



Appeal Decision

Site visit made on 27 February 2018

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2018

Appeal Ref: APP/V3120/W/17/3187947

9 Hobbyhorse Lane, Sutton Courtenay, Abingdon, OX14 4BB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Caudwell and Sons Ltd. against the decision of Vale of White Horse District Council.
 - The application Ref. P17/V1431/FUL, dated 16 May 2017, was refused by notice dated 31 August 2017.
 - The development proposed is the erection of a dwelling and alterations to existing semi-detached dwelling (as amended by plans dated 31 July 2017)
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dwelling on the highway network around Sutton Courtenay.

Reasons

Background

3. The appeal site comprises the side garden of a semi-detached house which lies on the eastern edge of the village of Sutton Courtenay and adjacent to the car park of the parish hall. The existing property is two storeys with brick elevations and a high pitch roof. It is proposed to demolish an existing lean-to extension and garage and erect an attached two bedroom house so that in effect the pair of 'semis' would become a terrace of three properties.

Policy context

4. The development plan for the area includes saved policies in the Council's Vale of the White Horse Local Plan 2011 (LP) and the Vale of the White Horse Local Plan 2031 part1 adopted in December 2016 (LPp1).
5. The site lies in a village location and it is clear from the reason for refusal that no objection is raised by the Council to the location or form of the new house proposed but only to the effect of the traffic generation that would arise from it on the local highway network.

Effect on highway network

6. The site lies off a minor residential cul-de-sac, Frilsham Street, which has access from the High Street/Milton Road. In the northern part of the village the High Street has a junction with the B4016 which runs in an east-west direction. To the north of this road runs Abingdon Road which meets the A415 via the Culham bridge over the River Thames. At the point of the bridges, Abingdon Road is single carriageway in width and is controlled by traffic lights.
7. The evidence submitted by the highway authority on behalf of the Council is in respect of the existing level of congestion at Culham Bridges and the two adjacent junctions. The authority highlights that in surveys last year, at its worst, delays of over 13 minutes per car were observed at the morning peak southbound over the Culham Bridge and a queue length of over 800m. Further, the authority says that the tabled evidenced indicates that these junctions operate above a reasonable degree of saturation and therefore the traffic generation at peak times is well in excess of the junctions' practical capacity.
8. The main parties agree that the proposed house would give rise to a further 0.5 trips onto these junctions in each of the AM and PM peaks. Further, the Appellant's Transport Statement (prepared by HVJ Transport Ltd.) indicates that the dwelling proposed will generate only 4 vehicle movements per day which is said to cause a minimal effect on the highway network.
9. The time of my site visit did not coincide with a AM or PM peak and I did not experience lengthy delays or queues at the junctions in question. However, it appears to me that the issue is not about the road network generally absorbing the additional traffic over the course of the day, but that at peak times the critical junctions are already shown to be operating well over capacity and that any increase will add to the present congestion. The appellant's highway consultant suggests that there is a quicker alternative route to Abingdon via Drayton but if this route provided an efficient and effective alternative it would already be preferred by local road users. I have also taken account of the alternative means of transport available locally including bus routes and the rail station at Culham which is a reasonable cycle trip from Sutton Courtenay. However, it is likely that such factors have generally been taken account of in the setting of the low trip rate set out above.
10. Whilst I recognise that on its own the proposed dwelling would give rise to a very modest increase in vehicle trips on the local highway network, as the road and junctions at Culham Bridge have been demonstrated to be under pressure well above their technical capacity at peak periods I find that such an increase would further exacerbate this congestion. It has therefore not been demonstrated that the road network can accommodate the traffic arising from the development in the context of saved policy DC5(ii) of the LP. The Council also refers to Policies CP1 and CP4 of the LPP1 but although these deal with new housing allocations in a sustainable manner and the presumption in favour of sustainable development, they do not relate explicitly to the issue of road network capacity.
11. In terms of the National Planning Policy Framework (the Framework) I agree with the Council that the proposal conflicts with the guidance in the final bullet point of paragraph 32 that the cumulative impact of the development on the transport network would be 'severe'.

Other matters

12. At application stage Sutton Courtenay Parish Council raised objection to the form of the additional house proposed, its access and visibility and the relationship with the parish hall site. However, I am satisfied that the new house proposed would fit in with the general character of the area and would not be an over-development of the site. Further, the submitted layout plan shows adequate parking spaces on the site for the proposed dwelling and the existing one. I am also satisfied that conditions could be imposed on the application site to ensure that there is reasonable visibility at the access bearing in mind that the application site lies towards the end of a vehicular cul-de-sac. Therefore, the points raised by the Parish Council do not justify the refusal of the scheme on these grounds.

