

Appeal Decision

Inquiry held on 16-19 June and 23 June 2015

Site visit made on 15, 19 and 23 June 2015

by RM Barrett BSc (Hons) Msc Dip Hist Cons Dip UD MRTPI IHBC

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

Decision date: 14 October 2015

Appeal Ref: APP/Q3115/W/14/3001839

Land east of Crowell Road, Chinnor

- 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 Simon Barrett (CEMEX UK Properties Ltd) against the decision of South Oxfordshire District Council.
 - The application Ref P14/S1586/O, dated 21 May 2014, was refused by notice dated 5 September 2014.
 - The development proposed is 'outline application for residential development of up to 120 dwellings and open space with access off Crowell Road and all other matters reserved'.
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Decision

1. The appeal is allowed and planning permission is granted for 'outline application for residential development of up to 120 dwellings and open space with access off Crowell Road and all other matters reserved' at land to the east of Crowell Road, Chinnor, in accordance with application Ref P14/S1586/O, dated 21 May 2014, subject to the conditions set out in Annex D to this decision.

Main Issues

2. The main issues in this case are:
 - The effect of the appeal proposal on the open countryside and the setting of Chinnor;
 - The effect of the appeal proposal on the setting of the Oakley Conservation Area (OCA);
 - The balance between harm and benefit with particular regard to whether the proposed development would amount to sustainable development in the context of national and local planning policy with regard to the location of housing.

Procedural Matters

3. The appeal application was submitted in outline with access arrangements to be determined at this stage. All other matters, including layout, appearance, scale and landscaping are reserved for future consideration.
4. At appeal a revised highway access plan was submitted (Ref 130884/A/11/Rev F), which includes a ghost island priority junction which retains trees and

planting on the northern side of Crowell Road, a revised illustrative masterplan (Ref 233603/LA/IMP/01 Rev H) and a landscape strategy parameter plan (Ref Figure 2 Revision A May 2015)¹. As these plans do not fundamentally alter the principles set out in the outline application and consultation has taken place with third parties, I can be assured that their consideration as part of this appeal would not prejudice third parties. That the Council took a similar view adds weight to this finding.

5. Both main parties agreed that they intend to ensure, through a suitably worded planning condition, that the layout and scale of development pursuant to any reserved matters applications accord with the illustrative masterplan (Ref 233603/LA/IMP/01 Rev H) and landscape strategy parameter plan (Figure 2 Revision A May 2015). I have determined this appeal accordingly.
6. Prior to the Inquiry, the appellant requested that I determine the appeal on the basis of the highway access plan that was submitted with the appeal application 130884/A/01/Rev B. It was confirmed that this included a simple priority junction which was superseded to meet the concerns of the Highway Authority. The Council confirmed that it raised no objection to its consideration.
7. However, the Highway Authority requested the inclusion of a ghost island priority junction. The appellant submitted a revised plan to address this (130884/A/02/Rev B) during the course of the appeal application; a plan that superseded the first. It then revised it to include retention of trees on the northern side of Crowell Road and consulted with third parties on that basis (130884/A/11/Rev F). Third parties will now have a reasonable expectation that a ghost island priority junction will be included in the appeal proposal and consideration of a scenario without is likely to cause confusion for them. In addition, I cannot be assured that third parties who may have wished to object to a proposal without a ghost island priority junction and who may not have read the full appeal documents, attended the Inquiry or put their views in writing to me. On this basis, consideration of a proposal without a ghost island priority junction may prejudice third parties interests. It will not be considered as part of this appeal therefore. My main issues do not include highway safety on this basis.
8. Shereen Ansari and Judith Coats both from Oxfordshire County Council (OCC) took part in the session regarding the planning obligation. Katherine Pearce of South Oxfordshire District Council (SODC) took part in the session regarding planning conditions.
9. I conducted an Inquiry (Ref APP/Q3115/A/14/2229389) at land adjoining Greenwood Avenue, Chinnor, Oxfordshire for a development of 80 dwellings on 19-21 May 2015. As that appeal is for housing in the same locality, I have considered that appeal development in this decision.

Reasons

Site and Surroundings

10. The appeal site includes an area of grade 2 agricultural land which extends to roughly 10.2 hectares. Although it includes some buildings near to the road frontage, it is generally open with planted boundaries, comprised of hedgerow

¹ As corrected at the inquiry

trees and native hedgerow, which is particularly dense near to the Old Kiln Lakes development and the historic railway line. A gradual slope exists on the site and it includes some native trees. Houses in Greenwood Avenue, which are mainly two storey and semi-detached and in Crowell Road, which are older properties, back onto the appeal site. It is accessed currently from Crowell Road which leads into Chinnor.

11. The appeal site is located on the edge of Chinnor, outside the main built up area. It is close to the scarp slope of the Chilterns Area of Outstanding Natural Beauty (AONB) and the Oakley Conservation Area (OCA), which includes a few of the properties that bound the appeal site.
12. Backing onto Greenwood Avenue and near to Greenwood Meadow are two agricultural fields bordered by the back gardens of properties in the locality. The field adjacent to the appeal site is accessed by a small track off Greenwood Avenue. Together, the fields which are generally open and green provide a break in development on the edge of Chinnor and divide it from the development at Old Kiln Lakes. The locality has a generally rural, green and open character and appearance.
13. Chinnor is defined as a larger village in CS Policy CSS1 of the South Oxfordshire Core Strategy (2012) (CS). It includes over 2,000 residential properties and a range of local services and facilities including local shops, primary schools and a doctors' surgery.

