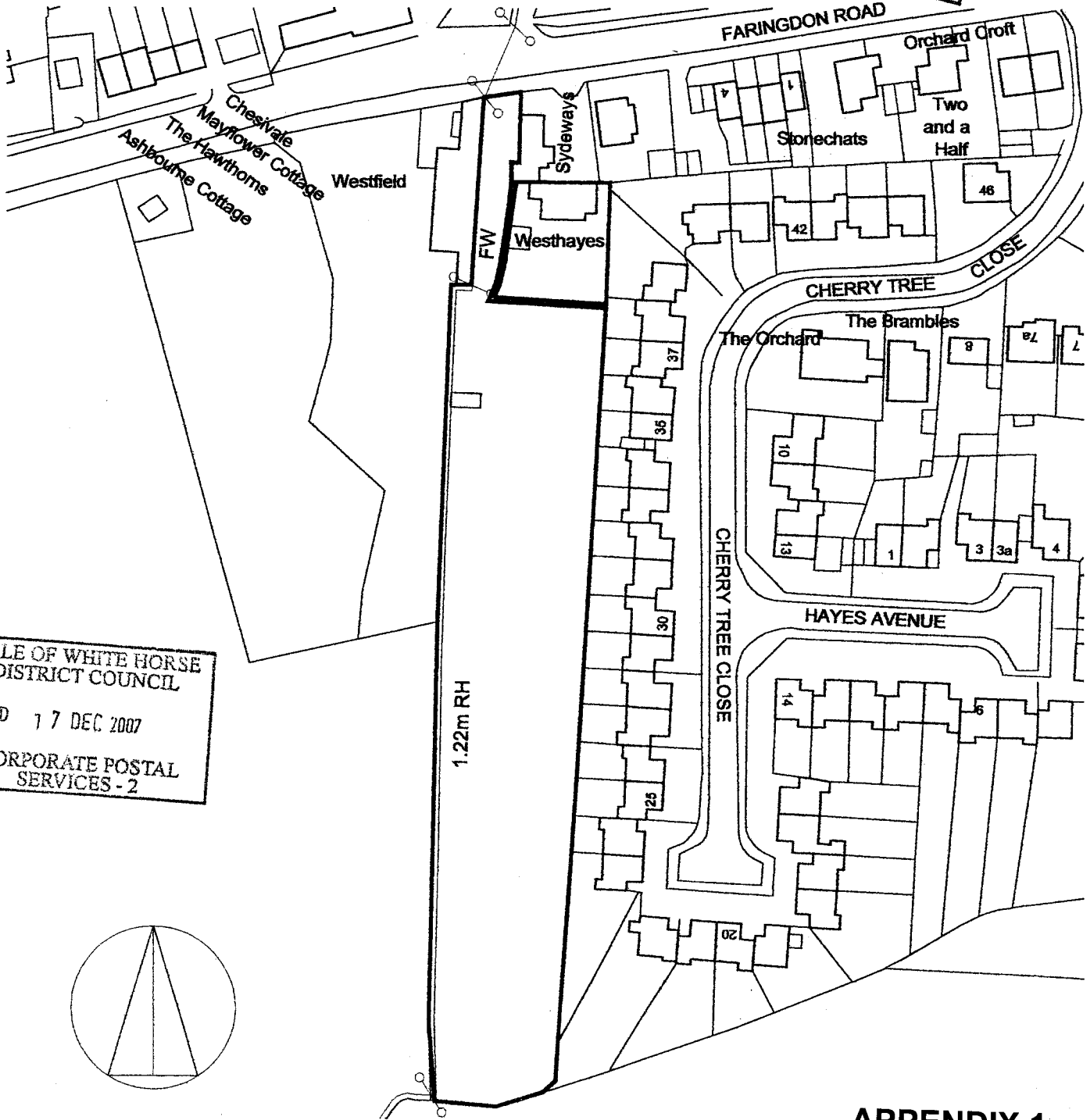


KBA/2034a

VALE OF WHITE HORSE DISTRICT COUNCIL
 REC'D 18 NOV 2007
 CORPORATE POSTAL SERVICES 3



VALE OF WHITE HORSE DISTRICT COUNCIL
 REC'D 17 DEC 2007
 CORPORATE POSTAL SERVICES - 2

APPENDIX 1



Woodside, Hinxley Hill,
 Oxford OX1 5BE
 Telephone: 01865 326636
 Fax: 01865 326609

<p>West Hayes, Faringdon Road Southmoor</p> <p>Site location plan</p>	<p>Oct 07</p>
	<p>1:1250</p>
	<p>270116</p>
	<p>P02</p>

