable rooms = 8 spaces
- 1 resident staff = 1 "
- 3 non-resident staff = 3 "

Net area of Bar/Restaurant = 151 sq.m. = 40 spaces
 Total parking required = 54 spaces

VALE OF WHITE HORSE DISTRICT COUNCIL ENVIRONMENTAL SERVICES DEPARTMENT
REFUSAL
DATE OF DECISION 4 JUL 2009



**Appendix 2
Application Drawings**

WCH/1974/9

DATE	SCALE

APPENDIX 2

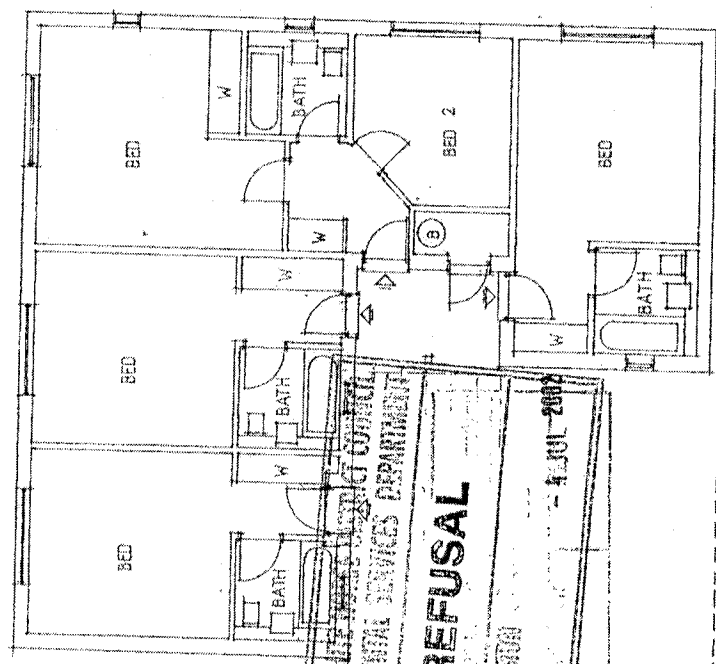
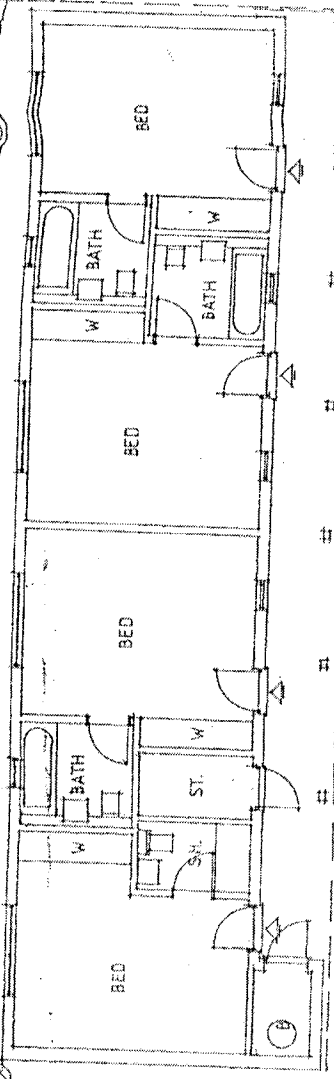
ARCHITECTS
 WICHYARD - WITNEY - OXON OX993 703619

FILE PROPOSED PARKING LAYOUT
 PERM ROOMS AT RESTAURANT

Scale 1:100

UNITS 1-4
UNITS 5-8

2.00m clearance to maintain air passage



OFFICE OF WILMINGTON COUNTY
ENVIRONMENTAL SERVICES DEPARTMENT
REFUSAL
DATE OF DECISION - 4 JUL 2008

ENTRANCE TO BAR
AND RESTAURANT

SHANNON
2
WITNEY OXON

APPENDIX 2

Appendix 2 Application Drawings

WCH/19/14/19

PARKING

GENERAL ARRANGEMENTS
DRAWN AT TENTH DATE

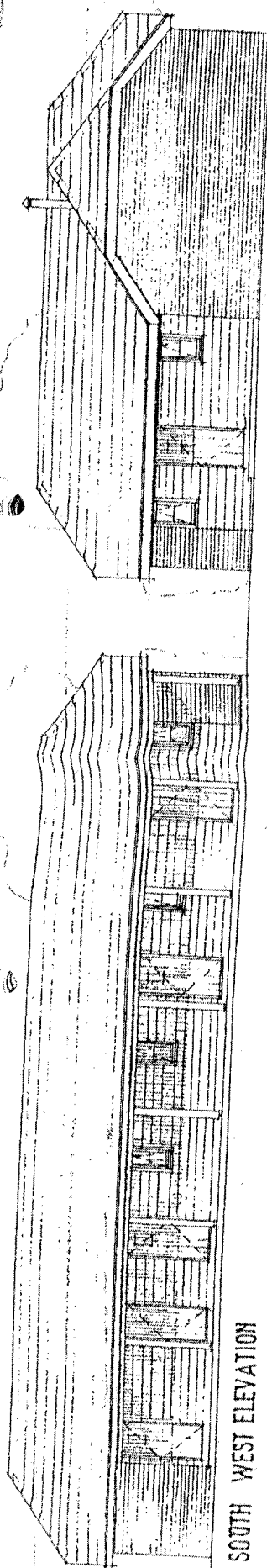
title
sheet

01993 703619

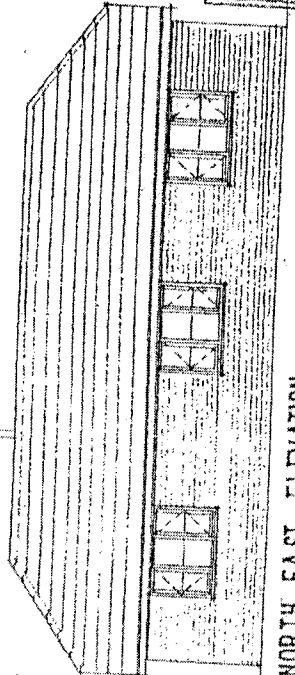
PROJECTS
WITNEY - OXON

50/17

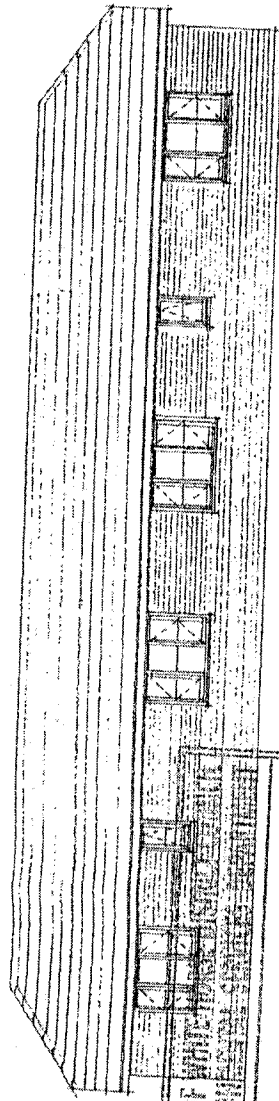
19/14



SOUTH WEST ELEVATION



NORTH EAST ELEVATION

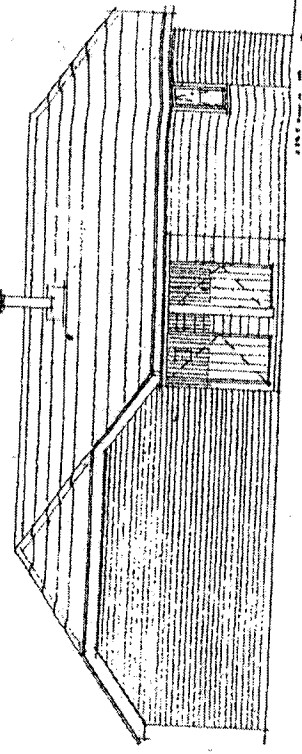


SOUTH EAST ELEVATION

Notes:
Tiles to match existing
Face brickwork (Richardson ATR)
is: Stained Timber
doors double glazed, with trickle
to fixed lights.