The Setting of Chinnor and the Open Countryside

14. The appeal development would result in development where none was previously and would result in the loss of part of a green field. In this respect it would extend into the countryside and due to its size and location on the periphery of Chinnor, it would diminish the break in development at its edge and the locality's rural, green and open character and appearance. However, the harm identified would be reduced or mitigated by a number of factors.
15. The appeal development would be separated by green space from development in Chinnor around Greenwood Meadow and the parts of Greenwood Avenue further away. Together with the appeal site, those fields form an area of green space that penetrates into the built up part of Chinnor, referred to by the appellant's landscape witness as a 'green wedge'. The appeal proposal would reduce this area of green space, but that harm would be reduced by the appeal site's position on the very edge of the built up area and on the edge of that 'green wedge'.² It does not fully penetrate the built up area therefore. Further, the appeal development would include a large area of open green space which, together with the above matter, would help to limit the harm identified.
16. The appeal site is not subject to any formal landscape designations. However, it sits within the Landscape Character Area 5: the Eastern Vale Fringes and is included within the rather small area of the Open Rolling Downs (ORD) landscape type.³ This is described as having a number of characteristics including smooth rounded landforms, dominance of intensive arable cultivation with weak or absent hedgerow structure, large scale field patterns, rural

² AP2 Appendix A viewpoint 3

³ South Oxfordshire District Council South Oxfordshire Landscape Assessment (1998) IQ2.7

character, high inter visibility and extensive views.⁴ These characteristics are generally evident in the appeal site and the rest of the landscape included within the ORD nearby. It is also described as denuded and somewhat bleak and sterile with few features of landscape and wildlife value. Whilst that description appears to relate particularly to the area to the west of Watlington⁵ nothing suggests that it does not relate to the rest of the area under that classification. On my site visit, I found the large scale field pattern, lack of hedgerows and landscape features, provided an impression to fit that description. The enhancement strategy is 'restore' relating to its former diversity and structure taking account of the historic pattern of large scale field enclosures.⁶

17. The appeal proposal would retain the existing topography and the large scale field pattern, in as much as it would be contained within one field and include additional planting and large areas of open space. Due to these matters, and as the proposed dwellings could generally be two to two and a half storeys and could avoid the highest parts of the appeal site, it would not appear overly prominent in the landscape. Further, it would retain the distinction between the ORD and other classifications, particularly the Semi-Enclosed Downs adjacent. Even if some parts were to be as high as development at Old Kiln Lakes, as that development is existing, the appeal proposal would not appear out of place. Further it would help to restore the appeal site's former diversity and structure taking account of the historic pattern of large scale field enclosures, in as much as it would include a substantial area of planting along the southern boundary. Although the proposed open space to the south would be parkland with some tree planting, as it would generally be informal and open, it would retain some element of openness. As it would sit within the existing large scale field boundary it would reflect the historic landscape pattern of small enclosed fields close to Chinnor and larger fields beyond. This would be the case even though views to the smaller enclosed fields from Chinnor Hill would be diminished in some views.⁷ However, due to the intervening planting, those views are very limited and therefore such diminishment would be small.
18. Further, it would be well connected to the existing village envelope, being close to existing development on Greenwood Avenue, Crowell Road and Old Kiln Lakes. In this respect it would relate appropriately to the existing village envelope. Whilst it would extend the village envelope southwards, the proposed developed area would relate to development both at Old Kiln Lakes, Greenwood Avenue, and some of that on Oakley Road. In this respect although apparent in views from parts of Chinnor Hill⁸ and other views from further afield⁹, it would relate acceptably to existing development.
19. The South Oxfordshire District Council Landscape Capacity Assessment for Sites on the Edge of Larger Villages in South Oxfordshire (2014) (LCA) concludes that there is potential capacity for development on the appeal site if built form is restricted to a reduced area, as shown on Figure CHI 1.2. Whilst the proposed development zone would extend beyond that identified in LCA,

⁴ Page 38 South Oxfordshire District Council South Oxfordshire Landscape Assessment (1998)

⁵ Page 39 South Oxfordshire District Council South Oxfordshire Landscape Assessment (1998)

⁶ Page 39 South Oxfordshire District Council South Oxfordshire Landscape Assessment (1998)

⁷ AP2 Appendix A viewpoint 2

⁸ AP2 Appendix A viewpoint 2

⁹ AP2 Appendix A viewpoints 1, 7, 6, 9

that study is a high level study which indicates potential capacity. It recommends that a full detailed landscape and visual impact assessment (LVIA) will determine the final capacity of the appeal site. The proposed development is based on a detailed landscape and visual assessment (LVA). Whilst the proposed development did not require Environmental Impact Assessment, the LVA follows a similar methodology to an LVIA,¹⁰ and was considered, by the Council, to provide a sound basis for assessment at application stage. In any event, the matters previously set out ensure that the proposed development line would relate appropriately to existing development and generally meet the recommendations set out in the LCA.¹¹