FARINGDON ROAD

1
existing access

83.1m

2.4 x 45 sight lines

Westfield

Sydeways
existing garage

existing house:
1.5-storey extension with
single storey link

1
Westhaves
subject of a
separate application.

access drive of varying width
3.25m min and 4.1m max

existing hedge

turning head

existing screen planting cut back

new screen planting to boundary

Stonec

CHE

The Orchard

10

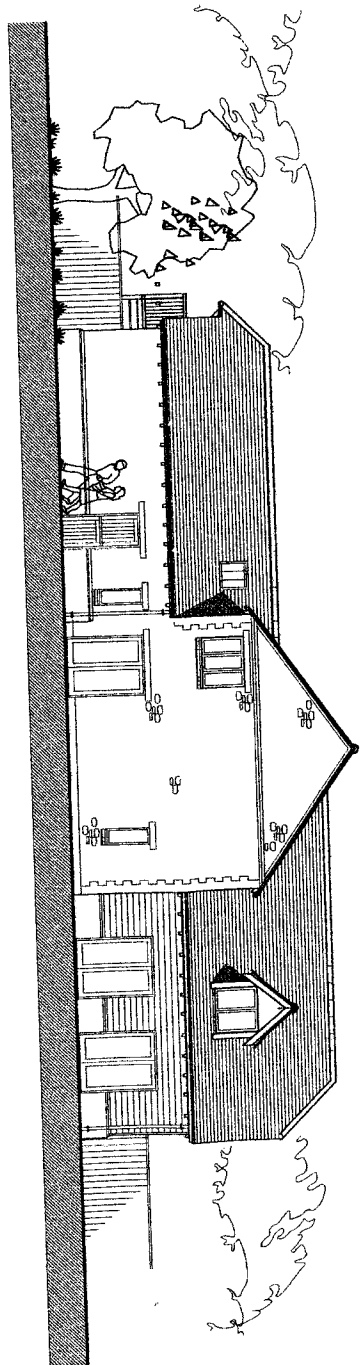
13

HA

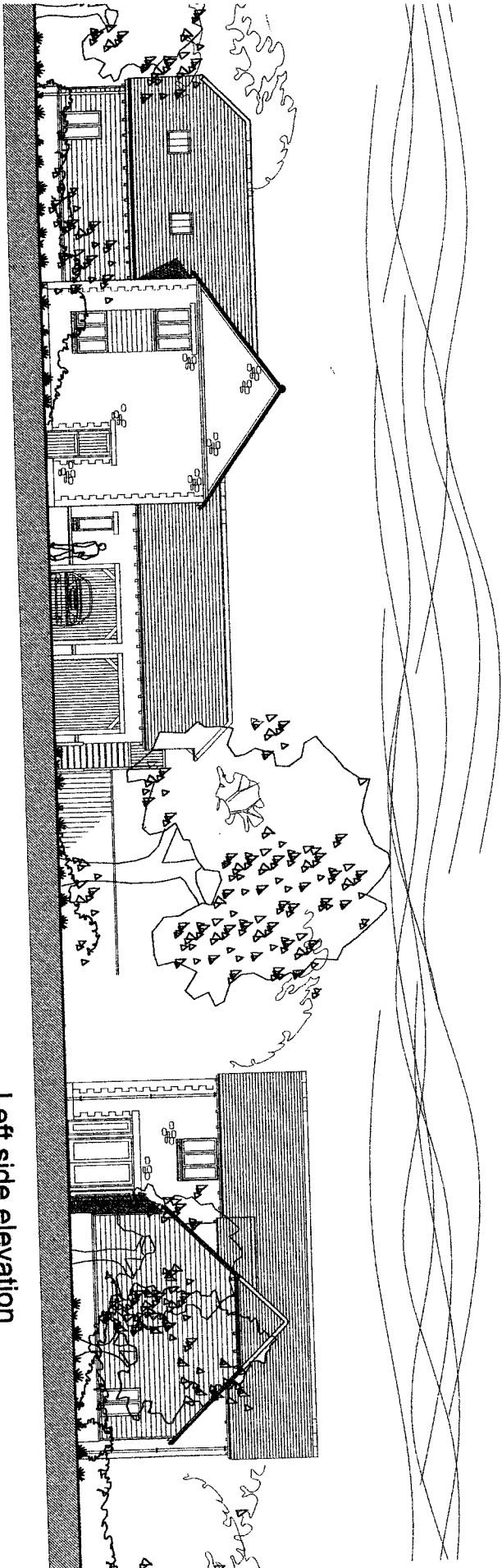
14

CHERRY TREE CLOSE

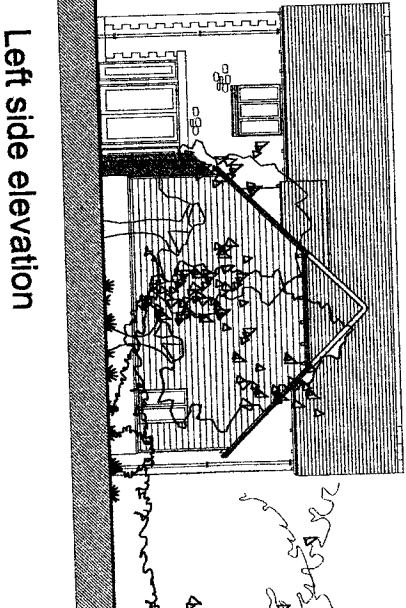
VALE OF WHITE HORSE
DISTRICT COUNCIL
REC'D 16 NOV 2007
CORPORATE POSTAL
SERVICES - 3



Rear elevation



Right side elevation



Left side elevation

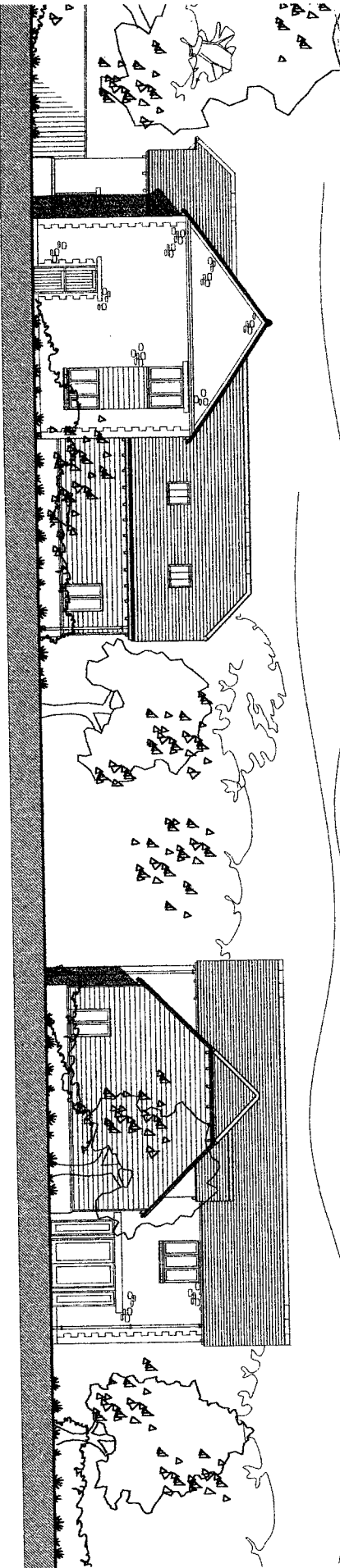
This drawing is protected under the Copyright Designs and Patents Act 1988. It may only be downloaded and used for personal consultation purposes. It is not to be used in any application with previous consent unless it has been completed in accordance with the approved drawings. If you wish to use this drawing or other material you will need to obtain the permission of the copyright owner.

