



Appeal Decision

Hearing held on 9 March 2023

Site visit made on 13 March 2023

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2023

Appeal Ref: APP/Q3115/W/22/3296061

Land to the north of Moreton Road, Moreton, 469550, 204745

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Lucy Developments against South Oxfordshire District Council.
 - The application Ref P21/S4806/FUL, is dated 19 October 2021.
 - The development proposed is described as 'the erection of five dwellings alongside a new access, landscaping and other associated works'.
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Decision

1. The appeal is dismissed, and planning permission refused.

Application for Costs

2. An application for an award of costs was made by Lucy Developments against South Oxfordshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The Council failed to determine the planning application within the prescribed period and therefore the appellant exercised their right to submit this appeal. The Council has confirmed through its statement of case that had it been able to do so, it would have refused the application due to concerns regarding the location of the proposal, its effect on the setting of the Moreton Conservation Area and the mix of houses.
4. Accordingly, the main issues in this appeal are: 1) Whether the proposed development would be in a suitable location, with reference to the spatial strategy in the development plan; 2) The effect on the setting of the Moreton Conservation Area; and 3) Whether the proposal would provide an adequate mix of homes.

Reasons

Spatial strategy

5. Policy STRAT1 of the South Oxfordshire Local Plan 2011-2035 (LP) outlines a spatial strategy for new development in the district. An important aim of this strategy is to create a sustainable pattern of development which helps reduce the need to travel. This objective is reiterated in Policy TRANS2 of the LP,

which seeks to ensure new development is designed to encourage walking, cycling and the use of public transport.

6. To achieve these aims, Policy STRAT1 seeks to direct development in accordance with a settlement hierarchy, whereby major new development is focussed upon strategic allocations. Outside these areas development is directed to settlements at proportionate levels to support their roles. Only limited amounts of housing is supported in 'other villages', which are the smallest settlements at the bottom of the hierarchy. Indeed, Paragraph 4.39 of the LP explains that 'other villages' are not generally expected to provide a significant source of housing supply. The approach of limiting development at other villages is informed by robust evidence in a Settlement Assessment Background Paper.
7. Moreton is a small settlement devoid of everyday services and facilities. In fact, there are few if any services and facilities within a walkable distance of 800m¹. Thame town centre encompasses the nearest cluster of services and facilities and is around 1,900m (23 minutes) if travelling on foot along public footpaths. I heard at the hearing that it is commonplace for residents of Thame to walk to Moreton for recreation, which is testament to the accessibility of the route for some leisure purposes. Accordingly, it is feasible that some residents of Moreton may choose to walk into Thame, especially if they intended to spend a long time at their destination and break up the return journey.
8. However, the distance is such that walking is unlikely to be a genuine option for accessing most services and facilities regularly, especially when accounting for the distance of the return trip. In fact, most of Moreton, including the appeal site, is located outside the walking boundary of Thame as identified in the Thame Neighbourhood Plan. Moreover, the unsurfaced and muddy terrain means the desirability of walking this route for work, school or other everyday purposes would be significantly suppressed. It is also unlikely to be suitable for push chairs and for those with less mobility.
9. The nearest bus stop is accessed by walking in part along an unlit country lane. However, this is not uncommon in a rural area where traffic volumes and speeds are likely to be lower. Nevertheless, the distance is outside that recommended². Indeed, the bus stop at Highfield Close is around 1,500m away. Therefore, the walk and bus journey combined would make for long and convoluted trips that would not be easy, comfortable and attractive. It is therefore very unlikely future residents would opt to use a bus.
10. Cycling may be possible for some, especially as there are some dedicated cycling lanes nearby, including that along Oxford Road. Moreton is also close to National Cycle route 57, which provides a flat, partially off-road route to Thame town centre. However, it cannot be relied upon that residents of Moreton would have the fitness, confidence or proficiency to use this mode of transport, and do so regularly. Some local roads are also apparently busy with fast moving traffic, such as the A329 and A418. The latter being the most direct route to the Haddenham and Thame Parkway Rail Station (HDM). Other existing and potential routes are available, but these would require the cyclist to negotiate the busy town centre and/or the B4012 ring road.