20. Old Kiln Lakes development, which is on land previously used as a quarry, is closer to the wooded escarpment than the appeal development would be. That development is on higher land than most development in Chinnor and appears more prominent in views from the south in particular. Even though it is separated from the appeal site by a historic railway and a substantial tree and hedgerow belt, it is closer to the wooded escarpment and the Chilterns Area of Outstanding Natural Beauty (AONB) than the appeal development would be. The appeal development, therefore, would not result in development closer to the wooded escarpment, would not materially undermine the existing separation between development and the escarpment and would retain views from Chinnor and Oakley to it. Due to these matters it would not materially affect the setting of the AONB.
21. Most of the existing planting would be retained and that which would be lost on Crowell Road to accommodate the proposed access would be small and is not high quality. The appeal development would include proposed structure planting, areas of open space within and around the proposed development and an area of open space to the south. Together, these matters would help to mitigate the harm identified to the open, green and rural character and appearance of the locality. As there would be a relatively large planted boundary on the southern side of the appeal development, which would enclose the open space proposed, together with a broken edge to the built form, it would provide an appropriate urban edge to Chinnor, which would generally retain the rural approach to it and its rural, open and green setting. This in the medium to long term would improve the views towards Chinnor from the Crowell Road approach, which at present includes a collection of development at Old Kiln Lakes, a radio mast, some pylons, a maintenance shed and other urban features.
22. I acknowledge that the tree planting proposed would take time to establish and until that time some additional harm would result to the setting of Chinnor and the rural, green and open character and appearance of the locality. However, as this would be a temporary situation for roughly 10-15 years, this limits the weight I accord this matter.
23. As the appeal proposal would be close to Crowell Road, which has some traffic noise and would be well enclosed by areas of open space and planting, it would not significantly affect the tranquillity of the locality. Whilst there would be some increase in light levels at night, due to the proposed dwellings and proposed street lighting, there would be development nearby which would be lit at night and due to the enclosing planting and open space on the edge, no

¹⁰ Guidelines for Landscape and Visual Impact Assessment (third edition) (GLVIA) IQ32

¹¹ Page 114 LCA.

significant harm would be likely to arise. The proposed street lights included as part of the Crowell Road access would be limited to four and therefore would not harmfully increase light levels on the approach to Chinnor such that the rural approach to the OCA and Chinnor would not be adversely affected.

24. I have taken account of the effect of proposed development at land adjoining Greenwood Avenue referred to in paragraph 9 of my decision. Together, both developments would cover a larger area of green space on the periphery of Chinnor, would extend into the countryside and together would diminish its rural, green and open character and appearance. However, that proposed development would be separated from the appeal development by a large field, would include open space within it, would relate appropriately to the existing village envelope, would retain much of the existing planting and more would be included. Whilst these matters would reduce the harm identified, some additional harm would still arise as a result of both developments. Due to the location of that proposed development in relation to the AONB, no harm would result to that designated area.
25. Overall, therefore, the appeal development would adversely affect the character and appearance of the locality, in particular the setting of Chinnor and the open countryside, albeit that harm would be limited by the factors identified; a finding unaffected by the consideration of a proposed development on land adjoining Greenwood Avenue referred to. Due to this, it would generally fail to accord with South Oxfordshire Local Plan (2011) (LP) saved Policies G2, G4 and C4, and D1, which together point out that the need to protect the countryside for its own sake along with the landscaped setting of settlements and the need to reinforce local distinctiveness are important considerations when assessing proposals for development. On the basis of the information before me, I find that these policies, in seeking to balance the protection of the countryside and the need for development, generally accord with paragraph 17 bullet point 5 of the National Planning Policy Framework (the Framework), which sets out the need to recognise the intrinsic character and beauty of the countryside. The appeal development would also generally accord with South Oxfordshire Design Guide (2008), which promotes sustainable development and good design.
26. I acknowledge that Inspectors in dealing with recent appeals in the same District have come to different conclusions on the issue of those policies and the Framework. My view accords with that of the Inspector who dealt with an appeal in Goring on Thames (Ref APP/Q3115/A/14/2220873), who found LP saved Policy C4 to accord with the Framework. An Inspector who dealt with an appeal in Shiplake (Ref APP/Q3115/A/14/2217931) came to a different view, concluding that LP saved Policies G2, G4 and C4 did not accord with the Framework, as they seek to place far greater restriction on development in the countryside. This is similar to a finding of the Inspector who dealt with a recent appeal in Benson (Ref APP/Q3155/A/14/222595). I am unaware of the information that was before those Inspectors. However, I am making my decision on the basis of the LP document before me, which strikes out those parts of those policies that place greater restriction on development in the countryside than the Framework; a version that the Council confirmed is the correct version on adoption of the CS.
27. I have also had regard to the letter from Brandon Lewis to the Planning Inspectorate dated 27 March 2015 in relation to landscape character and

prematurity in planning decisions. My decision generally accords with the advice within it, in as much as I have recognised the intrinsic character and beauty of the countryside, and taken into account the different roles and character of different areas.

The Setting of the OCA

28. The appeal site sits close to the OCA. The OCA is generally comprised of the historic core of that hamlet which at one time would have been separated from Chinnor. Oakley exhibits remnants of the typical historic settlement pattern on the edge of the Chilterns. This consisted of a series of nucleated villages and hamlets laid out along a spring line. Small enclosed fields sat on the perimeter of those villages and hamlets with larger fields beyond. This landscape characteristic is still appreciable and contributes to the distinctiveness of the countryside surrounding the local villages.
29. The appeal site falls within the larger fields outside the settlements. There is some inter visibility from the appeal site to some elements of the informal cluster of historic buildings around the junction of Greenwood Avenue and Oakley Road, noted by the appellant's historic conservation witness 'as the strongest group in the OCA',¹² even though there is boundary planting and some modern development between in places. The appeal site contributes to an understanding of the historic development pattern of the spring line villages, which includes Oakley. Due to this, its physical proximity and some inter visibility, I consider that it contributes to its landscaped setting and the significance of the OCA. As the proposed development at land off Greenwood Avenue, referred to in paragraph 9 of this decision, would be some distance from the OCA, it would not contribute to its setting.
30. However, the appeal proposal would not materially diminish the historic landscape pattern of small enclosed fields close to the perimeter of settlements, even though it would result in development on part of one of the larger fields beyond. Whilst some views of the small enclosed fields from parts of Chinnor Hill¹³ would be interrupted, as those views are very limited, I consider that would not be material. Further, the swathe of open space proposed on its southern boundary would help to maintain a landscaped setting to the OCA. The proposed access arrangement would retain trees along Crowell Road, involve a small loss of hedgerow and generally would have a low key design which would respect the rural character of this approach to the OCA. All in all, I consider that the appeal proposal would, on balance, preserve the setting of the OCA.
31. I conclude that the appeal proposal would preserve the setting of the OCA and would generally accord with LP saved Policy CON7, which states that planning permission will not be granted for development which would harm the character or appearance of a conservation area. I can be assured that LP saved Policy CON7 is relevant to this appeal as LP paragraph 3.100, which relates to that policy confirms that development on the edge of or outside a conservation area, which would damage its character and appearance will not normally be permitted. My approach would also accord with paragraph 128 of the Framework which sets out the requirement to identify and assess the