KBA/20349

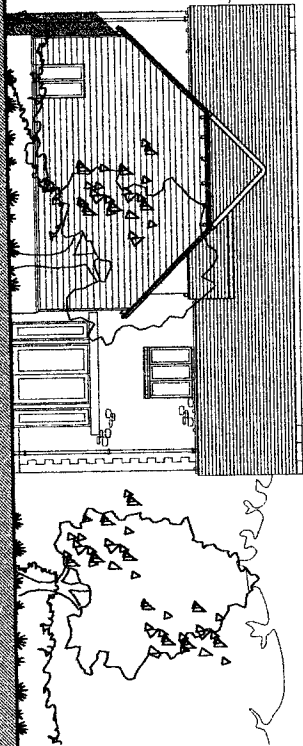
07/013

APPENDIX 1

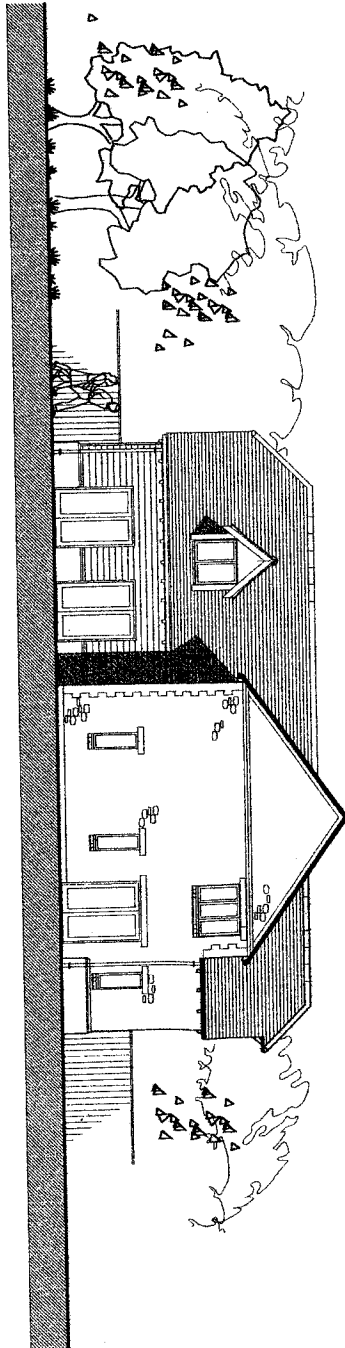
Right side elevation

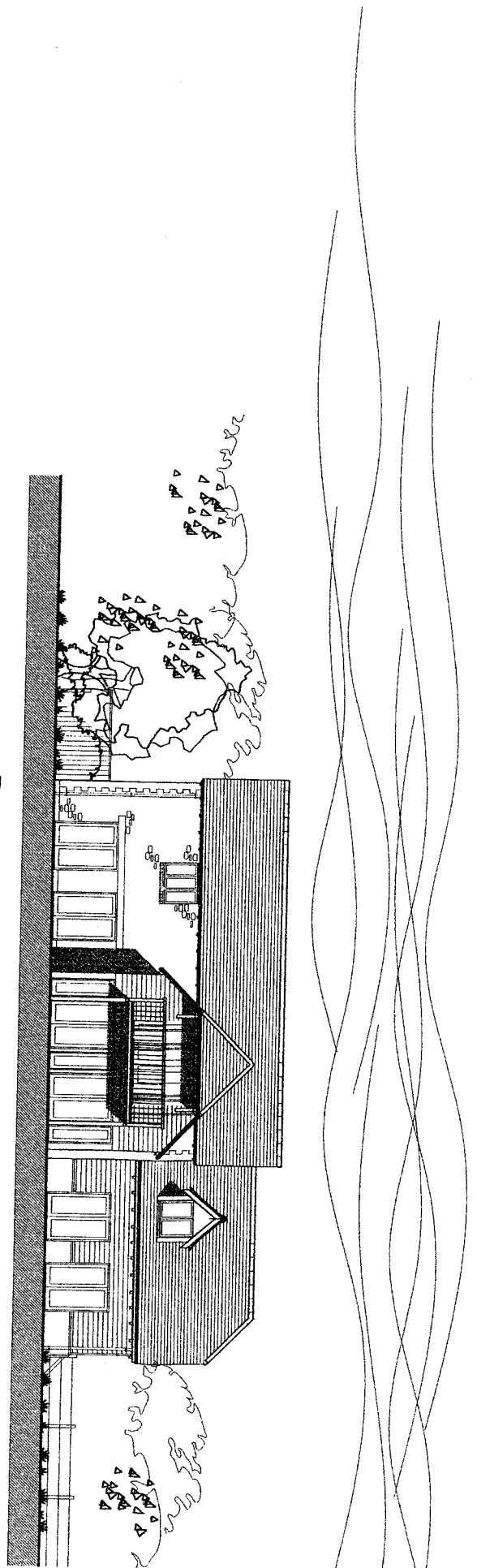


Left side elevation

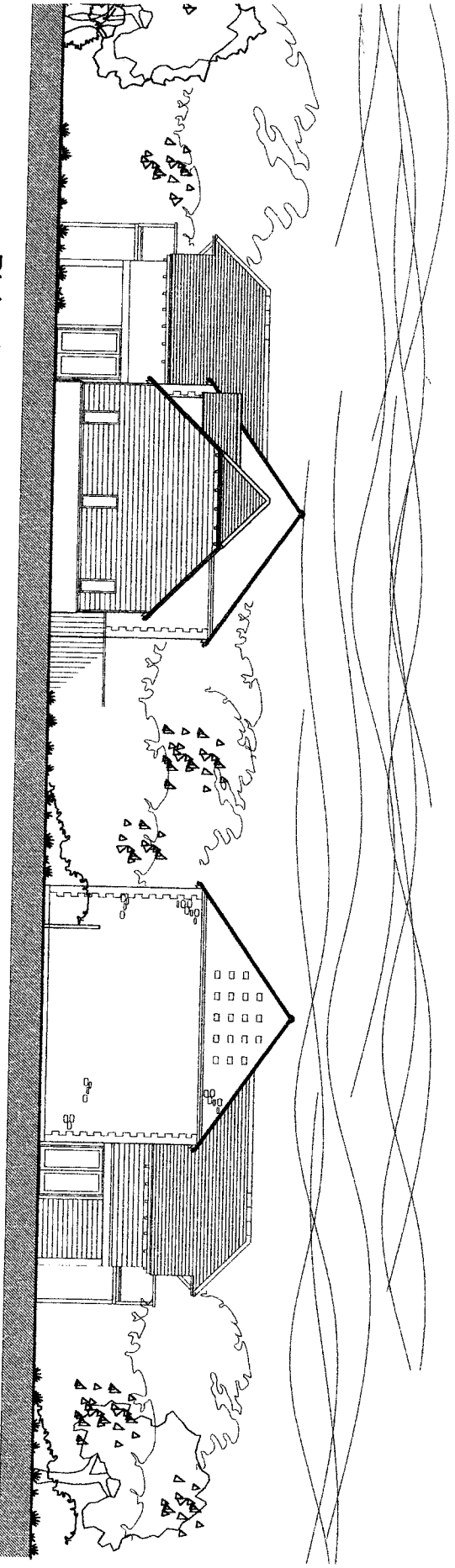


Rear elevation



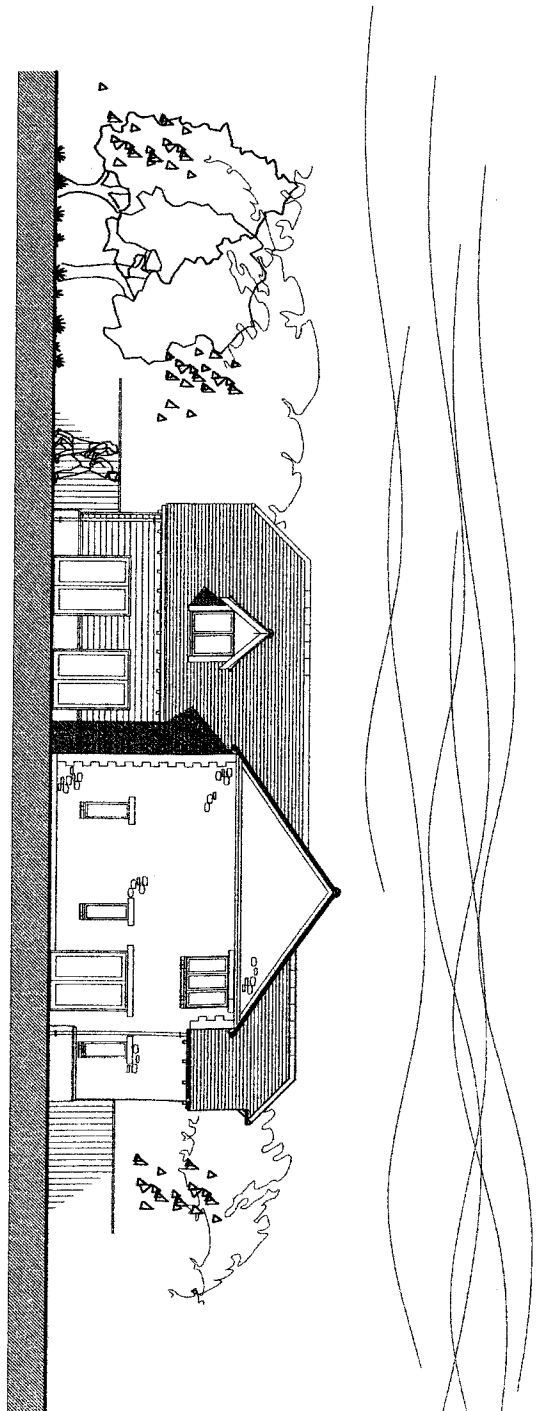


Rear elevation

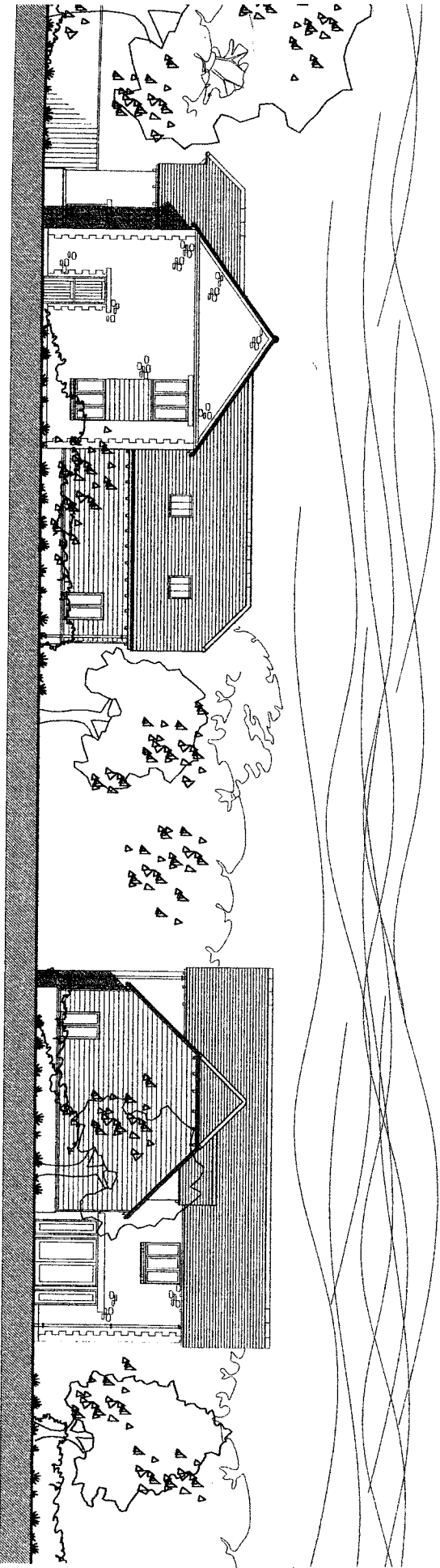


Right side elevation

Left side elevation



Rear elevation



Right side elevation

Left side elevation

This drawing is
Designs and Fate
may only down
consultation purp
application with p
whether a develo
has been comp
approved drawin
drawings or othe
you will need to c
copyright owner

KBA/20

11/207 S

McCoy Associates Chartered Town Planners

54 New Street • Henley on Thames • Oxon RG9 2BT • Tel: 01491 579113
Fax: 01491 410852 www.mccoyassociates.co.uk email denis@mccoyassoc.co.uk

14 December 2007

For the attention of Alison Blyth

our ref GFA/19649/2

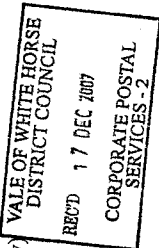
Deputy Director (Planning & Community Strategy)

The Vale of White Horse District Council

PO Box 127

The Abbey House,
ABINGDON OX14 3JN

email and post



Dear Sir

Approval of reserved matters for residential development (35 units) with new access (Approved application GFA/19649/1) Land adjoining Coxwell House and Winslow House Coxwell Road Farington Oxon

Thank you for the drawings of the above project received on 29th November 2007 which was discussed at the Architects Panel meeting on 5 December and on which you have requested design comments.

This is an edge of town site, and I am told that when granting outline permission Members indicated that they expected a detailed scheme which would take appropriate account of that fact. Their view was probably reached mindful of the prominence of the site when approaching Farington along Coxwell Road.

In those views the edge of the town on the left of the road is represented by roofs of detached housing seen as skyline features above scrub growing on rising ground. On the right the copse of conifers (to be removed) on the site filters views of the houses in Carter Crescent, which otherwise would also be skyline features.

The site is on lower ground than those houses, and slopes down away from them by roughly two metres. This topography plays down the prominence in distant views of Coxwell House, at the access to the development. Buildings on the appeal site are almost bound to be more prominent, especially if at a density which limits opportunities for tree-planting as with this application.

As an initial step therefore, it is necessary to decide whether a strong built edge to the settlement is acceptable – or something greener, more suburban. The “village green” in this application, allowing greenery to penetrate the development is a recognition of edge of settlement, which cannot be said of the parking court and garage on the site between it and Coxwell House. Some of the sketches in the Design and Access Statement show that gables facing the countryside and gardens behind on the site boundary were a design principle at one stage. It is a pity that concept did not survive into the application, for the parking court is a negative feature.

The aim of incorporating local vernacular references is achieved, in varying degrees, at the different buildings. In my judgement these details would help produce acceptable spaced within the development. The sequence of spaces and buildings, with ridge lines rising from Coxwell

Denis F McCoy DiplArch(Oxford) ARIBA FRTP I FRIAI

Christopher R Baker Company Secretary

McCoy Associates Limited, company registered in England no 4457420
VAT No. 363 3525 59

House to the flats at plots 20 – 25, and views from there over the south-facing “village green”, could be attractive.