¹ The National Design Guide defines 'walkable' as no more than 800m

² No greater than 400m – *Planning for Public Transport in Developments* Institution of Highway and Transportation

11. The rail service from HDM is regular and connects into London, Oxford and Birmingham. However, for the reasons set out above, it is unlikely the station would be accessed by residents of Moreton by walking, cycling or bus. Driving to the station would facilitate longer trips by a sustainable mode of transport. But at around 6,400m away from Moreton, the distance is not especially short and therefore the miles travelled by car would soon add up.
12. Considering the foregoing, residents of Moreton are unlikely to regularly access services and facilities by active travel or public transport. As a result, new housing such as that proposed would result in residents being largely reliant on a car with the associated carbon emissions this would entail. Moreover, they would not be well placed to accrue the health benefits and resilience from independent active travel. Accordingly, Moreton is justifiably identified in the LP as an 'other village' in the settlement hierarchy, where only limited amounts of housing is supported to help secure the provision and retention of services.
13. Policy H1 of the LP flows from Policy STRAT1 and states that unallocated residential development will only be permitted in other villages if it is infilling. The policy places no upper limit on the size of such schemes so five homes could be acceptable. However, the Council explained at the hearing that the infilling criteria in Policy H16 of the LP inherently controls the scale of such schemes and ensures they are an appropriate size to the location. This prevents small settlements from expanding in a way that could exceed the limited level envisaged in the LP. Policy H16 defines infilling in two ways: 1) the filling of a small gap in an otherwise continuous built-up frontage; or 2) on other sites within settlements where the site is closely surrounded by buildings. Policy H5 of the Thame Neighbourhood Plan (NP) supports this approach.
14. The appeal site is a discrete field of around one acre in size. In the context of Moreton, which is a very modest hamlet, the appeal site is not a small gap. Moreover, the site frontage is around 100m in length and as a result the appeal site is not part of an otherwise continuous built-up frontage - the housing to the northeast and northwest form separate frontages.
15. There is no dispute between the Council and appellant that the appeal site is in the settlement of Moreton. The term 'closely surrounded' is not defined in the LP. A literal interpretation could be taken to mean that for a site to be capable of infilling under this criterion, it should have buildings all around and on all sides, it should be encircled. Such buildings would need to be at close range, and this could mean adjoining. The proposal would clearly fail on this measure, especially as only one building directly adjoins the appeal site. Given the aim in Policy STRAT1 to limit development in other villages, it is perhaps correct not to approach the definition of infilling too benevolently.
16. In considering the question of what 'closely surrounded' means, the Inspector in the Chinnor appeal³ suggested that it is not necessary to have four or even three sides occupied by development, and that buildings need not be hard up to the site boundaries either. However, it is unclear how the Inspector came to a view that a site could be closely surrounded by development on only two sides. In any event, the site was surrounded on all four sides by existing and approved development, so it was an academic point.