¹² Paragraph 2.2.4 Mr Clemons Proof of Evidence AP3

¹³ Ap2 Appendix A viewpoint 2

particular significance of any heritage asset that may be affected by a proposal, including development affecting the setting of a heritage asset.

The Location of Housing

32. CS Policy CSS1 sets out the CS's overall spatial strategy and includes in (iv) supporting and enhancing larger villages as local service centres. CS Policy CSH1 provides that planning permission will be granted to meet housing requirements of 5,214 dwellings by 2027, divided between allocations in and around Didcot (2,330) and in the rest of the District (2,884).¹⁴ CS Table 7.3 sets out that the larger villages which include Chinnor, will contribute 1,154 dwellings in the rest of the District (RoD). CS paragraphs 7.11 and 7.20 explain that the distribution of growth allocated to the larger villages will be decided through the Site Allocations Development Plan Document (SADPD). This is referred to in CS Table 7.3.
33. However, sites in the larger villages have not been allocated in a SADPD. Instead an early review of the CS is underway, principally due to the publication of a Strategic Housing Market Assessment (2014) (SHMA), which indicated that South Oxfordshire needs additional housing beyond that planned for in the CS and Oxford City Council has indicated that it is unable to meet its identified need entirely within the city boundary, which may result in SODC needing to consider accommodating some of that unmet need.
34. The emerging South Oxfordshire Local Plan 2031 Refined Options (2015) (emerging LP) seeks views based on an allocation of at least 160 dwellings to Chinnor and shortlists a number of sites, which does not include the appeal site. However, that is not an adopted development plan. Whilst a Chinnor Neighbourhood Plan (NP) is proposed, this is at a very early stage of preparation. The designated area has been approved and a made NP is anticipated towards the end of summer 2017. No draft NP policies are before me.
35. In these circumstances, I consider that there is a policy vacuum on the issue of site allocations in the larger villages. Therefore the development plan is silent on the issue of where and how much housing should be allocated at Chinnor. In making this finding I have considered the application of LP saved Policies G2 and G4. However, both predate the CS and its anticipated level of growth and do not help resolve the tension between development on a green field site and accommodating development suggested in the CS at Chinnor. That the Council's planning witness in giving evidence suggested that LP policies G2 and G4 were not policies for the supply of housing adds weight to this finding.
36. I have considered the judgment of Mr Justice Lindblom brought to my attention¹⁵ but I am satisfied that case related to a different policy context to the appeal proposal, which included a draft SADPD at an advanced stage of preparation, which identified that site as the preferred site to meet a development need in a settlement defined as a Key Rural Centre. All in all, in respect of this appeal, I consider that there is not a body of policy relevant to the proposal being considered and sufficient to enable the development to be judged acceptable or unacceptable.

¹⁴ CS Table 7.1 page 49

¹⁵ Bloor Homes East Midlands V DC&LG and Hinkley and Bosworth BC [2014] EWHC 754

37. Paragraph 14 of the Framework advises that at its heart is a presumption in favour of sustainable development. For decision taking this means that where the development plan is silent, planning permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It is agreed between the two main parties that specific policies in the Framework do not indicate that development should be restricted.
38. The development plan is silent on the question of the allocation of dwellings in the larger villages in the RoD. The development plan does not indicate that development should be limited to the overall housing requirements of the District. I am aware that there are a number of extant planning applications and appeals which, if all approved, would result in more than 160 dwellings being developed in Chinnor, which the Council suggests would not relate appropriately to the size of Chinnor. However, I have no assurance that this would be the case and there is no policy suggesting that number is a cap. Those proposals are not before me and I am tasked to consider the appeal proposal that is. In any event, this matter is overridden by the silence of the development plan as explained above.
39. I therefore do not need to consider further whether the relevant policies for the supply of housing should be considered up to date or not. This includes considerations as to whether they derive from the now abolished South East Plan rather than the SHMA 2014, whether the Council can or cannot demonstrate a five year supply of deliverable housing sites and matters relating to the appropriateness of a disaggregated approach to housing land supply and the way in which a five year supply of deliverable sites is calculated. In accordance with Paragraph 14 of the Framework, I will go on to consider the adverse impacts of the proposal and its benefits, against the policies in the Framework and the other relevant policies of the development plan so far as they are consistent with the Framework.
40. In relation to housing supply, the two main parties agree that Chinnor is a sustainable location, that at least 160 dwellings should be developed there, that no extant permissions exist for that number in Chinnor and that the mix of dwellings proposed is acceptable. That the appeal proposal would help to boost significantly the supply of housing is not disputed and this would be the case whether the Council could or could not demonstrate a five year supply of deliverable sites.
41. I conclude that the appeal proposal would be suitably located, having regard to national and local planning policy and would generally accord with CS Policies CSS1 and CSH1 by supporting Chinnor as a local service centre and no substantive evidence is before me that the appeal development would result in harm to development at Didcot.¹⁶ This point was accepted by the Council's planning witness. Although it does not accord with CS Policy CSR1, which would allow housing in Chinnor where allocated or as infill, that policy conflict is overridden by the silence of the development plan on the matter of allocations in the larger villages in the RoD.
42. In coming to this conclusion, I have had regard to previous appeal decisions brought to my attention, too numerous to mention individually, which are all material considerations in this appeal. Out of the most recent and relevant