The ridge of the building containing these flats would be almost 2m above the ridge of the nearby Carter Crescent houses, so giving it the potential to become a bit of a landmark when seen from Coxwell Road.

I am less than enthusiastic about block 31 – 33, a substantial almost symmetrical building in a key position where I think the three garage doors are a rather unfortunate feature.

The architects refer to a recent scheme nearer to the town centre, probably Clocktower Court which I regard as successful urban townscape. It knits into the grain of development there in a way which could not be said of the application scheme. Indeed the proposed site layout drawing (11072/01) is a dramatic demonstration of how expectations of residential development have been transformed since Carter Crescent was laid out.

If the dramatic contrast, and a defined edge to the town, are thought acceptable this proposal has in my judgement an acceptable basic character, though needs more greenery behind plots 1 – 10 and a better design at 31 – 33.

If the contrast is not acceptable no alterations to the design or style of the buildings could make it so.

I shall post your various drawings and papers back to you shortly.

Yours faithfully

McCOY ASSOCIATES

enc

This letter refers to drawing nos 11072 01-14 & 11072/20 (and takes account of the Design & Access Statement, read on screen)

APPENDIX 2



**Vale
of White Horse**

Architects Advisory Panel

Plan Number KBA/20349

Proposal *Erection of three detached dwellings with associated garages and improved access from Faringdon Road. (Land adj to West Hayes)*
West Hayes, Faringdon Road, Kingston Bagpuize, Abingdon.

Comments

- The layout appears well conceived with careful thought to overlooking & protection of trees. The panel considers garages to plots 2 + 3 should not be detached - run as a group of four.

The panel recommended that so far as layout, design and external appearance are concerned the above proposal should be:

Approved

Deferred for negotiations

Approved with Conditions

Refused

Signed

Date

5/12/07.

applicants, objectors and the Council, as well as complicating the plan for no good reason. Given that the Council will, no doubt, continue to assess applications against all relevant policies of the plan, any specific case for an exception to this policy would be considered on its merits through the development control process. If necessary and appropriate, the "departure" procedure is available in relation to such schemes. In the light of the above, I conclude that any potential advantages of further policy definition of what might (or might not) constitute "exceptional circumstances" are clearly outweighed by the disadvantages. Therefore, I do not support the call for additions to policy H10 or para 8.57 in this respect.

8.22.4 There is no necessity to find additional sites on the edge of villages (issue d) to meet the requirements of the OSP and thus to change the policy to allow such schemes would be contrary to the plan's strategy of concentrating new development in the main towns for sustainability reasons. Peripheral expansion onto greenfield sites in smaller settlements will often have a harmful effect on their character and appearance in the rural landscape and does not need to be accepted in this plan period.

8.22.5 In relation to defined settlement boundaries (issue e), I have commented elsewhere on their advantages but recognise that, whatever their merits, it would be totally impractical to delay this plan until such time as the existing built up areas of all villages in the district could be defined on maps and subjected to public consultation. I also recognise that the Council has a record of implementing the criteria based policies of the former LP in a sensitive fashion, taking into account the character and appearance of settlements, and avoiding the more rigid framework approach that village boundary definition requires.