³ APP/Q3115/W/17/3187058 and 3187059

17. Nevertheless, an overly restrictive approach could result in very few schemes coming forward in this way to the detriment of small rural communities. As a result, I do not favour the Council's suggestion that buildings located on the far side of a road could never be closely related to a development site. Whether this is the case would be dependent on the circumstances. In this instance only a small lane separates the site from the Chestnut Farmhouse complex and the Furlongs. This is not a large enough physical barrier to prevent these buildings being considered as 'close' to the appeal site.
18. It is also pertinent to consider the character and context of an area in establishing if a site is surrounded by buildings. In this respect, the sense of containment and whether a scheme would be perceived as infilling could be an applicable matter, as was the case in the Chinnor decisions.
19. There is a loose horseshoe of buildings in the vicinity of the appeal site, but its longest north-western boundary abuts undeveloped open countryside for its entire length. In addition, there are no buildings opposite a large portion of its south-eastern boundary either. This generously landscaped gap results in a buffer between the core of Moreton and the more modern development to the southwest. Some of the housing to the southwest is also on the far side of the small green upon which the war memorial is located. Therefore, the appeal site is not closely surrounded by buildings when considering the context of the area and therefore the proposal would not be perceived as infilling.
20. Infilling has previously been approved in Moreton and on sites that adjoin open countryside. However, these schemes filled gaps in continuous built-up frontages and therefore would not have needed to rely on being closely surrounded by buildings. Moreover, the scheme approved under reference P16/S1470/FUL was permitted as a departure from Policy CSR1 due to there being no five-year supply and no heritage or other overriding harm. This is different to the circumstances before me.
21. In addition, I have carefully considered an appeal decision⁴ referred to by the appellant. In that instance the site in question was within a sizeable village and broadly surrounded by buildings, residential gardens and a new housing estate under construction. It can be inferred that the Inspector considered the site was broadly contained by buildings and urbanising features when having regard to the character of the area, and thus closely surrounded for the purposes of Policy H16. However, the circumstances in the appeal before me are different because of the site's physical connection with open countryside along its greatest length.
22. In conclusion, as the proposal would not be infill development it would not be a suitable location for the appeal scheme when applying the spatial strategy in the development plan taken as a whole, which is a carefully drafted and considered statement of policy. Instead, the proposal would undermine the objectives of the strategy. This would be harmful given the public interest in having a genuinely plan led system that provides consistency and direction.

The effect on the setting of the Moreton Conservation Area

23. The Moreton Conservation Area (CA) encompasses the core part of a small historic hamlet. Old maps outlined in the appellant's heritage Setting

⁴ APP/Q3115/W/22/3297007

Assessments demonstrate that its broad form and size has changed little over time. Indeed, the settlement as shown on the 1826 Enclosure Map is still legible today due, in part, to the openness of the fields surrounding the CA. The historic maps also demonstrate that there were historic buildings to the southwest of the CA, but this part of the hamlet now predominantly encompasses more modern buildings in a linear form, and is set slightly apart from the historic core of the village which comprises the CA.

24. The CA is a repository of past human lives and activity and therefore provides evidential and illustrative historic value and significance. In particular, the interrelationship of the CA and its agricultural hinterland provides evidence of the purpose and evolution of a rural settlement. Indeed, the agrarian economy may explain the presence of Moreton and many of the buildings that have been erected there. The surrounding fields provide functional and visual continuity between the CA and its agricultural hinterland. The ability to experience the setting of the CA in this way is important to how its evidential and historic value and significance is experienced.
25. At the centre of the CA is a small green which is contiguous with wide grass verges and some front gardens. The surrounding plots are generally large, and this provides space for generous levels of landscaping, including trees and hedges between plots. Houses tend to face the narrow lanes, but the high levels of planting and variable plots sizes provide an interesting organic feel. Many of the buildings also exhibit attractive period architecture.
26. These attributes combine to create a picturesque quality. This is especially evident when branching left at the small green, where the cottages are set behind generous front gardens. Therefore, the CA has fortuitous aesthetic value that adds to the sensory experience of the place and its character and appearance as a historic rural hamlet. The ability to experience the aesthetic qualities and significance of the CA is aided by the verdant rural setting.
27. The appeal site is located at one of the main entrance points into the CA and is currently a small grass field flanked by hedges. In this respect, it forms part of the agricultural hinterland of the CA. This assists with experiencing the evidential and historic value of the CA. Moreover, the appeal site supports the aesthetic experience of the CA by providing a verdant approach and a buffer with the more modern development to the southwest. Thus, the appeal site contributes positively to the setting of the CA.
28. The appeal scheme would result in the urbanisation of the appeal site, which would no longer have the appearance or function of an agricultural field. This would harmfully erode the agricultural hinterland of the CA and thus its setting and significance. The ability to experience its evidential and historic value would be meaningfully diminished. The verdant approach into the CA and the buffer between the core and modern periphery would also be eroded thereby diminishing the appeal site's contribution to the CA's aesthetic value.
29. That said, there are already several modern buildings present in the southwestern approach to the CA and the appeal scheme would be seen in this context, which moderates the extent of harm, as would the retention of the boundary hedge. A scheme could also be devised to respond to the historic settlement pattern and other fields around the village would remain unaltered. Overall, developing the appeal site would result in limited cumulative harm to the setting of the CA.