VALE OF WITNEY SOHRE
ENVIRONMENTAL SERVICES BRICK
ONE OF DRAGON
24 JUL 2002

VALE OF WITNEY SOHRE
ENVIRONMENTAL SERVICES BRICK
26 JUN



NORTH WEST

APPENDIX 2

1

Application Drawings

Appendix 2
scale 1:100
19 MAY 2002
01993 703619
E: 01003 701510

title ELEVATIONS
project ROOMS - LEATHER BOTTLE - CHALLOW STATION- OXON
DAVID WOODS ARCHITECTS
20 THE OLD COACHYARD - WITNEY - OXON

VALE OF WITNEY SOHRE
ENVIRONMENTAL SERVICES BRICK
RECD
19 MAY 2002
ASK

existing building

UNITS 7-1

APPENDIX 3

Report No. 3/05

APPLICATIONS DEVELOPMENT CO

23 MAY 2005

Local Government (Access to Information) Act 1985: The Background Papers for the following applications are available for inspection at the Environmental Services Directorate, The Abbey House, Abingdon during normal office hours. They include the Oxfordshire Structure Plan, the Adopted Vale of White Horse Local Plan (November 1999) and all representations received as a result of consultation.

1. **WCH/1974/1 – Mr D Manor**
Conversion of existing restaurant into two dwellings. Erection of two dwellings with new access onto Faringdon Road.
The Leather Bottle, Challow Station, West Challow

1.0 The Proposal

- 1.1 This application seeks planning permission for the conversion of the existing restaurant into two dwellings and the erection of two new semi-detached dwellings with detached garages on the adjoining car park. The proposal also involves the creation of a new access to the south east of the existing access. The application drawings are at **Appendix 1**. A Public Footpath runs through the site.

- 1.2 This application comes before the committee at the request of Councillor Andrew Crawford.

2.0 Planning History

- 2.1 In 1976 an application for a two storey dwelling to accommodate staff was refused.
- 2.2 Applications for extensions to the restaurant were permitted in 1989, 1993, 1996,
- 2.3 In 1990 two planning applications to re-build and extend the restaurant after a fire were permitted
- 2.4 Retrospective planning permission for a satellite dish was approved in 1994.
- 2.5 Retrospective advertisement consent was granted in 1995 for various advertisements.
- 2.6 Planning permission was refused in July 2002 for the construction of 8 motel bedrooms however this was later allowed at appeal in July 2003. A copy of the application drawings and appeal decision are at **Appendix 2**.
- 2.7 An identical application to the current application was submitted in November 2004 however it was later withdrawn and never formally determined by the council.
- 2.8 The Prince of Wales is relatively close to the site and raises similar issues to this case. An application was refused in October 2000 for "Replacement of Public House yard/park with 4 cottage style terrace houses 14 dwellings on car park and paddock site." This application went to appeal and the inspector allowed the 4 houses in replacement for the fire damaged public house however he dismissed the remaining 14 houses on the car park and paddock and awarded costs to the Council. Copies of the site plan and appeal decision are at **Appendix 3**.

3.0 Planning Policies

- 3.1 The site is not within the main built up area of any village and as such policy H8 of the Adopted Local Plan is relevant. It states that new houses in the countryside away from established

settlements will not be permitted without special or exceptional justification. Policy H12 of the draft second deposit Local Plan carries forward similar objectives.

3.2 The adopted Local Plan contains no specific policy relating to the conversion of restaurants into dwellings however policy C11 which refers to adaptation of rural buildings contains general principles on conversion. It states that buildings should be of permanent and substantial construction and in keeping with their surroundings.

3.3 Policy GS8 of the Draft Second Deposit Local Plan states that outside the built-up area of settlements the re-use and adaptation of vernacular buildings will be permitted provided the building is of permanent and substantial construction and is capable of conversion without major rebuilding, extension or alteration. It re-use and adaptation must not adversely affect the character and appearance of the building, its setting or the surrounding area and any services and facilities necessary must be provided without overall harm to the rural character of the area.

4.0 Consultations

4.1 West Challow Parish Council object to the proposal for the following reason:

"The members of the above council feel the semi-detached 4 bedroom houses are too large and out of feature with the surrounding area, not in keeping and would overlook the other two houses. Also they feel a speed limit of 40mph would ease the safety onto the A417"

5.0 Officer Comments

5.1 Your officers consider the main issues in determining this application to be 1) Whether the principle of the proposed development in this location away from any existing settlement is acceptable in policy terms, 2) if the principle is not acceptable whether there is any special justification for allowing an exception to the policy, and 3) whether the design and highways issues are satisfactory.

5.2 Your officers consider that the conversion of the restaurant into two dwellings to be acceptable given that it is an existing building. However, the two dwellings proposed on the car park must be judged against the policies for new houses which clearly state that dwellings will not be permitted in isolated locations away from established settlements. On this basis the proposal is clearly contrary to policy. Although the car park is defined under PPG3 as previously developed land PPG3 goes on to state however, that this does not mean that the whole area should be redeveloped. It says that the local planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations, such as policies for development in the countryside.

5.3 The applicants have not offered any special justification for allowing an exception to policy. Your officers do not consider the history of the site and the allowed appeal for motel rooms to justify allowing this application. The motel rooms would have been judged under the tourism policy and seen as subsidiary to the use of the restaurant as opposed to the creation of two independent dwellings in the open countryside. Similarly the applicant's offer to make contributions towards a reduced speed limit is not considered to outweigh the policy objections.

5.4 The County Engineer has no objections subject to certain conditions and your Officers consider the design to be acceptable.

6.0 Recommendation

6.1 *It is recommended that the application be refused for the following reason:*

1. *The proposed new dwellings by reason of their isolated location would constitute unjustified and unsustainable development which would result in the creation of sporadic development in the open countryside. As such the proposal is contrary to the Adopted Vale of White Horse Local Plan in particular Policy H8 and the draft Second Deposit Local Plan in particular Policy GS8.*

In respect of the part dismissed and part allowed appeal decision, the Committee noted that it was only able to approve or refuse a planning application in its entirety and that it was not possible to permit part of an application as the Inspector had done. It was noted that the Council had had no objection to that part of the application which had been allowed.

RESOLVED

that the agenda report be received.

DC.7 LIST OF FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered an agenda report, which advised of two Public Inquiries and five Hearings.

The Committee noted that this information would be updated for the next meeting.

RESOLVED

that the agenda report be received.

DC.8 DEPOSITED PLANS

The Committee received and considered report 3/05 of the Assistant Director (Planning) detailing planning applications, the decisions of which are recorded below. Applications where members of the public had given notice that they wished to speak were considered first.

- (1) WCH/1974/1 – Conversion of existing restaurant into two dwellings.
Erection of two dwellings with new access onto Faringdon Road - The Leather Bottle,
Challow Station, West Challow

(Councillor Jenny Hannaby had declared a personal interest in this item and in accordance with Standing Order 33, she remained in the meeting during its consideration).

The Committee noted that the Parish Council had objected to the style of the houses.

Mr D Randell made a statement on behalf of West Challow Parish Council reiterating concerns already referred to in the report. He commented that the development was too large and suggested that semi detached low cost properties would be preferable. He raised concern regarding the access, commenting that the traffic speed on the A417 in this location should be restricted to 40mph.

Mr S Lilly made a statement in support of the application commenting that the property had been empty for 24 months. He advised that a number of other uses had been considered and he referred to the accountant's report on viability sent to Members of the Committee. He reported that the access had been discussed with the County Engineer and had been moved to the south east of the site in view of the brow of the hill. He explained that the style of house had been designed to reflect the style of properties in the area. Finally, he reported that it was intended that the existing footpath would be enhanced.

Some Members spoke in support of the application commenting that it was necessary to approve an alternative use for the property which would otherwise fall into disrepair.

However, other Members spoke against the application noting that the site was in the open countryside and approval of the application would set a precedent for similar developments elsewhere. It was commented that conversion of the restaurant building to one or two houses might be acceptable but that there should be no building on the car park area.

By 12 votes to 4, with 1 abstention it was

RESOLVED

that application WCH/1974/1 be refused for the reason set out in the report with the applicant being informed on a without prejudice basis, that conversion of the existing buildings might be looked on favourably.

- (2) WAN/3327/7 & WAN/3327/8-CA – Part demolition of front of existing hall. Re-building of existing church hall and service facilities at the rear. New floor over existing hall - Wantage Baptist Church, Mill Street, Wantage

(Councillors Eddy Goldsmith, Jenny Hannaby and Derek Verdin had each declared a personal interest in this item and in accordance with Standing Order 33, they remained in the meeting during its consideration).