8.22.6 Regarding the rural settlement hierarchy in policies H10 and H11 (issue f), again, the explanation for its conclusions is mostly contained in places other than the plan itself. However, this is inevitable for the reasons set out above and cannot fairly be criticised, in my opinion. It is clearly based on an analysis of the existing services, facilities, employment opportunities and public transport links available. Moreover, some changes have been made as a result of new information between the first and revised deposit stages. To my mind, this helps to confirm the validity of the study and the need for future monitoring to ensure that it remains accurate and appropriate. Although no examples justifying the status of "grouped villages" were found, this neither invalidates the work underlying the hierarchy nor the policies applied to the different levels of settlement. In my judgement, it is consistent with both PPG 3 and PPG 7. Moreover, the relative proximity of smaller settlements to nearby towns was, in effect, taken into account by virtue of the assessment of public transport links and the ability to walk or cycle to facilities in larger service centres.

8.22.7 On the first point, the Council's UCS and settlement hierarchy work is documented in background information relating to the plan and does not need to be included therein, if only because it would render the document too long, complex and cumbersome. In my view, the Council have followed the advice in PPG 3 in terms of the search sequence to be adopted in relation to the UCS. Villages simply did not need to be included as, in general terms, sufficient land was identified in the more sustainable locations to meet the OSP requirements for new housing over the plan period. This is the case, consistent with PPG 3, irrespective of the existence of previously developed land, particularly as the Council, in compliance with the plan's overall strategy, has no need to encourage the change of use of rural employment sites to new housing.

8.22.8 As to the limits imposed in H10 and H11 villages, I share the objectors

concern that they may preclude certain sites on previously developed land in villages which might prove acceptable for redevelopment in all other respects. However, their advantages in reinforcing the strategy of concentration on towns and providing clear guidance to developers and others seem to me to outweigh that concern. This is particularly so when, as the Council confirms, exceptions may be made for previously developed land in sustainable locations and for affordable housing under policy H16. Nevertheless, I consider that an area indicator is a more practical general guide and not quite so rigid in terms of development control implementation than a maximum number. Accordingly, I recommend a change to policy H10 in this respect, albeit that a numerical upper limit may be retained to assist "clarity and certainty".

8.22.9 Criterion i) is criticised (issue p) as too restrictive in that it would not allow schemes that would improve the form, structure or character of the settlement, or at least would not harm it. In response, the Council argues that, in accord with para 56 of PPG 3, the design and layout of new housing schemes must be considered in their wider context and that policy G2 of the OSP also requires that development should be of a scale and type appropriate to its surroundings. Whilst not directly comparable with policy GS3 relating to villages in the GB, I agree with the objector that, as worded, the policy is too strict and inflexible. Moreover, it reads as inconsistent with a general strategy of encouraging development in the more sustainable locations, including on previously developed land within the larger villages, in accordance with PPG 3 and PPS 7.

8.22.10 Additionally, in terms of national and strategic guidance, I see no justification for making special mention of the gardens of properties standing in large grounds. In particular, I note that para 8.55 refers to resisting the loss of both public and informal open space to avoid "town cramming", as well as local facilities. In my view, this is the appropriate objective for this part of policy H10 and is consistent with PPG 3 and other relevant guidance, rather than any attempt to preclude new housing on previously developed land within the built up area of villages. This is confirmed in the first sentence of para 8.57. In my view, large gardens of existing properties that are not LBs or in CAs should only be protected if they make a significant contribution to the form, structure or character of a settlement and would be materially harmed by the development proposed.

8.22.11 Accordingly, I recommend that criterion i) should be deleted from the policy and replaced by a reworded criterion iii) as follows: "i) the scale, layout, mass and design of the new dwellings would not materially harm the form, structure or character of the settlement;" and that criterion ii) be retained and reworded as follows: "ii) it would not result in the loss of facilities important to the local community, including areas of formal or informal open space.". The first part of the policy should be reworded as follows: "Within the built up areas of the villages listed below, new housing development on sites of up to about 0.5 ha. In total size and not more than fifteen dwellings will be permitted provided;".

8.22.12 Some new housing will take place in villages under policies H10 and H11 but there is no evidence put forward to justify the claim that each needs to grow by 3% a year to remain as vital and viable communities (issue q). An objector (issue r) proposes that the Council needs to undertake a fresh and more comprehensive UCS, including villages, and to develop a new rural settlement classification taking into account not only the availability of previously developed land in such locations, but also their proximity to larger service centres, such as Oxford and Abingdon. The identification of settlement boundaries for all villages, not just the main towns and those in the GB, is also sought to provide greater

Appeal decision

Hearing conducted on 28 March 2001

by Robert A Luck BSc CEng MICE Dip TE MIHT MEWI

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

The Planning Inspectorate
Tollgate House
Houlton Street
Bristol BS2 9DZ
Tel 0117 987 8927

Date

03 MAY 2001



Appeal Ref: APP/V3120/A/00/1055398

Wayside House, Beggars Lane, Southmoor, Oxon

- 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 brought by Professor K. Smith against the decision of Vale of White Horse District Council.
- The application (ref. LWO/13682/2-X), dated 26 April 2000, was refused by notice dated 15 June 2000.
- The development proposed is the erection of 4 detached dwellings and garages.

Summary of decision: The appeal is dismissed.

Procedural Matters

1. The application is for outline permission, with all matters reserved for future consideration.
2. The address on the application form indicates that the appeal site is in Southmoor. It was agreed by all parties present at the hearing that the site is within the parish of Longworth, but that the site is physically associated with a settlement which also includes the built-up part of the parish of Kingston Bagpuize with Southmoor.

The Main Issue

3. I consider the main issue in this appeal to be the effect of the proposed development on the form and rural setting of the settlement, comprising Kingston Bagpuize with Southmoor and the associated part of Longworth, within the North Vale Area of High Landscape Value.

The Development Plan and National Policy

4. The Development Plan for the area includes the Oxfordshire Structure Plan 2011 (adopted August 1998). It is common ground that at the time of the hearing it also included the Vale of White Horse Local Plan (adopted November 1999). At the hearing, the appellant's agent drew my attention to the Preface to the Local Plan and to text in Policy H2 of the Oxfordshire Structure Plan 2001 which led him to infer that the expiry date of the Local Plan is 31 March 2001. The Council's representative stated that the Local Plan is in the early stages of being amended but that in the mean time it has been certified as conforming with the Oxfordshire Structure Plan 2011. Therefore, even if the expiry date of the Local Plan is indeed 31 March 2001, it carries considerable weight in my considerations and, for brevity and without prejudice to its status, I shall refer to it as the Local Plan.

5. Structure Plan Policy G1 sets out the general planning strategy which includes protecting the character of the county and making the best use of land in built-up areas, while not permitting development on important open spaces. Local Plan Policy H5 states that within villages, including Longworth and Kingston Bagpuize with Southmoor, new housing will be limited to infilling and minor development which is compatible with the size, form and character of the village. Such development should be in the main built-up area of the village or where it forms a natural completion of the existing pattern of development on a small site, visually contained by strong physical features that are an integral part of the settlement. Development will be resisted on sites which contribute positively to the form and rural setting of the settlement, including the gardens of houses standing in large grounds. It is common ground that the site lies within the North Vale Area of High Landscape Value (AHLV), which Local Plan Policy C3 seeks to protect from harmful development. The rationale behind the AHLV is set out in the Council's publication, "Landscape Strategy: An Analysis of the Vale's landscape, and a proposed strategy" (October 2000). This has the status of Supplementary Planning Guidance (SPG) and I therefore give it substantial weight.
6. Planning Policy Guidance Note 3: Housing (PPG3), particularly at paragraphs 22 and 32, encourages the re-use of previously developed land, for which it provides a definition at Annex C, provided it is suitable in other respects for housing development. Paragraph 56 states that new housing development should not be viewed in isolation and that, amongst other things, it should respect and enhance local character.