¹⁶ CS Policy CSS1 (i)

ones which relate to SODC, I agree with the Council that Inspectors have taken different approaches to the issue. Having considered those decisions carefully, in as far as they are relevant to this appeal, my conclusions generally are consistent with those Inspectors' views.¹⁷

Planning Obligation

43. An executed planning obligation is before me. Whilst the Council has confirmed that it is satisfied with its contents, for its provisions to be given weight in the determination of this appeal, I am required to assess whether they are necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind.¹⁸
44. The provisions would ensure that the proposed development would secure the affordable housing required by CS Policy CSH3, which requires 40% of dwellings to be so provided. However, I attach no weight to paragraph 2.6 which requires 10% of the affordable housing to comply with to the Lifetime Homes Standards in light of the Written Ministerial Statement 25 March 2015 relating to New National Technical Standards. The provision of open space within the development would comply with LP Policies R2 and R6 which relate to the provision of children's play space and open space. Contributions would be secured to ensure their maintenance, along with provision of sports facilities in the locality. Financial contributions towards street naming would accord with CS Policy CSI1, recycling provision would comply with LP saved Policy D10 and provision for public art would accord with LP saved Policy D12.
45. Financial contributions towards improvements to the local bus service that would serve the appeal site, provision of new bus stops and improvements to public footpaths to the south west of the appeal site are provided for along with a Travel Plan to promote sustainable forms of development. All are sought by CS Policies CSM1 and CSM2. Further, financial contributions towards local schools to serve the increased population, libraries, social and health care, and waste management would all accord with CS Policy CSI1.
46. Whilst a contribution to policing is sought and would generally pass the tests set out above, that part of the contribution which would relate to training officers and staff would not relate to capital costs and therefore cannot be tied to the appeal development. This aspect of the planning obligation therefore would not pass the tests set out above. I have taken into account a previous appeal decision brought to my attention (APP/Q3115/A/14/2222595) and have concurred with that Inspector's views in this respect.
47. I have had regard to another recent appeal decision (Ref APP/Q3115/A/14/2223330) in which the Inspector concluded that contributions sought for street naming and recycling provision were not necessary to make that appeal proposal acceptable in planning terms. However, that development was for ten dwellings which is much smaller than the appeal development. The appeal development would include a number of different streets, all of which would require naming and the impact of recycling provision on a development

¹⁷ Refs: APP/Q3115/A/2217931; APP/Q3115/A/14/2222595; APP/Q3115/A/14/2223330; APP/Q3115/A/09/2107586; APP/Q3115/A/11/2145037; APP/Q3115/A/13/2196489

¹⁸ Regulation 122 Community Infrastructure Regulations 2010 (as amended) (CIL Regulations)

of the scale envisaged would be much greater than for a small development of ten dwellings. In this case, such contributions would be required to ensure a safe and high quality development.

48. The provisions also secure the implementation of off-site highway works which are required to protect the safety of highway users and would comply with CS Policy CSM1.
49. Full justification is provided for all measures, the identification of policy and a local need, the means by which it has been calculated and the identification of a project close to the appeal site. On this basis the provisions meet tests set out above and weigh in favour of the appeal. In addition, justification is provided to assure me that the financial contributions requested would meet Regulation 123 of the CIL Regulations, in as much as if the contributions sought were to form a part of a pooled contribution, they would together amount to less than five separate contributions.
50. As the proposed agreement is fairly complex requiring various trigger points and monitoring, I agree that a monitoring fee to cover the Councils' costs in this regard is necessary and passes the tests set out above.

Other Matters

51. The appeal proposal would result in roughly a 6% increase in traffic on local roads including Crowell Road, Chinnor Road and the B4009 generally. As this increase would be within the daily variations on that road and official accident records are generally low, its impact would not be material. Whilst I heard at the Inquiry about some accidents that did not result in personal injury and have some photographic evidence of those referred to, this provides limited substantive evidence to lead me to a different view on this issue. This matter and the proposed access arrangements have been agreed with the Highway Authority, which adds weight to this finding.
52. In considering this matter, I have taken account of the traffic impact of the appeal development proposed at land adjoining Greenwood Avenue referred to in paragraph 9 of my decision. However, as the proposed access points for each development would be some distance apart and the combined traffic generation would be low in relation to existing levels, no additional significant harm would result.
53. Generally the appeal proposal would encourage sustainable forms of transport due to its location close to Chinnor, additional footways and cycle ways and funding to improve a local bus service. A proposed footpath would lead from the appeal development to Greenwood Avenue and thereby enhance a pedestrian route into Chinnor. Whilst it may reduce on-street car parking for those houses that front that part of the road and some inconvenience to those occupiers may result, as most have some off-street car parking and some on-street car parking would remain in the locality, this would not harmfully affect the occupiers' convenience or highway safety. Whilst other sites in Chinnor may be more appropriate for development, these are not before me for consideration and I am making my decision based on the appeal that is.
54. As the appeal application is in outline and matters of appearance are reserved for future consideration, the detailed relationship between existing and proposed dwellings will be considered at that time. In any event, the

illustrative masterplan submitted with the appeal application gives me assurance that development could be carried out with a layout that would not adversely affect the living conditions of existing residents, particularly their outlook or privacy.