30. However, the appeal scheme would exhibit a regimented suburban layout with large, detached houses of a similar height, form and scale in comparably sized plots dominated by driveways, an internal road and garages served off a single access. This design would erode the rural feel of the hamlet, fail to echo the organic layout of the CA and would leave little room for high levels of planting between plots or verdant front gardens abutting the road. As such, there would be an awkward and stark juxtaposition between the CA and proposed development, which would occupy a site directly outside it and on an important approach. Thus, the extent of harm to the setting and significance of the CA would therefore be elevated to a moderate level.
31. In coming to this view, I am aware that the proposal has been designed to echo the period architecture in the CA. Plot 2 shows some promise in this respect given the simplicity, pleasant proportions and balanced appearance. However, Plots 1 and 5 would be large properties with long and unbroken side elevations. Plots 3 and 4 would be wholly unconvincing as agricultural type buildings due to the form, fenestration and layout of the plots. This is all the more so when locally distinctive barns are located across the road. The plots would instead appear as executive homes finished in black boarding, which would be incongruous. As a result, the architecture would not mitigate for the harm that would otherwise occur.
32. In conclusion, the appeal scheme would moderately harm the setting and significance of the CA. For reasons I go into this harm would not be outweighed by public benefits. The proposal would therefore be at odds with Policies DES1, DES2, ENV6 and ENV8 of the LP and Policy ESDQ16 of the NP, which seek to secure development that would not harm the significance of conservation areas.

Whether the proposal would provide an adequate mix of homes

33. Policy H11 of the LP seeks to secure a mix of dwelling types and sizes to meet the needs of current and future households. It does not specify a mix with reference to either the number of bedrooms or the floor area of properties. Instead, the policy states that the housing mix should have regard to the Council's latest evidence.
34. In this respect, the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA) identified a shortfall in smaller units and therefore recommended that most new homes should be 2- and 3-bedroom properties. Subsequently, a recent Annual Monitoring Report (AMR) from 2020/21 has indicated that, in this year at least, there was a greater proportion of 1- and 2-bedroom homes permitted than recommended in the SHMA and fewer 3 and 4-bedroom properties. The evidence in the AMR is of some use given the age of the SHMA. The appellant has therefore used this as a basis for justifying the exclusive provision of larger homes in the scheme.
35. However, a fair reading of Policy H11 is that it is seeking a mix of dwelling types and sizes within developments. There are benefits to doing so, as this can result in more balanced communities. Especially so in the context of somewhere like Moreton where opportunities for development are limited. In this instance, there is nothing to suggest the appeal scheme could not provide a mix of homes for practical reasons or because it would be unviable to do so.

36. The appellant submits that Plot 2 would be a three-bedroom home because only three bedrooms are annotated on the plans. However, there is a study at first floor that could easily be used as a bedroom and should therefore be considered as such. Even if the 'bedroom' is ultimately used as a study, Plot 2 cannot reasonably be described as the type of smaller property the SHMA recommended. In this respect, it is necessary to look at the size of a proposed home as well as the number of bedrooms planned before deciding whether it would be the type of smaller home the SHMA identifies as being needed. Thus, given the overall size of Plot 2, it should properly be considered a four-bedroom property regardless of how the first-floor rooms are used.
37. Therefore, the proposal would deliver five large high-end homes capable of being used as four- or five-bedroom properties. This would not address the need for smaller homes identified in the SHMA. Even the results from the AMRs demonstrate a notable under provision in three-bedroom homes. The absence of more modest housing is not going to help foster a balanced community within the development or Moreton more generally.
38. In conclusion, the provision of larger homes would help with the supply of this type of housing when considered at a district level. However, it would do little for the housing mix at a local, settlement or development level. As a result, the proposal would not help to foster a balanced community. A conflict with Policy H11 of the LP would therefore occur.