Reasons and Conclusions

7. Beggars Lane is a cul-de-sac which runs northwards from Faringdon Road at the western end of the large combined settlement of Kingston Bagpuize with Southmoor and Longworth. The dwellings in the lane are a mixture of houses and bungalows of varying ages. A field at the southern end of the lane is part of the pattern of open fields and sporadic development to the west and south. This wider area plays an important role in providing a rural setting for the village.
8. The appeal site, which covers an area of about 0.42ha, has no physical boundary with the more immediate surrounds of Wayside House, the southernmost building on the western side of Beggars Lane. The site boundary with Beggars Lane is a hedge, and the southern and western boundaries with the adjacent field are post and wire fences within which there are rows of mature deciduous trees. There are also within the site rows of high conifers parallel to the eastern and southern boundaries respectively, though in the eastern row particularly there are large gaps. Most of the site is laid to mown grass which is planted with shrubs and further trees. While I was within the site and the immediate surroundings of the house I formed the opinion, from its character and its relationship with the property, that the site is used as part of the large garden of the house.
9. It is common ground between the main parties that the proposed development would be compatible in scale, density and layout with the form of the existing development in Beggars Lane, as required by Local Plan Policy H5, and I have no reason to reach a different conclusion. It is therefore necessary to consider the suitability of the site for development in the light of the other specific requirements of that policy.
10. There is no dispute that all the dwellings in Beggars Lane, including Wayside House, are within the built-up part of the settlement. The site, though clearly associated with Wayside

House from within, is of such a size that from Beggars Lane the association is visually more tenuous. Furthermore, the plot is empty of built form and it is bounded to the south and west by an open field. I therefore conclude that, notwithstanding its present use, the site lies outside the main built-up area of the settlement. In reaching this conclusion, I have taken note of the decision to allow new development in the form of a conversion of an existing building at the northern end of the lane, but I find that the circumstances in that case are different.

11. Though well-established trees border the site, they are not associated with any marked change in land form, especially along the southern side of the site and in my view this reduces their potential strength as a physical feature. Seen from Faringdon Road to both the west and the east of Beggars Lane they clearly appeared to me, like other groups of trees in the wider area, to be a part of the rural landscape rather than a boundary to or an integral part of the village. The proposal would not therefore be a natural completion of the settlement.
12. As the village is approached along Faringdon Road from the west, the site and the trees which it contains are seen towards the side of the field of view, with the eye naturally drawn towards a house on the north-western corner of the junction between Beggars Lane and Faringdon Road, Cornerways, which visually marks the beginning of the settlement. Approaching Beggars Lane from the east, Cornerways is again prominent in the view as, in this case, the last visible built form in the settlement, and from here the appeal site is seen as part of the open backdrop, with its wooded character reflected in other groups of trees in the area. The proposal would introduce dwellings and their gardens into this open space, which makes an important contribution to the rural setting of the village. While the high conifers within the southern side of the site could provide screening, in practice they would so overshadow both the adjacent dwelling and its garden that, in my view, future occupants would have good cause to either reduce their size or to remove them completely. I therefore conclude that the proposal would be harmful to the form and rural setting of the settlement, and so would conflict with Local Plan Policy H5, Structure Plan Policy G1 and PPG3 paragraph 56.
13. The characteristic form of the AHLV in the area of the site is defined by the SPG as a gentle dip slope which complements the steeper scarp slope well to the north and the Thames flood plain beyond. I have considered the concern of the Council that the construction of the proposal would have a harmful effect on this land form, in conflict with Local Plan Policy C3. Taking account of the slack gradient and the relatively small scale of the proposal, I conclude there would be sufficient control retained by the Council over reserved matters to ensure that the proposal would not conflict with Local Plan Policy C3. However, this consideration does not outweigh the harm that would arise from the proposal in other respects.

Other Considerations

14. There was a full discussion at the hearing as to whether the site is part of the curtilage of Wayside House on the basis that, if it is, the proposal would be the re-use of previously developed land in the terms of PPG3. Whether or not the site should be so regarded, this consideration would be heavily outweighed by my conclusions on the main issue.
15. Representations have been made about the safety implications of the increase in traffic which would be caused by the development, though the highway authority has not expressed any concerns in this respect. Beggars Lane is fairly narrow but there is sufficient width for two cars to pass. Visibility into the lane for vehicles turning left from Faringdon Road is

reasonable so that, in my view, the likelihood of conflict near the junction would not be increased significantly. This consideration therefore adds only very limited weight to my conclusions on the main issue.

Overall Conclusion

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

Formal Decision

17. In exercise of the powers transferred to me, I dismiss the appeal.

Information

18. 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.



Inspector

Appeal Decision

Site visit made on 6 September 2004

by **Joanna C Reid BA(Hons) BArch(Hons) RIBA**
an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 5372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: **11 OCT 2004**

Appeal Ref: APP/V3120/A/04/1142934
Land at College Farm Barn, Garford, Oxfordshire OX13 5PF

- 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 D Goodman against the decision of Vale of White Horse District Council.
- The application Ref: GAR/7203/7, dated 24 November 2003, was refused by notice dated 22 January 2003.
- The development proposed is a new 3 bedroom cottage for residential use.

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider that the main issues are:
 - Firstly, the effect that the proposal would have on the character and appearance of the surrounding rural area, and
 - Secondly, the effect that the proposal would have on highway safety.

Planning Policy

2. The Development Plan includes the adopted Vale of White Horse Local Plan (LP), dated November 1999. LP Policy H6 limits new development in small villages, including Garford, to no more than one or two dwellings within the village. Proposals which extend the village into the surrounding countryside, or add to existing ribbon development, will not be permitted. Development will be resisted on sites which contribute positively to the physical form, structure, and character of the settlement, or a particular part of it. This includes, specifically, development on areas of informal open space and in the gardens of houses standing in large grounds.
3. LP Policy D1 seeks to ensure that new development is of a high standard of design in terms of, amongst other things, visual impact and relationship to other properties. Account should be taken of the defining characteristics of the local rural area. LP Policy D3 seeks to ensure that all new development provides for, and does not interfere with, the safe and free flow of pedestrian, cyclist and vehicular traffic in terms of 4 criteria, including access.
4. The Council have drawn my attention to the emerging Vale of White Horse Local Plan 2011 (ELP) which is at First Deposit Draft stage. ELP Policies H12 and GS2 do not permit the construction of new houses in the smaller villages, including Garford, as such villages are not sustainable locations. ELP Policies DC1 and DC5 carry forward the thrust of the adopted LP Policies D1 and D3. In the light of the advice in paragraph 48 of Planning

• Policy Guidance: General Policy and Principles PPG1, I shall attach limited weight to these emerging policies.

5. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) has replaced Planning Policy Guidance: The Countryside - Environmental Quality and Economic and Social Development, PPG7, but there has been no significant change in the broad thrust of policies relevant to the appeal proposal. PPS7 states in Key Principle (iv) that the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty. Key Principle (vi) states that all development in rural areas should be well designed and in keeping and scale with its location, sensitive to the character of the countryside and local distinctiveness. Paragraph 12 adds that many villages make an important contribution to local countryside character, and development should respect and where possible enhance this particular quality.

