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## Appeal Decision

Site visit made on 15 January 2018

**by H Butcher BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15<sup>th</sup> March 2018**

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### **Appeal Ref: APP/C3105/W/17/3178077**

#### **Land south of Mill Lane, Kirtlington**

- 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 Messrs E & G King against the decision of Cherwell District Council.
  - The application Ref 16/02295/OUT, dated 11 November 2016, was refused by notice dated 17 February 2017.
  - The development proposed is outline planning permission for the erection of 10 dwellings.
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#### **Decision**

1. The appeal is dismissed.

#### **Preliminary Matter**

2. The application was submitted in outline with only access to be determined at this stage and I have dealt with the appeal on that basis. Details have, however, been submitted showing how the site might be developed in terms of appearance, landscaping, layout and scale and I have taken these into account for illustrative purposes only.

#### **Main Issue**

3. The main issue is the effect of the development on the character and appearance of the area.

#### **Reasons**

4. The appeal site is located on the edge of Kirtlington which is a village. The A4095 runs north to south through the village and much of its historic core is centred on this road. However, more recent development, particularly to the west, branches off of this main route.
5. Mill Lane runs along the northern edge of the village. Travelling west along Mill Lane residential development quickly gives way to open fields and the houses on the edge of the village, abutting the countryside, turn their back to it facing inwards towards the village. In my experience, this is a common pattern of development on the edge of rural villages.
6. The appeal site is a piece of open land accessed from Mill Lane. The site is initially quite narrow before it widens out behind existing development at Woodbank and Hatch Way. The illustrative plans show houses tucked into this wider part of the site facing outwards to the countryside beyond. They would

therefore turn their back on existing development in Kirtlington which is, as described above, generally inward looking. The development would therefore appear at odds with the existing layout of development here.

7. The narrow nature of the site where it meets Mill Lane means a fairly long section of road would be required to access the first house as shown on illustrative plans. This would then run the entire length of the site serving the nine other properties proposed. Such a long section of road, serving a relatively small number of dwellings, would be an excessive and visually intrusive piece of infrastructure which would cause significant harm to this visually more open and rural edge of village location and would be visible from Mill Lane as well as from adjacent properties.
8. The relatively linear layout of development as shown on illustrative plans would not, in my opinion, have the appearance of cottages and farm buildings on the edge of a settlement which, generally speaking, have a more clustered/ad hoc layout. Rather it would appear as an additional layer of development which, for the reasons given above, would not relate well to Kirtlington or the character and appearance of the area generally.
9. The scheme shown on illustrative plans would therefore be harmful to the character and appearance of the area and this would not be mitigated by landscaping or house design. No other detailed scheme has been suggested and given the constraints set by the shape of the plot I find no alternative layout would resolve these issues. The proposal would therefore be in conflict with Policies ESD13 and ESD15 of The Cherwell Local Plan Part 1 (2011-2031) (LPP1) and C28 of the Cherwell Local Plan 1996 which seek to protect the character and appearance of the natural landscape, particularly in urban fringe locations.

#### *Other matters*

10. A second reason for refusal, relating to the impact of a footpath on three Beech trees protected by Tree Preservation Orders, is no longer being pursued by the Council following the submission of further information. There is no need, therefore, for me to take this matter further.
11. The Council also included a third reason for refusal relating to a lack of an obligation to provide for additional needs arising from the development for services and facilities. An obligation has now been provided. However, given that my formal decision is to dismiss for another reason it is not necessary for me to consider this in any further detail.
12. The footpath included in the appeal site is adjacent to the Kirtlington Conservation Area and in close proximity to some listed buildings. However, the upgrading of this footpath would not result in harm to the setting of either of these designated heritage assets.

#### **Conclusion**

13. It is agreed that, as set out in Policy Villages 2 of the LPP1, villages such as Kirtlington are able to accommodate limited additional housing of the scale proposed and that this could mean sites adjacent to the settlement boundary such as the appeal site. However, the housing needs of the District are currently being met and over 75% of the housing allocated through Policy

Villages 2 has already been approved. This therefore reduces the weight to be afforded to this matter.

14. I have also had regard to all other matters raised including that the development would support local services and facilities and create additional employment opportunities, albeit to a modest degree. I similarly note the outcome of other recent planning applications for housing in Kirtlington referred to by the appellant and the appellant's argument that there is no better site in Kirtlington. Nevertheless, these matters do not outweigh the harm I have identified to the character and appearance of the area.

15. The appeal is therefore dismissed.

*Hayley Butcher*

INSPECTOR