Planning balance

13. I have considered the appeal in the context that the government seeks to significantly boost the supply of housing and the Framework puts forward a presumption in favour of sustainable development.
14. However on the main issue I have found that there is clear evidence that part of the local highway network already operates well above its capacity and this results in congestion and significant delays to road users at peak periods. Although the traffic generation caused by the proposal would be slight it would add to the level of congestion and make it worse. The proposal would therefore conflict with the policy in the development plan that I have referred to and to the specific guidance on the Framework.
15. The Council says that it can demonstrate in excess of a five year supply of housing land at the moment and on this basis I conclude that there is not an over-riding general need for the additional dwelling that the appeal scheme would provide.
16. I conclude that the proposal does not accord with the Framework when this is read as a whole. Moreover, I find that the conflict with the development plan is not outweighed by other considerations.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR



Appeal Decision

Site visit made on 15 October 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/V3120/W/19/3234258

New House, Churchmere Road, Sutton Courtnay, Abingdon, Oxfordshire OX14 4AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr I Morgan against the decision of Vale of White Horse District Council.
 - The application Ref: P18/V1979/FUL, dated 2 August 2018 was refused by notice dated 18 April 2019.
 - The development proposed is erection of 1 house.
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Decision

This decision is issued in accordance with Section 56(2)(b) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 19 November 2019.

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Following the submission of the appeal, The Vale of White Horse District Council has adopted its Local Plan 2031 Part 2: Detailed Policies and Additional Sites (Local Plan 2) on 10 October. The policies contained in Local Plan 2 replaced the saved policies from the Vale of White Horse Local Plan 2011 that were referred to in the decision notice. Neither party have provided copies of the relevant policies contained in Local Plan 2 and as such I have determined the appeal on the basis of the information before me and the relevant policies of the National Planning Policy Framework (The Framework).

Main Issue

4. The impact of the proposed development would have on transport and highways with particular regard to the capacity of the local road network.

Reasons for the Recommendation

5. The site is located off Churchmere Road and sits within a group of dwellings. A dwelling was located on site but was demolished following flood damage.

Outline planning permission was granted in 2014 for two dwellings on the site (Council Ref: P14/V1087/O). The original dwelling was demolished but the two dwellings were not constructed, and the planning permission has now lapsed. Thus, in the absence of an extant permission, there is no fall-back position and the proposal would result in an additional dwelling on land within Sutton Courtney. The Council did not refuse the application based on the location or design of the proposed dwelling rather the impact of the traffic generated by the proposal on the local road network.

6. Churchmere Road is a small residential road which is accessed via Church Street and Appleford Road. To the north of Appleford Road is Abingdon Road which is where the Culham Bridges are located and the road narrows to a single carriageway and traffic over the bridges is controlled by traffic lights.
7. Paragraph 109 of The Framework states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
8. Oxfordshire County Council as the Local Highways Authority (LHA) have identified that the queuing at the signalised Culham Bridges results in blocking of the bridge and adjacent junctions. The two traffic lights are set some distance apart from each other and encompass more than just the bridges. It has been identified that this can cause long delays during peak hours as there are few alternative routes over the river in the immediate area. It is noted that because of this gridlock any additional trips would disproportionately add significantly to the delays. The LHA contend that this would have a severe impact on the local road network. Surveys of the local highway network were undertaken in 2017, after the former dwelling was demolished and the baseline evidence for the LHAs understanding of the traffic conditions did not include any traffic arising from the appeal site.
9. A number of recent appeal decisions within Sutton Courtney, for proposals of a similar scale, concluded that the Local Highway Authority’s evidence identifies that the road network currently operates beyond its capacity during the peak times in the morning and evening. The evidence not only suggests that this leads to significant congestion but also results in drivers making unsuitable manoeuvres within the highway when seeking to avoid queuing traffic. The Inspectors in the two most recent appeal decisions concurred with the position of the LHA that the existing congestion is severe such that even small increases in the level of traffic would exacerbate the situation and be difficult to accommodate on the network.
10. The proposal before me would add to the identified congestion. No evidence has been provided which would lead me to doubt that the evidence provided by the LHA is an accurate reflection of traffic conditions. Similarly, nothing has been presented that would lead me to depart from the conclusions of previous Inspectors. Due to the severity of the existing situation, any development that would add traffic to the local road network would worsen the situation.
11. Therefore, whilst the proposed dwelling would only give rise to a modest increase in vehicular trips on the local road network, the proposal would contribute to the cumulative impact on the capacity of the local road network which would have a severe impact upon the local road network. Accordingly, the proposal would be contrary to paragraph 109 of The Framework, policy 02

of the Oxfordshire Local Transport Plan and Policy CP1, CP4, CP33 and CP35 of the Vale of White Horse Local Plan Part 1.