Reasons

6. Garford is a small linear settlement with development located along the single main road through the village. It is very visible across the surrounding broadly flat countryside. Garford includes a variety of traditional dwellings, both old and new, and traditional and modern agricultural buildings, some of which have been converted to other uses.
7. College Farm Barn is the last building on the eastern side of the road which leads south out of Garford and has been converted to residential use. The appeal site is an area of land used as a private garden beyond College Farm Barn, to its south and east, which adjoins a substantial expanse of open countryside. The proposed development is a three bedroom two storey dwelling and a detached double garage, with a driveway and turning area.
First issue: The effect on the character and appearance of the rural area
8. Because the appeal site lies beyond College Farm Barn, to its south and east, and is seen as part of the open countryside, it cannot be regarded as being within the built-up area of the village. That area extends southwards, in my judgement, only as far as College Farm Barn, and no further, as beyond that is the garden to College Farm Barn, and further south of that is open countryside. The proposed new house does not therefore fall to be considered under LP Policy H6 as a new dwelling within the village. The appeal site, in policy terms, is outside the built-up area of the village and is therefore in the countryside.
9. The built-up area follows the line of building in the village, and not curtilages or gardens, in order that the rural setting of the village is retained. To allow development in gardens or curtilages would have a harmful impact on the physical form, structure and character of Garford. The proposal would extend the village into the surrounding countryside, and it would add to the existing development as an extension of the ribbon, which would be harmful.
10. The appeal site contributes positively to the character of this part of the settlement in that it provides a soft rural edge to the built-up area beyond. It is particularly important to this part of Garford as it is seen from the main road at the entrance to the village. Due to its substantial size and prominent location, the proposal would have a harmful visual impact on the rural setting of the village, and thus on its character and appearance.

11. Whilst it might be screened from some properties, it would be very damaging in views in the area as it would not protect the countryside for the sake of its intrinsic character and

beauty. It would not be sensitive to the local rural character which it would fail to respect. It would not therefore satisfy LP Policy H6. The appeal site is at present the major part of the substantial garden to College Farm Barn. LP Policy H6 specifically excludes development on such areas. Because of its harmful visual impact and the fact that it would not respect the defining characteristics of the local rural area, it would also be contrary to LP Policy D1.

12. I note that the ELP housing policy, Policy H12, which includes Garford, does not allow for any further dwellings there, due to its unsustainable location away from established settlements, its small size, and its lack of facilities. The appellant has drawn my attention to an objection to ELP Policy H12. However, it does not seem to me that the objection is relevant as it relates to boundaries of built-up areas where new housing may be permitted. It does not relate to villages such as Garford where the policy reflects the fact that these are not sustainable locations in which to build new houses.

13. The appellant states that the development of the appeal site had been intended to provide a home so that he and his family can remain in the village. The advice in paragraph 38 of Planning Policy Guidance: General Policy and Principles, PPG1, is that the personal circumstances of an occupier will seldom outweigh the more general planning considerations. If the proposed development entails work of a permanent nature, this will remain long after the personal circumstances of the applicant have ceased to be material.

14. The appellant has also stated that the proposed dwelling would meet a local need and has suggested an occupancy condition. However, no evidence has been put to me of local need, and the imposition of a condition would not reduce the harm that the proposal would cause to the rural area. Whilst I note that the appellant owns the fields beyond the southern boundary of the appeal site, that does not seem to me to provide any future safeguard if this appeal were to be allowed, outside the built-up area, and contrary to policy.

15. In conclusion on this issue, the proposal would have a harmful effect on the character and appearance of the surrounding rural area. This would be contrary to LP Policies H6 and D1 and ELP Policies H12, GS2 and DC1. It would not accord with national policy in PPS7, as it would fail to protect the countryside.

Second issue: The effect on highway safety

16. The proposed new access would be located just to the south of College Farm Barn, which is situated very close to the road. The Highway Authority requires visibility splays of 2.4m x 90m in both directions, which can be relaxed in some circumstances to 2m x 90m in both directions.

17. There is no difficulty in achieving both of these figures to the south of the new access. However, I saw on site that to the north at 2.4m the maximum visibility is about 12m and at 2m the maximum visibility is about 17m. This would be an unacceptable shortfall in visibility, and could make the junction dangerous for use by the occupiers of the proposed dwelling as well as by visitors.

18. The appellant has suggested a condition so that the access could be moved in order that a visibility splay that would be acceptable to the Highway Authority might be provided. However, that is not the proposal before me. It would not be right to deal with this

relocated access proposal, as this could cause injustice to other parties, and I must deal with this appeal on its merits.

19. In conclusion on this issue, the proposed access could be unacceptably dangerous, and could present a serious hazard to highway safety. It would be contrary to LP Policy D3 and ELP Policy DC5.

Conclusions

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

Formal Decision

21. I dismiss the appeal.

INSPECTOR

APPENDIX 4



The Planning Inspectorate
4/11 Edge Wing
2 The Square
Temple Quay
Bristol BS1 6PN

Appeal Decision

Site visit made on 9 August 2007

by **G R Stewart** BSc DipTP MRTPI

0117 372 6372
email:enquiries@pins.gsi.gov.uk

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

Decision date:
28 August 2007

Appeal Ref: APP/V3120/A/07/2039912

Downlands, South Row, Chilton, Didcot OX11 0RT

- 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 and Mrs M Gallington against the decision of Vale of White Horse District Council.
- The application Ref 06/01305/OUT, dated 14 August 2006, was refused by notice dated 12 October 2006.
- The development proposed is "demolition of existing dwelling and construction of four new dwellings".

CH1/164481

Decision

I allow the appeal and grant planning permission for the demolition of the existing dwelling and construction of four new dwellings at Downlands, South Row, Chilton, Didcot OX11 0RT in accordance with the terms of the application Ref. 06/01305/OUT dated 14 August 2006, and the plans submitted therewith, subject to the following conditions:

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The landscaping scheme submitted pursuant to condition 1 above shall make provision for tree planting of appropriate species and density along the western boundary of the site, and the approved landscaping scheme shall be implemented prior to the first occupation of any of the dwellings hereby approved. The area of tree planting along the western boundary shall be permanently retained as such unless agreed otherwise in writing by the local planning authority.

- 5) The details of appearance, layout and scale submitted pursuant to condition 1 above shall relate to four small dwellings having living accommodation only at ground floor level.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the approved dwellings, including dormer windows, shall be erected without the prior written consent of the local planning authority.

7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatment shall be completed before the buildings are occupied.

8) Prior to the commencement of the development hereby permitted, a scheme for the drainage (both surface water and foul sewage) of the development shall be submitted to, and approved in writing by the local planning authority, and the approved scheme shall be implemented prior to the occupation of any of the dwellings to which the scheme relates.

9) No development relating to the erection of the approved dwellings shall take place until all of the works shown on Drawing CV260326/102/P2 have been implemented in accordance with the details shown on that drawing, and arrangements have been put in place to ensure that the visibility splays shown on that drawing at the junction of the access drive and South Row are kept free of obstructions over 1.05m above the level of the adjoining highway, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated.

10) The details of layout to be submitted pursuant to condition 1 above shall make adequate provision for vehicles attending or visiting the dwellings hereby approved to enter, turn and leave the site in a forward direction, and the approved turning space shall be provided before the first occupation of any of the dwellings hereby approved, and thereafter kept free of all obstructions.

Main issues

1. The main issues in this case relate to the effect of the proposed development on the appearance and character of the area, having regard to its status as part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and to the adequacy of the proposed access arrangements.

Preliminary Matters

2. The application was made in outline with all matters of detail reserved for subsequent consideration, except the means of access. The application forms indicated that the total floorspace of the four proposed houses would be 62.5 sq.m., the submitted plans showed how four large houses could be accommodated on the site, and the Design Statement accompanying the planning application, whilst reserving "siting and size" stated that 4-5 bedroom houses would be appropriate on the site. Nevertheless, the scale of the proposed development (and hence the size of the proposed houses) is a

"reserved matter" so I shall treat the submitted layout and all other material referring to the size of the dwellings as indicative only and capable of scrutiny at a subsequent stage of the approval process. The planning application refers to "dwellings" which includes both houses and bungalows.