The Committee noted that the Consultant Architect and the Architects Panel had commended the scheme, commenting that it was a good quality scheme which would enhance the street scene.

One Member reported the views of the Town Council, commenting that it had not been felt that the scheme was in keeping and was too modern. Another Member expressed concern that the proposal was out of keeping and was inappropriate in this historic part of the Town.

Other Members spoke in support of the applications noting that there were no significant material changes to take into account since the previous permission had been granted.

By 14 votes to 2, with 1 abstention it was

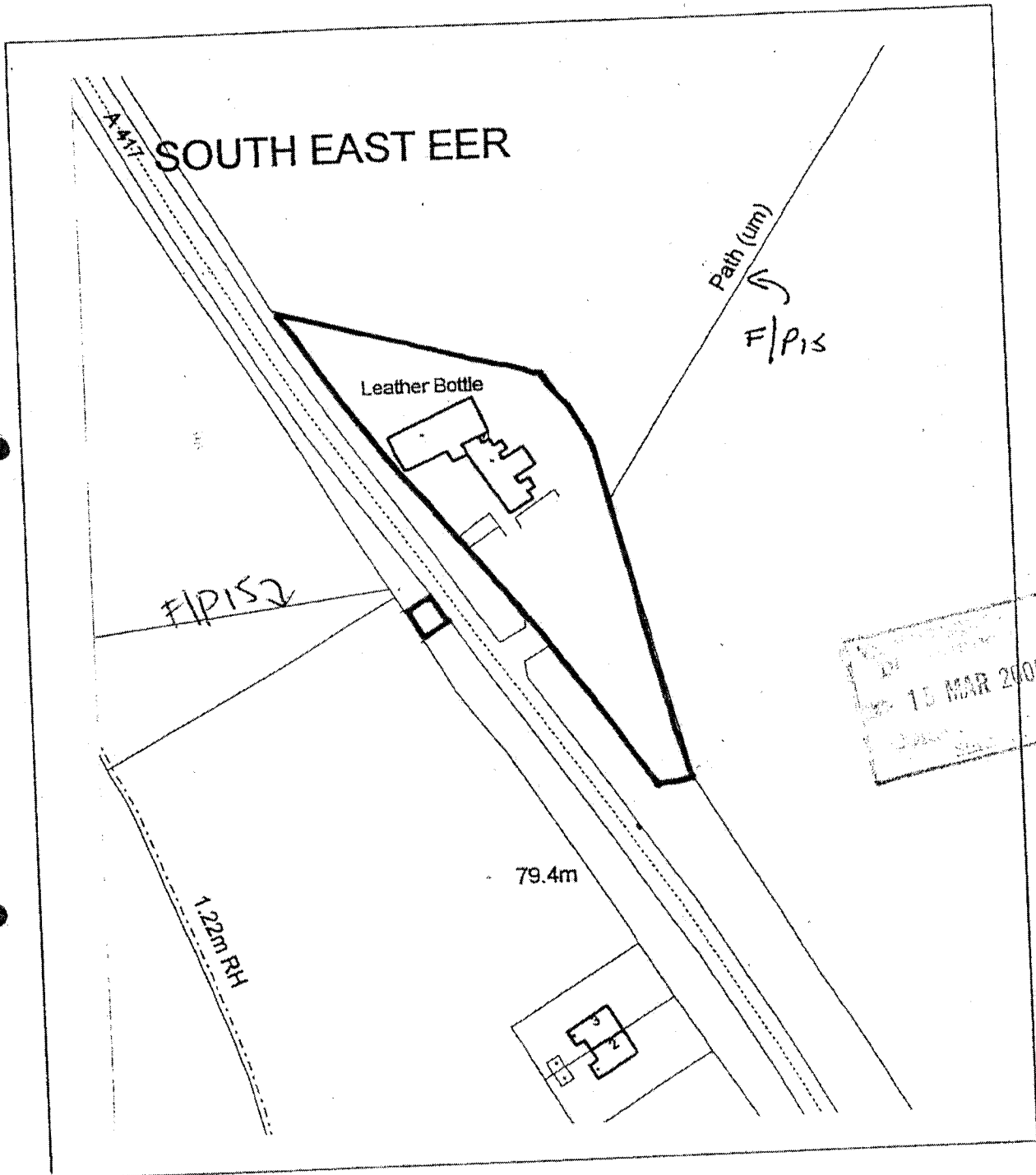
RESOLVED

that applications WAN/3327/7 & WAN/3327/8-CA be approved subject to the conditions set out in the report.

- (3) STA/3373/8 – Change of use from agricultural to B1(C) use - Hill Farm, Gainfield, Buckland

(Councillor Robert Sharp had declared a personal interest in this item and in accordance with Standing Order 33, he remained in the meeting during its consideration).

Further to the report, the Committee noted that the County Engineer had no objection to the application, if restricted to the type of use proposed.



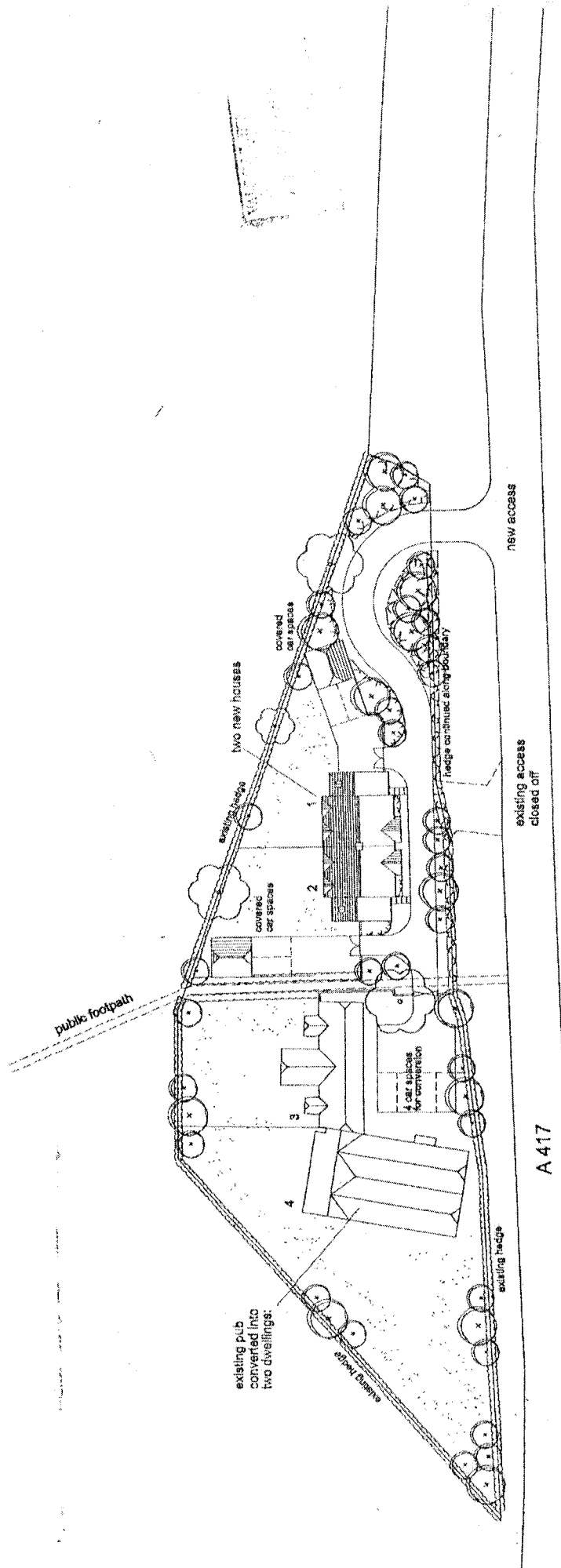
Bottle, Challow Station
Site location plan