Other Considerations

Housing land supply

39. Paragraph 74 of the National Planning Policy Framework (the Framework) requires local planning authorities to demonstrate a five-year housing land supply of deliverable sites against their housing requirement. The Council and appellant agree that the Council's housing requirement for the relevant five-year period (2022-27) is 5,874 homes giving an average annual requirement of 1,175 homes. The Council is of the view that the deliverable supply over the five-year period would be around 6,105 homes, which is the equivalent of 5.2 years. The appellant disagrees, placing the supply at around 5,151 homes, which would be 4.38 years. The discrepancy is because the appellant believes several sites should be omitted from the supply because they do not meet the definition of deliverable in the Framework. Taking each in turn:
40. *Non-major sites with expired planning permission* – The appellant has identified several sites where full planning permission was granted for housing, but that permission has subsequently lapsed since the base date for the five-year housing land assessment. The definition of deliverable explains that sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years. As permission has expired, it would be reasonable to no longer include these sites as being deliverable. This is because it is now unclear whether they meet the preconditions in the definition of deliverable in the Framework. These being that a site should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on site within five years. Such an approach would not result in an unbalanced assessment necessitating the inclusion of permissions granted since the base date. This is because the status of all sites identified at the base date can be reviewed with reference to the most up to date evidence

of delivery. This is quite different to introducing new sites into the assessment. As a result, 22 homes should be removed.

41. *Non implementation rate* – The appellant submits that there is no realistic prospect that 100% of the identified small sites granted detailed planning permission will be delivered within the five-year period. As a result, they favour the application of a non-implementation rate of approximately 22%. This would reduce the supply by 99 homes. However, and as already set out, the definition of deliverable is quite clear that all sites with detailed planning permission should be considered deliverable until permission expired or there is clear evidence that homes will not be delivered. The former has already been addressed by removing 22 homes. In respect of the 'clear evidence' test, I share the Council's view that this requires site specific and bespoke evidence that the approved housing will not be delivered. The Framework gives examples of site-specific circumstances, such as a scheme no longer being viable, lack of demand for a type of unit or long-term phasing. As a result, a general broad-brush approach of applying a non-implementation rate is not appropriate. Indeed, I have not been directed to anything in national policy or guidance that advocates its use. As a result, no adjustment to the supply need be made on this account.
42. *Former Carmel College site* – This site gained detailed planning permission in 2016 with a condition requiring commencement by 2019. A building control return was received in 2019 relating to drainage works but the Council was unable to provide assurances at the hearing that the work relates to the approved development. The appellant suspects it does not. In any event, there are still thirteen pre commencement conditions requiring the approval of details. This strongly suggests permission has expired despite what the land promoter indicated in the 2021 housing land supply update. Moreover, I am advised by the appellant that there are no obvious signs of development on site. The Council did not robustly counter this proposition at the hearing. Accordingly, 166 homes should be removed from the supply.
43. *Land at Wheatley Campus* – This site has been granted outline planning permission and therefore the Council must provide clear evidence that housing completions will begin on site within five years. As things stand permission is due to expire in April 2023 and reserved matters have not been submitted. The permission is therefore very close to lapsing. In fact, a new application has been submitted with different plans and supporting evidence. This all suggests the landowners are unlikely to pursue the approved scheme. The new application is apparently subject to significant objections on several grounds. I have not been provided with site specific evidence that these objections will likely be resolved and therefore it is unclear if the site can be considered a suitable location for the revised scheme. The site is also currently occupied as a university campus. This would need to be relocated before works can commence. Progress has been made in securing permission for this, but it is not forecast to occur until September 2024 at the earliest. As a result, there is a physical impediment that means the site is probably not available now. There is also no written agreement from the landowner setting out a clear delivery timetable. Nor is there a developer on board and the Council's delivery rate is higher than that suggested by the site promoter. Overall, it would be prudent to remove 174 homes in the absence of clear evidence that housing will be delivered in the five-year period.