55. As access is not proposed over the historic railway line on one side of the appeal site it would not prejudice its future use by the Chinnor and Princes Risborough Railway Association or any other organisation. Access would be provided to the agricultural land adjacent, between nos 31 and 33 Greenwood Avenue, which would ensure that its future in that use would not be materially affected.

Conclusions on Sustainable Development

56. I have found that some harm would result to the rural, green and open character and appearance of the locality. In the short term until the planting and landscape mature the appeal proposal would be more prominent in the landscape, particularly in views from Crowell Road.¹⁹ However, overall and in the medium to long term, I have found that with suitable structure planting, the provision of a large area of open space on its southern side and a fragmented development edge that links in with existing development, the harm identified could be reduced, such that it would be limited. On balance, no harm has been identified to the setting of the OCA.
57. The benefits of the provision of housing, including affordable housing, are acknowledged by both main parties. Whether or not it is needed to ensure that the Council has a five year supply of deliverable housing sites, it would significantly boost supply in accordance with paragraph 47 of the Framework. In the circumstances of this appeal, I attach significant weight to this issue, weight that would increase if the Council could not demonstrate a five year supply of deliverable sites.
58. Paragraph 7 of the Framework sets out the three dimensions of sustainable development. The appeal proposal would fulfil an economic role by the provision of housing, including affordable housing, the provision of jobs in the construction industry as well as increasing the local population which will in turn bring added spending to the local economy and help to support local services and facilities.
59. In terms of the social role the appeal proposal would contribute to providing housing to meet the needs of present and future generations through the provision of a range of housing types and sizes, including affordable housing and a contribution to services and facilities as set out in the executed planning obligation. The provision of on-site open space would contribute towards healthy communities and would be likely to be a wider benefit as it exceeds that which would be required to serve the needs of the appeal development, even though the appeal site would not be within walking distance of many dwellings in Chinnor. The future residents would have access to existing local services and facilities, even though the primary schools and main village shops would be some distance away.²⁰
60. The Council does not advance a prematurity objection. In any event, any harm to the plan-led system is overridden by the silence of the development plan on

¹⁹ AP2 Appendix A viewpoint 8

²⁰ Statement of Common Ground paragraph 2.2

the issue of allocations to the larger villages in the RoD. Even if this were not the case, it is accepted by both main parties that development at Chinnor to meet the aims of CS Policies CSS1 and CSH1 will require development on green field sites. Further, as the proposed mechanism to allocate sites at Chinnor has not occurred, it would also comply with CS Policy CSC1, which sets out the contingency if sites are not delivered as anticipated in the CS.²¹ The appeal proposal would be in general accordance with the distribution of the CS as set out in tables 7.1, 7.2 and 7.3 and would fall within (ii) and (iii) of that policy, in as much as it would bring forward sites anticipated to come on stream later in the plan process or through other mechanisms, such as an appeal. These matters reduce the weight that I would have accorded to any harm to the planned system in any event.

61. In terms of its environmental role, some limited harm would result as a consequence to the rural, green and open character and appearance of the locality. The appeal development would help to restore some of the key characteristics of the ORD landscape character area and increase the amount of publically accessible open space based on the landscape strategy parameter plan. The proposed layout and built development, based on the illustrative masterplan could achieve a high quality built environment with appropriate open space and relationships between dwellings. Both these matters could be controlled through appropriately worded planning conditions. It would also result in an improvement to biodiversity through the provision of varied habitats as opposed to the current agricultural use. The use of natural resources, addressing climate change and a move towards a low carbon economy could be achieved through appropriate planning conditions. The appeal proposal, as it would be located close to some services and facilities in Chinnor, would encourage the use of sustainable forms of transport, although I acknowledge that some facilities, such as secondary schools, larger shops and employment centres are further away. In this regard it would also improve the local footway and cycleway network, which would also be a social gain.
62. All other matters raised during the appeal have been considered but they do not lead me to any conclusion other than that overall, the proposed development would be sustainable. Therefore, in accordance with the advice given in paragraph 14 of the Framework and CS Policy CS1, which promotes sustainable development, the appeal is allowed, subject to the conditions set out in Annex D to this decision.

Planning Conditions

63. A list of suggested planning conditions was agreed between the two main parties at the inquiry. I have agreed with the imposition of these subject to refinement to improve clarity and ensure consistency with national policy and guidance.²² A list of planning conditions to be imposed is set out in Annex D.
64. The standard conditions relating to timing of development, compliance with approved plans and submission of reserved matters are necessary to provide certainty and in the interests of proper planning. A condition to ensure development would be carried out in accordance with the illustrative masterplan, landscape strategy parameter plan and the height and density restrictions in the design and access statement is necessary to control the

²¹ CS Table 18.1- Anticipated delivery of housing development

²² Paragraphs 203 and 206 of the Framework and PPG paragraphs 21a-001-034

layout of the buildings, the open space and to ensure that it would blend into the locality. For the same reason details of levels are required. A condition relating to phasing is necessary to ensure highway safety and the safety and the convenience of prospective occupiers. Conditions to require a landscape management plan, Arboriculture Method Statement and ensure trees and hedgerows would be retained or replaced are required to protect the landscape features of the appeal site and ensure that the approved development blends into the locality. Details of surface and foul water drainage proposals are required to prevent pollution and flooding. A condition to ensure that public art would be provided would not be required as this is covered by the provisions of the planning obligation.