1



TOWLE · SPURRING · HARDY
Architects

APPENDIX 3



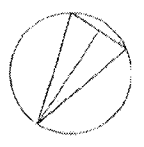
Appendix
Application Drawings

WCA/1974/11

Aug 04
1:500
24014P

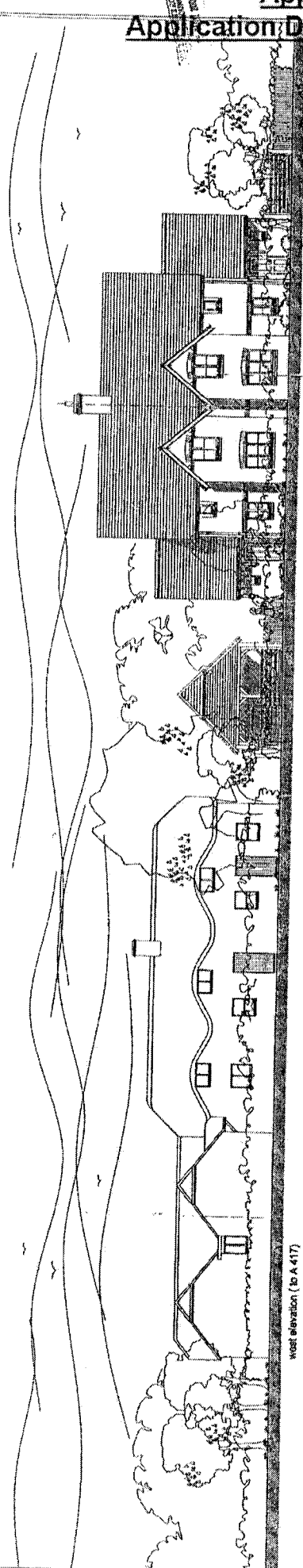
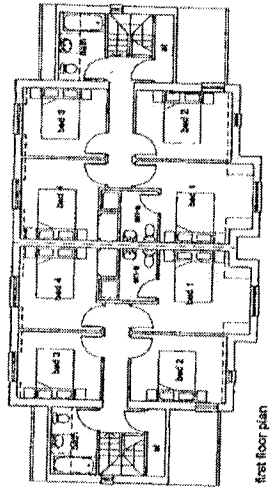
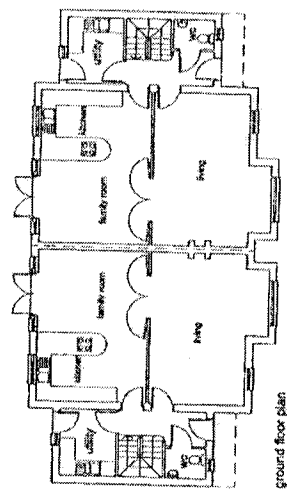
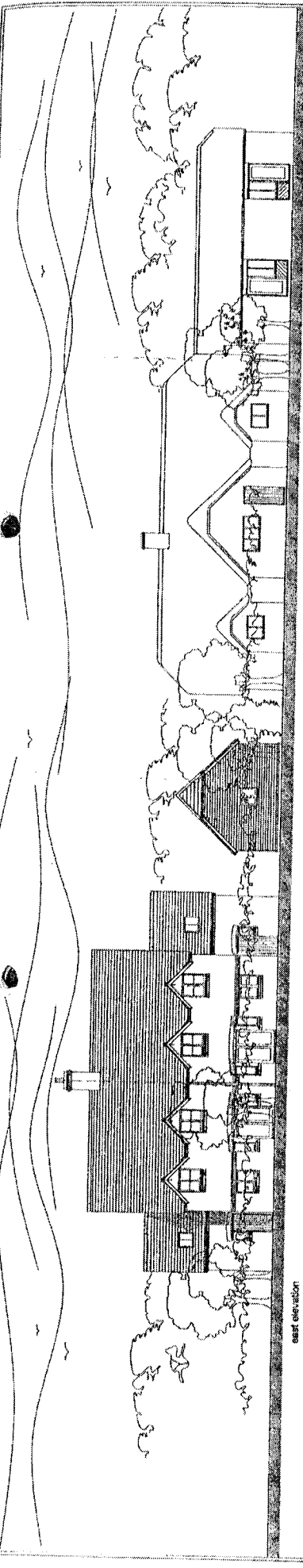
Leather Bottle
Challow Station

TOWLE, STUBBING, HARDY
Architects
The Office, 51, 52
The Square, CHALLOW, STATION
P.M. (11855) STATION



APPENDIX 3

240146



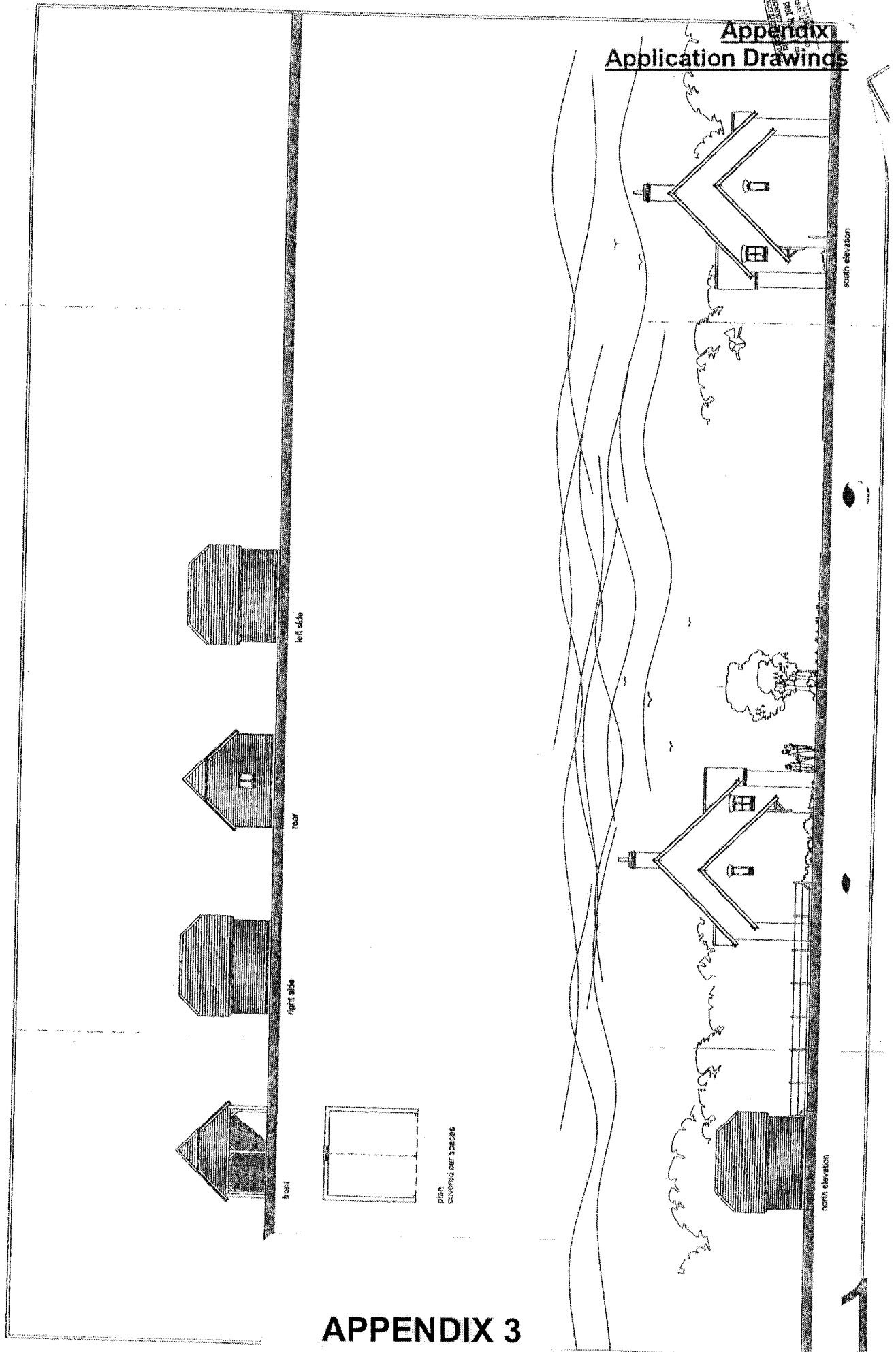
Appendix
Application Drawings

2024/07/24

TOPIC: PLANNING READY APPROVALS:	Oct 08 1:10M	240146	P02
	Leather Bottle Pk Challow Station		Floor plans/ elevations