44. *Didcot Northeast* – Since the Council published its five-year housing land supply report in July 2022 matters have moved on positively. There are now 1,009 dwellings with either detailed consent or an application for detailed consent. There does not appear to be significant and insurmountable unresolved objections with regards to the latter. The Council’s delivery rates also seem to be based on robust site-specific evidence. However, it is unclear where things stand with the remaining 72 dwellings (the Council has allowed for 1,081 in the five-year supply). Given the lack of evidence from the land promoter I have taken a cautious approach and removed 72 homes.
45. *Didcot Gateway* – This is an allocated site that is subject to an outline planning application. Progress is therefore being made. Homes England have committed to a timely delivery of new homes and the objection from the Council’s Urban Design Officer has now been removed. I am therefore satisfied that this site can currently remain in the supply as there is clear evidence of deliverability within the five-year period.
46. *Land south of Newham Manor* – This is an unallocated site currently without planning permission and therefore it does not fall within either Category A or B of the definition of deliverable. However, this is not a closed list and so other sites can be considered. To this end the site has a committee resolution to grant planning permission pending the completion of a planning obligation. Therefore, in some respects it is further along than a site allocation for example. That said, the obligations go to the heart of the principle of the scheme’s acceptability. Therefore, at the base date it was unclear whether the site offered a suitable location for development and can be considered deliverable. Accordingly, the site should be included in a future five-year period if permission is subsequently granted following the completion of the obligation. Thus, 100 homes should be removed from the supply.
47. In light of the foregoing, the housing land supply as calculated by the Council should be reduced from 6,105 to 5,571. The supply is therefore likely to be around 4.74 years. As a result, and based on the evidence before me, the Council cannot currently demonstrate a five-year housing land supply. Accordingly, the most important policies for determining the application should be deemed out of date and Paragraph 11d of the Framework engaged.

Heritage balance

48. The moderate harm that would occur to the significance of the CA would not be severe and would therefore be ‘less than substantial’ within the meaning of the Framework. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal. In so doing, the Framework explains that great weight should be given to an asset’s conservation because heritage assets are an irreplaceable resource that should be conserved for existing and future generations. This does not amount to a direction to refuse a proposal that would harm the setting of a conservation area, but it provides a strong weighting in favour of sustaining its significance.
49. The appeal scheme would deliver five homes when the Council are currently unable to demonstrate a five-year housing land supply. The proposal would therefore assist in remedying the shortfall and this needs to be considered in the context of the need to significantly boost the supply of housing. However, the shortfall is not especially acute regardless of whether I use my calculation of 4.74 years or the appellant’s figure of around 4.38 years. That said, the

evidence provided by the appellant suggests there is a high housing need sitting behind the housing requirement. Be that as it may, the provision of five homes is not going to provide a notable contribution towards addressing either the housing requirement or need more generally. Overall, housing delivery is a moderate benefit in this instance.