Reasons

Character and appearance

3. The appellant argues that the appeal site is within the built-up area of the village; the Council argues that it is in a transitional zone between the settlement and the open countryside; and some third parties say it is not within the built-up area at all. The point is more than academic as Local Plan Policy H12 countenances development within the built-up area of (inter alia) Chilton, subject to a limitation on the size and number of dwellings to be built ("four small dwellings" with the text at paragraph 8.57 referring to "up to three bedrooms"), and subject to compliance with two criteria set out in Policy H11.
4. I can find no basis in the Local Plan for the concept of a transition zone used by the Council. The Plan seems to work on the basis that land is either within the built-up area or it is not. The site is occupied by a large dormer bungalow (albeit not centrally located on the site) and its garden. The site is not in the open countryside, from which it is clearly separated by a hedge. It is bounded on three sides by residential development. I regard the site as being within the built-up area of Chilton.
5. The H11 criteria militate against development whose scale, layout, mass and design would harm the form, structure or character of the settlement; or which would result in the loss of facilities important to the local community, including areas of formal or informal open space. For the reasons explained in paragraph 3 above, issues relating to the scale, layout, mass and design of the proposed dwellings are not under consideration as part of this appeal, so the first criterion is extraneous at this stage, and the proposed development would not result in the loss of important community facilities, so the second criterion of H11 is satisfied. I conclude that the principle of erecting four small dwellings on the site is in conformity with Local Plan Policy H12.
6. I note that Policy GS1 uses different criteria to those in H11. It allows small scale development in the 'H12' villages "provided that important areas of open land and their rural character are protected". The presence of Chilton in the North Wessex Downs AONB is related to this rather wider test. AONBs have the highest status of protection in relation to landscape and scenic beauty (para. 21, PPS7). Local Plan Policy NE6 gives a high priority to the conservation (or enhancement) of the natural beauty of the landscape. It opposes development that would be visually prominent, or which would detract from views from public vantage points, or spoil the appreciation of the landscape quality of the area.
7. Notwithstanding the presence of the A34 a short distance to the west of the village, the public vantage point from which observers are most likely to be sensitive to the proposed development is from the public footpath which crosses the field immediately to the west. From here, the existing houses on

the extreme western edge of the village are barely visible (at least in summer), limited to glimpses of a few roofs and chimneys, with the remainder of the village unseen beyond. The proposed development of the appeal site would change that perception, even if it were limited to four small bungalows, unless significant landscaping was undertaken. Larger scale buildings would be more difficult to screen and prominent development would harm the landscape quality of the AONB, and fail to meet the high standards required by Policy NE6. However, the size of the site is such that it could accommodate four small bungalows as well as space for reinforcing the western boundary screening through tree planting, and such a measure could be secured by the imposition of a condition on a planning permission. Subject to provisos about the size, height and landscaping of the residential development, I am satisfied that the landscape quality of the AONB would be protected and there would be no conflict with Policy NE6, nor with Policy GS1.

8. However I also need to consider whether the rural character of the area would be compromised by the alterations that are proposed to the access drive. They would, in part, involve widening the hard surface of the drive at the expense of the verges, and there would be a greater degree of formality in the layout. Some vegetation would need to be trimmed back, but the most dramatic changes would occur close to the junction with South Row where embankments supporting shrubs and hawthorns would need to be cut back.
 9. The effect of any alterations on the character of the driveway would be quite localised and insufficient to have a notable effect on the rural character of the area. Moreover, users of the drive write of the difficulties that they and service vehicles encounter owing to its limited width, and any limited dilution of rural character would, in my view, be outweighed by the increased convenience and safety that would ensue.
- The proposed access arrangements**
10. Issues relating to the ownership of any of the verges alongside the driveway are not for me to consider, being a private matter between those who claim or contest ownership. Indeed I have no information about the extent of individual ownerships upon which I could base a judgement. It is however within my power to impose a planning condition which would prevent the implementation of the development if the proposed access arrangements prove incapable of realisation for some reason, such as ownership constraints.
 11. In the course of the appeal, the appellants have submitted a revised plan (Drawing CV260326/102/P2) showing some slight amendments to the proposed access arrangements. As these are little more than refinements to the scheme shown on Drawing P1, and they have been seen and commented upon by the highway authority, I will determine the appeal on the basis of the later drawing, although it should be noted that it is drawn at a scale of 1:200, not 1:250 as stated.
 12. The most recent guidance about appropriate standards for lightly-trafficked residential "streets" is the Manual for Streets (MfS), which attaches a higher priority than the guidance it replaces to the needs of cyclists and pedestrians,

and aims to produce "streets" that are attractive places and meet the needs of all users.

13. South Row serves a few houses and a farm to the south of its junction with the drive, so traffic is relatively light. Hill Piece, a cul-de-sac almost opposite the drive entrance, is likely to generate more traffic movements, but there is unobstructed visibility of traffic emerging from Hill Piece. I consider that this is a situation involving light traffic and generally low speeds where a 2m 'x' distance would not be inappropriate (MFS, para. 7.7.7). Visibility to the right to the notional kerbline would still be less than ideal for a 30mph road, but South Row narrows to the south of the drive and vehicles approaching from that direction would, in practice, be visible for the relevant Stopping Sight Distance (SSD) as set out in MFS, Table 7.1. I understand that the area around the junction of Hill Piece and South Row is used for parking, which obstructs visibility, but I do not consider that the increased use of the driveway would give rise to unacceptable safety issues, subject to the use of normal care when emerging from it.

14. The proposed width of the driveway would allow two cars to pass, thus avoiding difficult and potentially hazardous reversing movements which now take place. The visibility from individual accesses onto the drive may not achieve ideal standards but they would be improved from the current situation. The over-runable pedestrian margin would give a degree of recognition to the needs of pedestrians which they do not currently have, even though that facility would end at the entrance to the Downlands site. The proposed traffic calming would limit vehicle speeds on the straight length of the drive. These measures are more than superficial and would improve the efficiency and safety of the driveway, even though there would be a net increase of three dwellings served by it.

15. The proposed access arrangements do not resolve the absence of a turning head. A drawing which I have not seen, and which does not form part of the appeal (260111/003), apparently shows a turning head located within the appeal site, but it is by no means clear that that would provide a turning facility for all users of the private road. However, a site layout which made the four new dwellings self-sufficient in terms of providing turning space would not worsen the existing situation, and such a solution could be achieved by the imposition of a suitably worded condition.

16. I conclude that the proposed alterations to the driveway would provide a safe and convenient access to the proposed development, and would not exacerbate any of the problems currently perceived by users of the drive. Indeed, some of the problems would be ameliorated, even though usage of the drive would increase to some extent. Subject to the imposition of certain conditions, I find no conflict with Local Plan DC5.

Other matters

17. The highway authority has noted that the village is poorly served with services and facilities, and that future occupiers of the proposed houses would be largely reliant on use of private cars. I agree with that assessment. However,

Policy H12 of the Local Plan acknowledges the "lower order of services and facilities" in these villages, but countenances further development within them.

Conditions

18. I have imposed conditions limiting the scale of the dwellings permitted in order to ensure that the scheme remains within the terms of Local Plan Policy H12 and does not harm the landscape quality of the AONB, and the removal of certain permitted development rights will ensure that they remain small and unobtrusive. The requirement for a specific form of landscaping is also imposed to protect visual amenity. The implementation of the works shown on Drawing CV260326/102/P2 is vital to the provision of satisfactory access arrangements, and conditions have been imposed to secure those works, including the provision of visibility splays free of obstruction at the junction with South Row. I have not imposed some of the conditions suggested by the local planning authority, as they are not demonstrably necessary.

G R Stewart

INSPECTOR