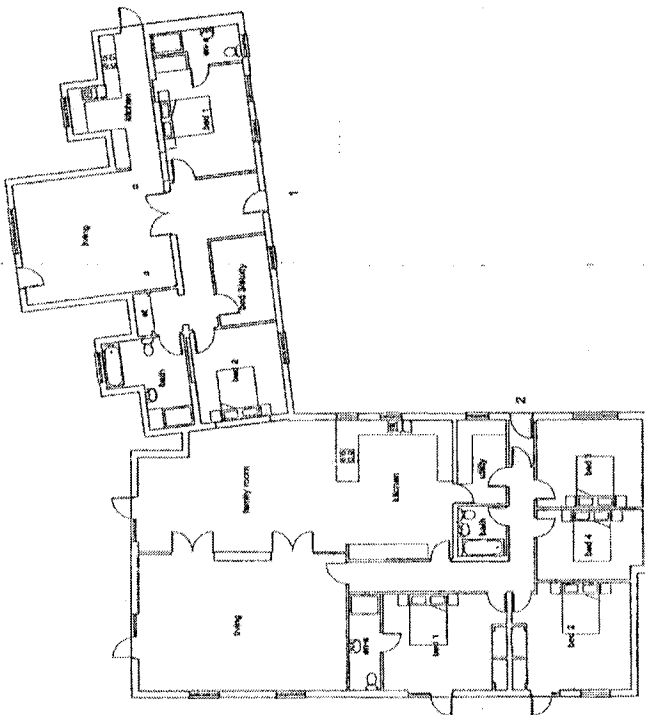
APPENDIX 3

Appendix
Application Drawings

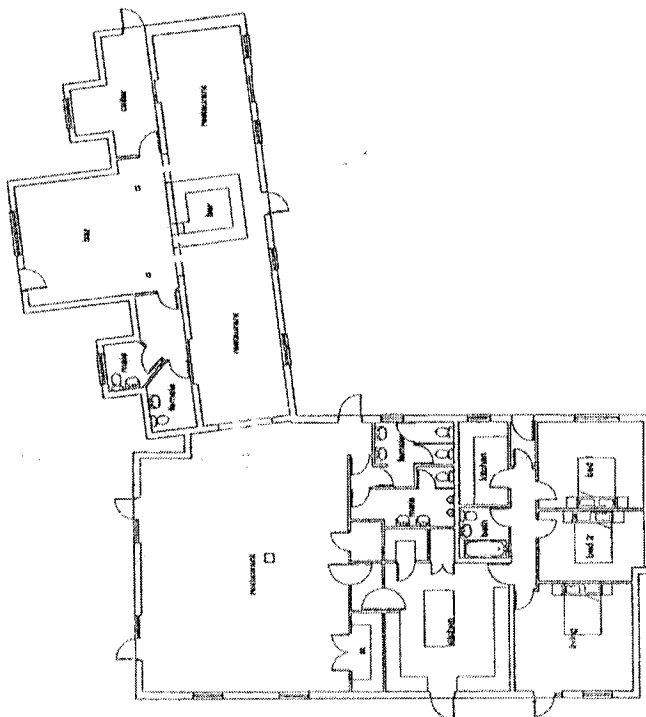


APPENDIX 3

Appendix Application Drawings



Floor plan
as proposed (converted into two dwellings)



Floor plan
as existing

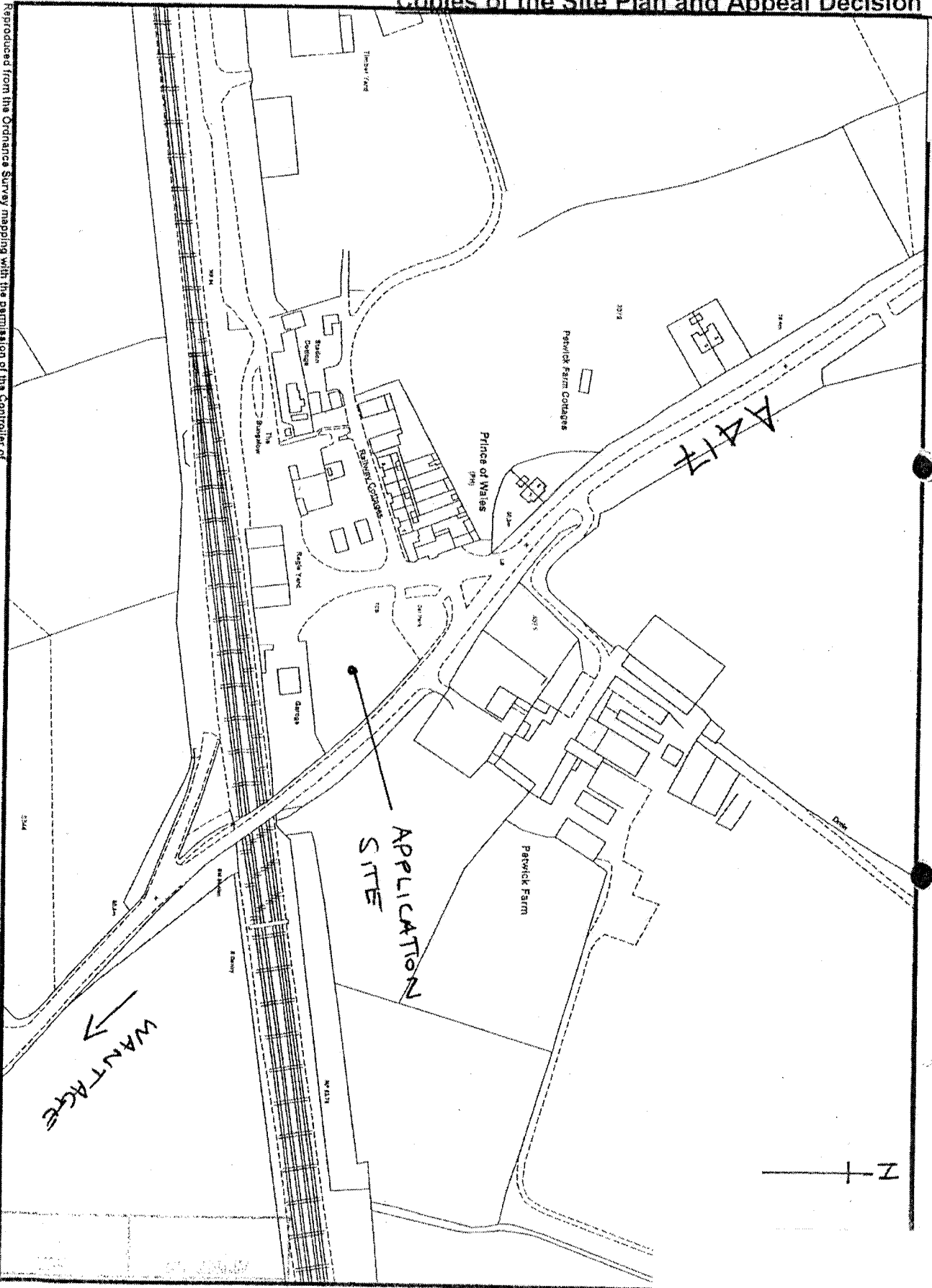
APPENDIX 3

NOV 04 10 19 AM '04
CITY ENGINEER'S OFFICE

WCH/1/24/11

PROJECT: LEASHER BOBBIE PH CHALLOW STATION	NOV 04	1:100	240146	P06
DESIGNED BY: [illegible]	Floor plans - existing buildings			
CHECKED BY: [illegible]	[illegible]			

Plan Chest



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Scale: 1:2500
 Plot Date: 23/5/2001
 BY: jh
 Dept:

WANTAGES
 →

7 JUN 2001
 THE CHIEF EXECUTIVE OFFICER
 OXFORDSHIRE COUNTY COUNCIL



Appeal Decision 15 OCT 2001

Inquiry held on 29 & 30 August and 6 September 2001

by **Phil Grainger BA(Hons) MRIP**

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
409 Site Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
Tel: 0117 375 5170
e-mail: enquiries@planning-inspectorate.gov.uk

Date

15 OCT 2001

Appeal Ref: APP/V3120/A/01/1063309

The Prince of Wales P H, Faringdon Road, West Challow, 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 Mr A. Birky & Mr K. Barlow against the decision of the Vale of White Horse District Council.
- The application (Ref. WCH/9782-X), dated 22 March 2000, was refused by notice dated 19 October 2000.
- The development proposed is the replacement of a public house and yard/park with 4 cottage style terrace houses and 14 on the car park and paddock site.