65. In the event of development not taking place within two years of the Ecological Appraisal Report that supported the appeal application, the requirement for a revised reptile and great crested newt survey would help to protect important species and secure appropriate ecological mitigation. A condition to ensure that a Construction Traffic Management Plan is provided would safeguard highway safety and reduce inconvenience to local residents. Conditions to ensure, at an appropriate time during development, provision of the highway access, car parking and cycle and footways proposed would also help to ensure highway safety and encourage sustainable forms of transport, along with the provision of a Residential Travel Plan. A condition to ensure archaeological investigation would take place and any findings would be appropriately archived would help to further the archaeological knowledge of the locality.
66. I have amended the suggested condition to require the proposed dwellings to comply with the 'Lifetime Homes' standards to reflect the Written Ministerial Statement 25 March 2015 relating to New National Technical Standards. Such a condition is necessary to ensure that the proposed dwellings are designed to meet an identified need.

Conclusion

67. For the above reasons, and taking all other matters raised into consideration, including the views of local residents and other third parties, I conclude that the appeal should be allowed subject to the conditions listed in Annex D to my decision.

R Barrett

INSPECTOR

APPEARANCES AT THE INQUIRY

Annex A

FOR THE COUNCIL

Mark Westmoreland Smith of Counsel

Instructed by Ian Price, Senior Litigation and Planning Lawyer, South Oxfordshire District Council (SODC)

He called:

Philippa Jarvis BSc (Hons) DipTP MRTPI

Alison Farmer BA MLD CMLI

Shereen Ansari and Judith Coats (OCC)
Katherine Pearce (SODC)

For planning obligation session
For Planning Conditions session

FOR THE APPELLANT

Mary Cook of Counsel

Instructed by Mr Smalley legal Director at CEMEX UK Properties Ltd

She called:

David Bird BSc Eng MICE
Richard Burton DipLA CMLI AoU
Jason Clemons
BA MAUD MSc Hist Cons RTPI IHBC
Jacqueline Mulliner
BA (Hons) BTP (Dist) RTPI

Vectos Transport Planning Specialists
Terence O'Rourke Ltd (TOR)
CgMs

TOR

OTHER INTERESTED PERSONS WHO SPOKE AT THE INQUIRY

Daniel Woodward

Trustee and Chairman of Chinnor and Princes Risborough Railway Association

Pat Haywood

Chinnor Parish Council

Peter Brook

Steering Group for the Chinnor 2031 Neighbourhood Development Plan

Jeremy Peters
Matthew Day

Vice Chair Crowell Village Meeting
Chair of Planning Committee Aston Rowant Parish Council
Local resident

Stephen Crowther

DOCUMENTS

Annex B

The Council's Documents

- LA1 Proof of Evidence plus appendices of Philippa Jarvis
- LA2 Proof of Evidence plus appendices of Alison Farmer
- LA3 Council's Statement of Case

The Appellant's Documents

- AP1 Proof of Evidence plus appendices of David Bird
- AP2 Proof of Evidence plus appendices and addendum of Richard Burton
- AP3 Proof of Evidence plus appendices and post site visit note of Jason Clemons
- AP4 Proof of Evidence plus appendices of Jacqueline Mulliner
- AP5 Appellant's Statement of Case
- AP6 Statement of Common Ground between TOR and SODC
- AP7 Statement of Common Ground between Vectos and Oxfordshire County Council (OCC) regarding transport matters

Documents Submitted at the Inquiry

Annex C

- IQ1 List of appearances for the Council
- IQ2 Proof of Evidence of Daniel Woodward plus two appendices (Trustee and Chairman of Chinnor and Princes Risborough Railway Association)
- IQ3 Proof of Evidence of Chinnor Parish Council (handed in by Mrs Pat Haywood)
- IQ4 Proof of Evidence of Mr Peter Brook (Steering Group for the Chinnor 2031 Neighbourhood Development Plan)
- IQ5 Notification letter of inquiry plus circulation list dated 6 May 2015
- IQ6 Summary list of provisions suggested for inclusion in the Section 106 Agreement, outline S106 agreement, draft agreement relating to highway works, Oxfordshire County Council list of standard conditions for highway works in conjunction with development and plans 130884/A/11F and 130884/A/14
- IQ7 Appeal decision letter Ref APP/Q3115/A/11/2145037 (relating to Reading Road, Wallingford)
- IQ8 Appeal decision letter Ref APP/Q3115/A/09/2107586 (relating to Benson Lane, Crowmarsh Gifford, Wallingford)
- IQ9 Report on the examination into the Cherwell Local Plan 9 June 2015
- IQ10 Secretary of State report and Inspector's report in relation to land off Highworth Road, Faringdon (Ref APP/V3120/A/13/2210891)
- IQ11 Appellant opening submissions
- IQ12 Council opening statement
- IQ13 Statement of Common Ground between SODC and TOR
- IQ14 Proof of Evidence of Jane Jones
- IQ15 Intentionally blank
- IQ16 Proof of Evidence of Jeremy Peters (Vice Chair Crowell Village Meeting)
- IQ17 Agreed list of suggested planning conditions
- IQ18 Bloor Homes East Midlands V DC&LG and Hinkley and Bosworth BC [2014] EWHC 754
- IQ19 Redditch Borough Council V SoS [2003] EWHC 650(referred to as the Redditch case)
- IQ20 Consultation letter regarding revised plans submitted at appeal plus circulation list
- IQ21 Proof of Evidence of Matthew Day (Aston Rowant Parish Council)
- IQ22 Overlay plans 1 and 2 referred to by Alison Farmer in evidence in chief
- IQ23 Proof of Evidence of Stephen Crowther