50. In Paragraph 6.89 of their statement of case, the appellant has referred to three decisions where significant to substantial weight was afforded to housing supply. However, these schemes involved much higher levels of housing delivery and are not comparable to the proposal before me. Twice the number of homes were proposed in the Shiplake appeal⁵ and this also included affordable housing in an accessible location. That would not be the case in the appeal before me.
51. Paragraph 81 of the Framework states that significant weight should be placed on the need to support economic growth and productivity. It is therefore clear that this is an important matter. In this instance the benefits from the provision of five homes would provide modest time limited support to the construction industry. The subsequent occupation of the properties would also result in local spending. However, this would be trivial in the context of Thame, which is the nearest settlement with services and facilities. Accordingly, the economic benefits would not be of a high order.
52. The new residents of the scheme would provide some vitality to the settlement of Moreton by getting involved in local life and providing a support network for neighbours. However, there is no substantive evidence before me to demonstrate local clubs, societies or organisations are struggling for lack of population. And future residents are unlikely to use and help sustain public transport or other services in Moreton, as there are very few if any. As such, there would be limited social benefits.
53. The appeal scheme would also provide a modest biodiversity net gain through a combination of on and off-site measures. Had the scheme been otherwise acceptable then a condition could have been imposed to require the completion of these measures prior to occupation. There would also be the potential to manage surface water so that it ultimately leaves the site at a slower rate than it does currently. This would reduce the risk of flooding but there is little substantive evidence to suggest flooding is a local problem. These would be modest benefits in the circumstances.
54. The proposal would be able to achieve a 47% reduction in carbon emissions when compared to houses built to current building regulations. However, this is simply a means of mitigating the impact of the proposal on carbon emissions and is not a benefit. That said, for the purposes of my assessment I am content to adopt the appellant's view that housing is required and consequently there is a benefit in providing it in a way that reduces carbon emissions relative to the baseline standards. This would be a modest benefit given that the carbon savings would only relate to five homes.
55. Overall, when considered cumulatively, the public benefits of the appeal scheme would not be of a high order and would not be of sufficient force to outweigh the great weight I afford the harm that the proposal would cause to the significance of a designated heritage asset. Accordingly, there would be a

⁵ APP/Q3115/W/22/3297007

conflict with Paragraph 200 of the Framework as harm to the significance of a designated heritage asset would not have clear and convincing justification.

Paragraph 11 of the Framework

56. As previously mentioned, Paragraph 11d of the Framework is engaged on account of the Council being unable to demonstrate a five-year housing land supply. This states that permission should be approved unless, in the first instance, the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons to refuse the proposed development. Policies relating to designated heritage assets are such a policy. In this instance, because the public benefits of the proposal would not outweigh the less than substantial harm that would occur, there is a clear reason to refuse the proposal. Accordingly, the tilted balance in Paragraph 11d)ii is not engaged on this occasion.

Conclusion

57. The proposed development would be at odds with the spatial strategy in the development plan, would harm the significance of a conservation area and would not provide an adequate housing mix. The proposal is therefore contrary to the development plan taken as a whole. The benefits of the scheme would not be sufficient to outweigh the harm to the setting of the conservation area. It therefore follows that they would not outweigh the totality of harm I have identified either. As a result, other considerations do not indicate the proposal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal has been dismissed and permission refused.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT

| | |
|---------------------------------|------------------------------------------------|
| Killian Garvey | Barrister, Kinds Chambers |
| Giles Broadbank Dip TP MRTPI | Partner, Ridge and Partners |
| Claudia Jones MSc (Hons) MRTPI | Senior Planner, Ridge and Partners |
| Rob Sutton BSc (Hons) MCIfA | Director of Heritage, Cotswolds Archaeology |
| Neil Tiley BSc (Hons) AssocRTPI | Senior Director of Economics, Pegasus group |

FOR THE LOCAL PLANNING AUTHORITY

| | |
|---------------|--------------------------------------------------------------------------|
| Ruchi Parekh | Barrister, Cornerstones Barristers |
| Paul Lucas | Senior Planner, South Oxfordshire District Council |
| Tom Rice | Principal Planning Policy Officer, South Oxfordshire District Council |
| Emily Tucker | Conservation Officer, South Oxfordshire District Council |
| Edward Church | Countryside Officer, South Oxfordshire District Council |

INTERESTED PARTIES

Robin Storey, Local Resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

- Revised list of suggested conditions
- Comments from the Council's Countryside Officer relating to suggested Conditions