Summary of Decision: The appeal is allowed in part and is dismissed in part as detailed in the Formal Decision below.

Procedural Matters

- The application that has resulted in this appeal was accompanied by elevation and layout drawings. Nevertheless, the application stated that these details were to be reserved for later approval and at the Inquiry I was asked to regard the drawings as illustrative only. The Council confirmed that they had dealt with the proposal on that basis and I have done the same. In addition, it was agreed that the proposal would be better described as the erection of 18 two-bedroom terraced houses, of which 4 would be on the site of the public house and the remainder on the adjoining car park and paddock. I was also told that both the application and appeal forms gave incorrect or incomplete details of the appellants who are in fact Mr A. Birky and Mr K. Barlow.
- At the Inquiry, the Council confirmed that they were now satisfied that reasons 4 & 5 given on the refusal notice, relating to highway safety and noise respectively, could be dealt with by way of conditions. I have taken this into account, whilst noting that the parish council continue to have concerns about safety matters.
- Also at the Inquiry, applications were made on behalf of both the Council and the appellants for full awards of costs. Those applications are the subject of separate decisions.

Main Issues

- Having regard to the above, I consider that the main issues are the effect that the proposal would have on the need to travel, especially by private car, and the development plan strategy for new housing. In assessing these matters I have paid particular attention to local policy and national advice on affordable housing as well as the sustainability of the site for housing development together with its present condition and former use.

Planning Policy

- The development plan for the area comprises the Oxfordshire Structure Plan 2011, adopted in 1998, and the Vale of White Horse Local Plan, 1999. Structure Plan Policy G1 seeks to provide a sustainable framework for development that makes best use of land and buildings

Appeal Decision APP/V3120/A/01/1063309

within built-up areas. Whilst acknowledging that appropriate provision needs to be made for the needs of rural communities, the Policy advises that locations where a reasonable range of services exist or can be provided and the need to travel, particularly by private car, can be reduced, will be favoured. So too will locations where walking, cycling and use of public transport can be encouraged. Policies G2 and T1 reinforce several of these aims.

Policy G2 also aims to ensure that development is of an appropriate scale and type whilst Policy EN1 seeks to resist proposals that would have an unacceptable environmental impact. More specifically, Policy G5 seeks to avoid sporadic or ribbon development in the open countryside. Turning to the housing policies, Policy H3 advises that new dwellings should be provided in a variety of types and locations and Policy H4 indicates that provision for affordable housing will be made in accordance with identified local needs.

Turning to the Local Plan, Policies H4, H5 and H6 deal with housing development in towns and large and small villages respectively. The scale of development acceptable decreases with the size of the settlement and schemes in small villages are limited to one or two houses. The settlements covered by these Policies are listed in the Local Plan. They do not include Challow Station. The Plan recognises that other small groups of houses exist, and Policy H7 seeks to restrict development in them to single dwellings within existing built-up frontages. Away from established settlements, Policy H8 advises that new houses will not be permitted without special or exceptional justification. In addition, Policy H9 sets out the circumstances in which schemes for small-scale affordable housing may be allowed in or on the edge of villages as an "exception" to normal policy.

The Local Plan has an end date of 2001 and a review has commenced. However, this is still at a very early stage and, having regard to the advice in Planning Policy Guidance Note 1 (PPG1), I can attach little or no weight to it. Other material considerations that I have taken into account include relevant government advice, especially that set out in PPG3, Housing, and PPG13, Transport, both of which post-date the adoption of the Structure and Local Plans. I have also had regard to the advice on affordable housing set out in Circular 6/99.

Inspector's Reasoning

The appeal site and its situation

The appeal site is located where the A417 crosses the main London to Bristol railway station, now long closed, was provided here to serve a number of villages, including West Challow (about 3 km to the southeast), Chiddrey (about 3.5 km south) and Stanford in the Vale (about 3 km north). A small cluster of buildings, still known as Challow Station, sits up at this point including a row of 6 houses west of the appeal site. Beyond them is a former station house and a large builders merchants. A track continues west to serve a farm on which I was told there are three more houses but I consider that these lie outside Challow Station proper. However, a number of uses exist on the station site, including a commercial vehicle repair garage, a Council depot and a blacksmiths. On the main road there is another farm, two pairs of semi-detached houses and a restaurant/bar.

Apart from those on the main road all the houses and other premises referred to above are served by a road that divides the appeal site in two. On the smaller, western part of the site is the Prince of Wales public house, which was seriously fire-damaged in 1996 and has remained derelict ever since. The parties agree that its repair and reuse as a public house would be impractical. On the other side of the access road is the public house car park, which some flytipping has taken place. Beyond this is an unused and overgrown paddock, which I was told was at one time used as lairage. The paddock is separated from the railway

Copies of the Site Plan and Appeal Decision

Appendix

line to the south by a narrow yard used for the repair of commercial vehicles. It immediately adjoins the A417, which for the most part is at a higher level.

The need to travel and sustainability matters

11. There are employment opportunities at Challow Station but no shops or other facilities apart from the restaurant/bar and a telephone call box. There are shops and schools in the villages of Childrey and Stanford in the Vale and a wider range of services and jobs in the market towns of Wantage and Faringdon (about 5.5 and 10 km away respectively). The buses that pass Challow Station provide links to all these settlements other than Childrey and continue beyond Faringdon to the larger town of Swindon. However, although it is augmented on some days by a shoppers' minibus, the main bus service is limited to four journeys per day towards Wantage and three in the other direction. It provides for journeys to work in Wantage and Faringdon but not places further afield, including Milton Park and Harwell, which Mr Green indicated were important for those looking for houses in the area.
12. The appellants have predicted the likely attractiveness of various travel modes to occupiers of the proposed houses, using the Local Authority Heathrow Terminal 5 Model. The Model suggests that 70% of journeys are likely to be made by car. Given that the national average is about 85% and that 70% is generally regarded as acceptable in green transport plans, the appellants consider that this shows that the proposal would be sustainable in travel terms.
13. The Model deals with intangibles such as comfort and safety by way of constants. The likely availability of a car is taken into account in the same way. The appellants have not adjusted these constants to reflect local circumstances (as has been done in other cases), neither have they checked how accurately the predictions reflect the actual travel habits of existing residents likely to have similar needs. Given the somewhat unexpected nature of the predictions I find this surprising, especially as Dr Riley himself described them merely as the best starting point and said that his own best guess was that car use would be a few percent higher. In the circumstances, I consider that the failure to test the predictions significantly reduces their credibility.
14. The parish council say that car ownership amongst the occupiers of the 6 houses next to the appeal site is high and at the site visit I saw that there were more cars parked than the number of houses. Moreover, these are affordable houses and car ownership is likely to reflect the realities of living in a rural area rather than high incomes. The appellants themselves predict that the 18 households would own 21 cars and as this is based on regional figures that do not fully reflect the low proportion of rural households without a car I consider that there is a real likelihood that the figure would be higher.
15. Furthermore, this is a location where if a car is available it seems very likely that it will be used. There are very few facilities within walking distance and for most of them the only practicable route would be along the A417. In my view, the speed and volume of traffic together with the lack of lighting and footways make walking along this road unattractive. In places there is not even a grass verge and where there is I saw no sign of it being worn by pedestrians. Similar considerations apply in respect of cycling, whilst, as already outlined, the bus service is sparse and for much of the day provides no choice. I am not suggesting that no use would be made of these modes. However, for many journeys there appears to be no practical alternative to the car and I consider it likely that the proportion of trips made by other modes would be much lower than the appellants' untested predictions suggest. The Council's survey, although it ended before the last bus and was carried out on a day when total movements appear to have been unusually low, supports this conclusion.

16. I conclude that the appeal proposal would give rise to a greater need to use a car than a similar scheme in a village such as Stanford in the Vale where walking to the local shops and school will often be a realistic option. In addition, a development in such a location would be more supportive of village facilities than the appeal proposal, whilst the effect on the bus service would be little different. Moreover, it was agreed that sites in nearby market towns are likely to be more sustainable than this one. I conclude that the appeal proposal would not accord with the government's objective of creating more sustainable patterns of development and would be contrary to the aims of Structure Plan Policies G1 and T1.