- IQ24 Plan 233603_LA_APP101 indicating cross section of the appeal site referred to in evidence in chief of Richard Burton
- IQ25 Appeal decision letter Ref APP/Q3115/A/14/2223330 relating to Goats Gambol, off Beech lane, Woodcote
- IQ26 SODC's case regarding Regulation 123 of the CIL Regulations
- IQ27 SODC statement supporting S106 Agreement monitoring fees
- IQ28 Thames Valley Police justification for S106 contributions sought
- IQ29 Statement of justification for OCC's planning obligation requirements (transport) (Addition to appendix 2 to POE of Philippa Jarvis -PJ2)
- IQ30 Note from Howard Cox (OCC) regarding S106 monitoring fee
- IQ31 Executed S106 agreement
- IQ32 Extract from Guidelines for Landscape and Visual Impact Assessment (third edition)
- IQ33 Revised agreed list of suggested planning conditions
- IQ34 Amended landscape strategy parameter plan dated May 2015 indicating existing vegetation to be retained
- IQ35 Advice from Ian Dove QC regarding CIL Regulations 2010 and Regulation 122 dated 30 January 2014 and 7 May 2014
- IQ36 Plan showing Visual Zone of Influence with 1km, 2km and 3km bands from the appeal site
- IQ36a Large scale photomontages included in Mr Burton's appendix C for the purposes of assessment on site.
- IQ37 SODC request to Inspector to view the appeal site from various locations
- IQ38 Post site visit note from Jason Clemons
- IQ39 Closing statement on behalf of the Council
- IQ40 Closing statement on behalf of the appellant

LIST OF PLANNING CONDITIONS

Annex D

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 2) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby approved shall be carried out in accordance with the details shown on the following approved plans: Location Plan (Ref site_boundary_plan); Topographical Survey (Ref CHIN0813); Highway Access Layout (Ref 130884/A/11/Rev F) except as controlled or modified by conditions of this permission.
- 4) Details of the layout, scale and appearance of the dwellings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Thereafter the development shall be carried out in accordance with the details as approved. The layout shall accord with the principles indicated in the Landscape Strategy Parameter Plan, Illustrative Masterplan Rev H and figures 7.3 and 7.4 of the Design and Access Statement dated May 2014.
- 5) No development shall commence until details of the phasing of the development are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed phasing.
- 6) No development shall commence until details of the proposed slab levels of the buildings in relation to the existing and proposed levels of the site and surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as approved thereafter.
- 7) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens that are privately owned or in the ownership of an affordable housing provider, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 8) No development or other operations shall commence on site until an Arboriculture Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved scheme prior to first occupation of any dwelling forming part of the development.

- 9) None of the trees and hedgerows to be retained shall be lopped, topped or uprooted without the prior written consent of the Local Planning Authority. Any retained trees or hedgerows which are subsequently uprooted, die or become diseased within 5 years from planting, shall be replaced before the end of the next available planting season with a species, details of which shall first have been submitted to and approved in writing by the Local Planning Authority.
- 10) Development shall not commence until a surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) ref 29190/001 (Peter Brett Associates, May 2014) and Technical Note (Peter Brett Associates, 07/05/2014) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any dwelling forming part of the development and retained thereafter. The scheme shall include permeable paving, swales and infiltration basins as outlined in the FRA.
- 11) In the case where the development hereby approved has not commenced within two years from the date of the approved Ecological Appraisal Report (Terence O'Rourke, July 2013), development shall not commence until a revised reptile and great crested newt survey has been undertaken to establish changes in the presence, abundance and impact on the species. The survey results, together with any mitigation plan or method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and the recommended measures retained thereafter.
- 12) Development shall not commence until a Construction Traffic Management Plan (CTMP), including details of wheel washing, has been submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented prior to any works being carried out on site, and shall be adhered to throughout the course of the development. It shall include that all construction traffic serving the development shall enter and leave the site through Crowell Road.
- 13) Prior to the first occupation of any dwelling hereby permitted, the proposed means of access on to Crowell Road shall be formed and constructed strictly in accordance with plan 130884/A/11 Rev F and the Local Highway Authority's specifications and all ancillary works specified shall be undertaken. The access shall be retained as approved thereafter.
- 14) Development shall not commence until details of a pedestrian and cycle route within the site between the proposed means of access on to Crowell Road (as shown in drawing 130884/A/11 Rev F) and a point on the western boundary of the site between points A and B as shown on drawing 130884/A/15 (Vectos) have been submitted to and approved in writing by the Local Planning Authority. The approved route shall be provided prior to the first occupation of any dwelling hereby permitted and shall be retained as approved thereafter.

- 15) Development shall not commence until a detailed plan showing provision of car parking spaces to be provided within the site in accordance with the District Council's adopted car parking standards has been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be laid out, surfaced, drained and completed in strict accordance with the approved details prior to the first occupation of any dwelling that forms part of the development. Thereafter the car parking spaces shall be retained unobstructed, except for the parking of vehicles associated with the development, at all times.
- 16) Prior to the first occupation of any dwelling hereby approved, the proposed vehicular accesses, footways, cycle ways, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with the specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. They shall be retained for that purpose thereafter.
- 17) Development shall not commence until a Residential Travel Plan based on the Framework Travel Plan (Vectos May 2014) (specifying a named travel plan co-ordinator) has been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwelling forming part of the development the approved Residential Travel Plan shall have been implemented and a copy of the residents' Travel Information Pack shall have been submitted to the Travel Plans Team.
- 18) Development shall not commence until an Archaeological Written Scheme of Investigation prepared by a professional archaeological organisation acceptable to the Local Planning Authority, relating to the application site area, has been submitted to and approved in writing by the Local Planning Authority.
- 19) Following the approval of the Written Scheme of Investigation referred to in condition 18, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
- 20) There shall be no discharge of foul flow from the site into the public sewer system until the drainage works referred to in the Sewer Impact Study X4503-589 or agreed successors to it have been submitted to and agreed in writing by Local Planning Authority and carried out in full in accordance with the approved details and retained as proved thereafter.