17. In reaching this conclusion I have had regard to the recent appeal decisions at Coldharbour Farm to the northeast of Stanford in the Vale. However, not only is that site closer to the village but those proposals involved only one dwelling on a site where the Council had recently allowed 2 holiday lets that the Inspector considered would generate a similar level of annual vehicle movements. In these and other respects those proposals were significantly different to that before me and I see no inconsistency between my conclusions and those of the Inspector in that case.

Affordability and other housing issues

18. Challow Station is not a listed as an H5 or H6 village and Policy H7 seeks to limit building in lesser settlements to single houses. There is no dispute that the appeal proposal does not comply with that Policy. Indeed, although the appellants say that the small houses proposed would be similar to 6 large ones, even that number would only be allowed in large villages with services. However, the appellants consider that the special circumstances of the site and the unmet demand for small and cheap houses in the rural parts of the District justify making an exception to normal policy, as Policies H8 and H9 provide for.
19. House prices in the District are high and the Local Plan identifies a general need for affordable housing, particularly 2-bedroomed properties. Moreover, during the preparation period such housing has been provided at only about half the target rate. The Plan acknowledges national advice that affordable housing can include low cost market housing. However, given the nature of the local market, this is regarded as an ineffective way of meeting local needs and the Plan advises that subsidised housing involving registered social landlord will normally be the appropriate form of provision.
20. The appeal proposal is for houses that would be for sale on the open market to the highest bidder. However, the appellants say that the relatively unattractive location would make those able to afford other rural properties, and that this and the small size of the houses would make them significantly cheaper than is usual in rural parts of the district. The valuation was not seriously disputed by the Council. Moreover, whilst it is possible that some adjoining uses could be replaced by less intrusive ones, I consider the proximity of the site to roads and, especially, the railway line would have a permanent and depressing effect on house prices. Subject to conditions controlling their size, I am satisfied that the proposed houses would remain more affordable than most rural housing in the area.
21. That said, no compelling evidence has been produced that 18 such houses are required at this location to meet a real local need. I do not doubt that there is a generalised demand for small, low cost houses in the rural parts of the District, but that is not the same thing. Many people would like to live in the countryside and, in my experience, it is not uncommon for the demand for housing in rural areas to exceed supply. Meeting that demand in full would rapidly change the character of the countryside and is generally regarded as more harmful than not doing so, especially as not all those who would prefer to live in the countryside

have a genuine need to do so. Moreover, houses as cheap or cheaper than those proposed are already available in the nearby towns. This is not therefore a case where potential purchasers would otherwise have to commute very long distances.

22. As for genuine local needs, no survey of housing need in West Challow or the adjoining parishes has been carried out. Moreover, the Council say that only about 3 people on their waiting list have a genuine local connection with West Challow, although more would be willing to live there. In part this may reflect the existence next to the appeal site of 6 housing association properties. Looking outside the parish, 12 affordable houses for rent are being provided at Stanford in the Vale, as well as another 5 or 6 properties that the developers there regard as low cost market housing. Furthermore, on that site the Council accepted a financial contribution instead of the full complement of affordable housing as they consider there to be a greater need in other parts of the District.

23. I have taken account of the support of a neighbouring parish council for the appeal proposal and the likelihood that the District Council's knowledge is primarily of those in social need. That said, the available data falls far short of demonstrating that there are 18 households who are both local and in genuine housing need, still less that they would be able to afford the proposed houses. I have had regard to the appellants' suggestion that, as a last resort, a condition could be imposed restricting occupation of the houses to local people. However, whilst that would be likely to further reduce prices, I have seen no compelling evidence that even then as many as 18 purchasers who are genuinely local would come forward, whether they are in housing need or not. Such a condition would, therefore, be neither reasonable nor realistic.

24. In conclusion, the proposal fails the tests for rural exceptions housing set out in Circular 6/98 and Local Plan Policy H9 and in my judgement is seriously at odds with the thrust of that Policy. The size of the scheme relative to the existing development at Challow Station reinforces that conclusion. Turning to Policy H8, the supporting text indicates that it intended principally to allow for the provision of single dwellings where there is a clear and specific need for a rural worker to live close to his/her place of work. Other scenarios are not excluded, but I find no real support in the Policy for proposals of the scale and nature of the appeal proposal. I conclude that the proposal is contrary to the housing strategy of the development plan. That said, I have taken the specific circumstances of the appeal proposal into account, but as other material considerations.

The effect on the character and appearance of the area

25. The Prince of Wales Public House is visible for only a comparatively short length of the A417 and is, mostly, seen in the context of other sites that are unsightly. Nevertheless, its burnt out remains are a most unattractive feature that detract from the appearance and character of the locality. I share the appellants' view that their replacement by 4 houses of a similar mass and siting would be a visual improvement and I have taken that into account.

26. As for the remainder of the site, whilst the paddock is somewhat overgrown, it is not, in my view, unsightly but helps to offset the rather urban nature of the adjoining sites. Moreover, the tipping on the car park site is noticeable over a much smaller area than the proposed houses would be. In particular, unlike those on the public house site, these houses would be clearly visible from a substantial distance to the north and would be more intrusive than the garage building on the adjoining site that is partly visible in these views. Even at closer range and from the south, the proposed houses would be much closer to the road than most of the existing buildings, greatly adding to the extent that the area appears built up.

APPENDIX 4

27. I conclude that the 14 houses proposed on the car park and paddock site would be prominent and intrusive features that would be readily apparent to those passing along the A417 and would have a significant and detrimental effect on the rural character of this part of the Vale. As such they would be contrary to the aims of Structure Plan Policies G2, G5 and EN1. The fact that the existing development is itself intrusive does not, in my view, justify adding to it in the way that the proposed development would.

Other matters

28. I have considered all the other matters raised in writing and at the Inquiry. It is common ground that the site of the public house and its car park fall within the definition of previously developed land on which PPG3 generally encourages housing development. Having regard to this and to the present appearance of the public house the Council consider that its replacement by four houses may be acceptable and I, too, consider this element of the scheme has some merit. However, PPG3 indicates that it will not always be appropriate to build on the whole of previously developed sites in rural areas. Given my conclusions on sustainability matters and the visual impact of this proposal, I consider that it is such a case and that the advice in PPG3 does not justify building houses on the car park or paddock.

29. As for road safety matters, the recently installed kerbing appears to have been beneficial in simplifying movements at the junction with the A417. Given this and the ability to impose conditions relating to sightlines I am satisfied that motorists and others would be able to enter and leave the site safely. Furthermore, the scale of development would not materially affect traffic flows on the A417. Despite the concerns expressed by the parish council, I conclude that these matters are not an overriding obstacle to the proposal.

30. I have also had regard to the other appeal decisions that were referred to but, whilst the site at Rowstock, their full circumstances are not known to me. However, in many cases there appear to be differences in the physical and/or policy context that limit their usefulness in indicating how this proposal should be dealt with. In any event, each appeal must be dealt with primarily on its own merits.

Conclusions

31. The appeal proposal does not comply with the housing strategy of the development plan, which remains broadly in line with government advice. I have taken account of the fact of the Local Plan to deliver on its targets for affordable housing and that low cost market housing is not excluded from the definition of such housing. However, I consider that the insufficient to bring the proposal within the scope of Policies H8 or H9 or otherwise to justify setting aside normal policy. In particular, no compelling evidence has been provided of a genuine local need that it would be appropriate to meet on this site, especially as I am not convinced by the appellants' arguments that this is a sustainable location for new housing. Moreover, the scheme as a whole would harm the rural character of the area.

32. That said, the 4 houses proposed on the public house site would be a visual improvement and their effect on the need to travel would be much less than that of the full scheme. In addition, this part of the proposal would bring back into use a good portion of the previously developed part of the appeal site in a way that would be more in scale and keeping with the existing settlement. Although still not in accordance with the development plan, I conclude that, on balance, this element of the scheme is acceptable. Moreover, an Inquiry the appellants indicated that a split decision would be of benefit to them. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed in this part but otherwise dismissed.

Conditions

33. I have considered the conditions suggested by the Council and the others that were put forward during the course of the Inquiry having regard to the discussion that took place and the advice in Circular 11/95. In some cases I have modified the wording of suggested conditions to reflect the advice in the Circular.
34. Although not suggested by the Council, the standard conditions relating to outline permissions are needed and details of materials, access arrangements, boundary treatments and landscaping can be dealt with through the submission of reserved matters. However, in order to ensure the prompt implementation of the landscaping scheme, which is necessary in the interests of visual amenity, I shall impose a specific condition relating to this matter.
35. In addition, in the interests of the health and safety of future occupiers of this previously developed site, a survey needs to be carried out to establish whether contamination is present and what, if any, remedial action is required. Furthermore, even on the northern part of the site noise from the railway is such that a condition dealing with this matter is needed to protect the living conditions of future residents. In the interests of highway safety, it is also necessary for satisfactory sight lines to be provided and retained at the access to the site. Moreover, as the site is not served by main drainage, a condition relating to this matter is also required, in order to ensure that there is no adverse impact on local residents.
36. During the course of the Inquiry, the appellants suggested that conditions restricting the size of the houses and preventing their future extension would ensure that the price of the houses remained low. However, my conclusion that the erection of 4 houses on the site of the public house would be acceptable does not depend on them being affordable. Moreover, this is a small site and if the mass of the existing building is not to be materially exceeded, as I consider necessary in the interests of visual amenity, the houses will inevitably be small. The Council would be able to ensure this when dealing with the reserved matters and I do not consider any further restriction on the size of the houses to be necessary.

Formal Decision

37. In exercise of the powers transferred to me, I dismiss the appeal insofar as it relates to the 14 houses on the site of the car park and paddock. However, the appeal is allowed insofar as it relates to the site of the public house itself. Accordingly I grant planning permission for the erection of 4 terraced two-bedroom houses on the site of the Prince of Wales Public House, Faringdon Road, West Challow in accordance with the terms of the application ref. WCH/978/2-X dated 22 March 2000 and the plans submitted therewith (so far as relevant to that part of the development hereby permitted) and subject to the following conditions:
 - 1) Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 4) All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which

- 5) Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.
- 6) Development shall not begin until a scheme for protecting the proposed dwellings from external noise has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the first occupation of any dwelling to which it relates and shall thereafter be retained in that form.
- 7) Prior to the first occupation of any dwelling hereby permitted, sight lines shall be provided at the access(es) to the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved sightlines shall thereafter be kept free of all obstructions to vision over 0.9 metre in height.
- 8) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have been submitted to and approved in writing by the local planning authority.

Information

38. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.
39. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
40. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
41. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.

A. Craig
INSPECTOR

Copies of the Site Plan and Appeal Decision



Costs Decision

15 OCT 2001

Inquiry opened on 29 August 2001

by **Phil Grainger BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

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Date
11 OCT 2001

Costs application in relation to Appeal Ref: APP/V3120/A/01/1063309 The Prince of Wales P H, Faringdon Road, West Challow, Oxfordshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by the Vale of White Horse District Council for a full award of costs against Mr A Birkby and Mr K Barlow.
- The inquiry was in connection with an appeal against the refusal of planning permission for the erection of 18 two-bedroom terraced houses.

Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.

The Submissions for the Council

- The application is made having regard to the advice in Circular 8/93, in particular paragraph 3 of Annex 3. The appeal is an unreasonable one in that it clearly relates to a site where housing development would be contrary to the normal provisions of the Local Plan, which is up to date, and government advice and no reasonable and material considerations have been advanced to support a contrary decision. In particular, the proposal does not satisfy the tests for rural exceptions housing. The scheme is not tied to meeting local need and, in fact, no such need has been identified. It is plainly wrong and unreasonable to assert, as the appellants do, that there is no difference between need and demand.
- In any event, even if there were an established need this would be the wrong location, as the site does not comply with government aims to avoid the need to travel especially by the private car. The appellants' attempt to justify the location by means of a model that ignores the reality of the situation is unreasonable. So too is their argument that sustainability is an all or nothing concept and that there is no difference in these terms between this site and one in a village with facilities. Such a stance is clearly at odds with government advice, which seeks to encourage use of the most sustainable locations.
- Seeking to meet a general market demand for housing when the targets for such housing are being met is not a reasonable ground for pursuing a proposal that clearly flies in the face of development plan policy and government advice. Advance warning was given of the likelihood of this application and it should have been obvious to the appellants, who have been professionally advised, that the appeal had no reasonable prospect of success. A full award of costs is therefore justified. This is true even if the appeal is allowed in respect of the site of the public house, as the appellants never put forward such an appeal although the planning officer had indicated that this could avoid the need for an appeal.

The Response by Mr A Birkby and Mr K Barlow

- Even if the appeal is dismissed or allowed only in part it does not follow that an award of costs should necessarily be made. This would be appropriate only if the arguments put forward by the appellants are considered to be unprofessional or obviously unarguable -

APPENDIX 4

- Moreover, neither the Local Plan nor government advice anticipates proposals that consist wholly of affordable housing and offer no clear guidance for them. However, there is nothing in Policy H8 that clearly and unambiguously restricts it to agricultural workers' dwellings. There is not a complete prohibition on new housing in rural areas and it was not unreasonable to consider that a scheme for low cost housing on this very unusual site could fall within the 'special cases' allowed by Policy H8 or alternatively be a justifiable exception to normal policy.
- As to sustainability matters, government policy does not seek to prevent the use of cars and the appellants can only be said to have acted unreasonably if Dr Riley's evidence is regarded as preposterous. In fact, this evidence was merely commented on, not challenged, and was in no way "incredible". Furthermore, visual harm is a subjective matter and not a basis for an award of costs. The application is therefore resisted.

Conclusions

- I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another to incur or waste expense unnecessarily.
- Whatever ambiguity there may be in the definitions of affordable housing, both government advice and the Local Plan set out clear tests in respect of proposals for sites where housing would not normally be allowed. In particular, they indicate that there must be a genuine local need for affordable housing and how the existence and extent of that need should be established. There is no dispute that this proposal is contrary to the 'normal' housing policies (H4 - H7). In these circumstances, I consider it was unreasonable to pursue an appeal without carrying out a survey to establish whether a local need existed to rely instead on a generalised expression of demand for open market housing in the parts of the District, as indicated by registrations of interest with an estate agent. Moreover, I would not have expected a professional witness to maintain that there is no material difference between housing need and demand.
- In addition, I consider that the appellants' argument that the proposal may fall within the scope of Policy H8 lacks credibility. That Policy is not restricted to agricultural workers' dwellings but, in my view, any reasonable reading of it indicates that, apart from the 'country house' scenario, it is intended primarily to allow single dwellings for rural workers with a compelling need to live close to their place of work. I see nothing in it to encourage a professional advisor to conclude that it lends support to a scheme for the erection of 18 houses for sale on the open market to the highest bidder, irrespective of where he or she works. Furthermore, whilst the Local Plan may not include a policy that refers explicitly to proposals for low cost market housing in rural areas I would not have expected professional advisors to be in any real doubt as to the tests that would be applied to such proposals.
- Turning to the evidence on sustainability, the use of a model that has been successfully applied elsewhere is not unreasonable. However, when that model produced results that were so different from common expectations that Dr Riley himself felt that the actual

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of car use might have been underestimated, if only slightly, I would have expected him to test whether the constants used properly reflected local conditions. The model has been recalibrated in other cases and the reasons given for not testing it here were, in my view, implausible. Furthermore, whatever the philosophical merits of the view that sustainability is an all or nothing concept, professional advisors should have been well aware that this is not the way in which the government expect it to be applied. In particular, the argument that this site is as sustainable as one in Stamford in the Vale does not reflect government advice. Overall I found the appellants' arguments in respect of this matter lacking in credibility.

11. In conclusion, I consider that the appellants and their advisors should have been in no doubt that the appeal had no reasonable prospect of success in its entirety. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93, has been demonstrated. The fact that I consider a small element of the scheme to be acceptable does not alter that conclusion as the Council had previously advised the appellants of this possibility. Moreover, the appellants had also been advised that an application for an award of costs was likely to be made. I conclude that an award of costs is justified.

Formal Decision and Costs Order

12. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990, and all other powers enabling me in that behalf, I HEREBY ORDER that Mr A Birkby and Mr K Barlow shall pay to the Vale of White Horse District Council the costs of the appeal proceedings, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission for the erection of 18 two-bedroomed terraced houses on land at the Prince of Wales Public House, Faringdon Road, West Chalfew, Oxfordshire.
13. The applicant is now invited to submit to Mr A Birkby and Mr K Barlow, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

A. Savage
INSPECTOR