Conclusion and Recommendation

12. The proposal would involve the construction of a dwelling within the settlement of Sutton Courtnay and would add to the local supply of housing and would be acceptable in terms of its design, outward appearance and the impact on neighbouring living conditions. I attach moderate weight to the benefits of the new housing, commensurate with the small scale of development.
13. However, the benefits would be significantly and demonstrably outweighed by the harm arising in respect of the local highway network. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR



Appeal Decision

Site visit made on 11 September 2018

by Stuart Willis BA Hons, MSc, PGCE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2018

Appeal Ref: APP/V3120/W/18/3200241

The Barn, Church Street, Sutton Courtenay, ABINGDON OX14 4NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Catherine Avery against the decision of Vale of White Horse District Council.
 - The application Ref P17/V1023/FUL, dated 10 April 2017, was refused by notice dated 12 October 2017.
 - The development proposed is the change of use from storage barn to two bedroomed residential accommodation with parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Both parties were invited to submit comments in relation to the new Framework and where responses were received these have been taken into account in my reasoning.

Main Issue

3. The main issue is the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

4. While there is no specific adopted policy in relation to the traffic issues in the area, there are however policies which look to prevent development that would create or add to existing congestion and highways safety concerns. Each case is assessed on its own merits and in this case the Council have submitted evidence, including survey data, indicates traffic generation at peak times is in excess of the practical capacity of certain junctions in the vicinity of the site. The evidence provided including traffic surveys from May 2017. While acknowledging this is more than a year ago there is no reason to suggest the situation has materially altered. The Appellant has not sought to challenge this evidence or submit any evidence to the contrary.
5. The Council's evidence states that the traffic issues in the area can lead to delays of more than 13 minutes. This is resulting to queues of over 800m on the surrounding network at peak times. The Council highlight the evidence also indicates that junctions in the area are already operating over their practical

capacity at these peak times. The impacts of even a few additional trips, the Council indicate, are causing disproportionate additional delays. Queues are said to be slow to disperse, with the delays and congestion this creates resulting in drivers undertaking unorthodox manoeuvres thereby increasing the risk of shunt accidents and lane blocking. The evidence provided by the Council is therefore that the current residential cumulative impacts from existing traffic on the network is severe, without any further traffic. As such any additional traffic on the surrounding network, even of a modest scale, would cumulatively worsen the situation at the junctions that are already over capacity and would exacerbate the congestion and associated highway safety issues currently experiences at peak times.

6. The Appellant acknowledges there is little doubt that the highway network in the vicinity of the site is under pressure and has not provided any detailed evidence to counter the Council's evidence. She considers this is due in part to other developments that have been, or are, taking place in the area.
7. The Council and Appellant indicate the level of traffic generated from the proposal would be in the region of 0.5 trips in each of the peak AM and PM periods. It is at these times that the Council have indicated the road network currently experiences congestion and is the focus of their concern. My visit was prior to PM peak times. While I accept this was only a snapshot in time, I observed that there was still a build-up of traffic on the section of road which is controlled by traffic lights near the bridge along Abingdon Road. While the number of trips from the proposal is relatively modest in comparison to the overall level of traffic in the area, on the evidence before me I accept that the residual cumulative impact is already severe without the proposed development. I therefore consider that any additional traffic would exacerbate the issues the Council have identified. As such any further traffic, regardless of the amount, would serve only to exacerbate the existing severe traffic impacts on the transport network and add to the delays caused by the congestion, increasing the duration which junctions and carriageways are blocked and the likelihood of accidents.
8. My attention has been drawn to a specific planning application in the area for a larger scale residential development. The Appellant highlights a figure of 5% additional traffic being the measure of what was considered material. The Council have commented that the case referred to does not exceed the number of units for which there are extant permissions in place, and that the Local Highways Authority has not raised any objection to it on that basis. Full details of the circumstances that led to the proposal being considered acceptable at that time have not been presented to me although I note it was for a significantly higher number of dwellings and there was previous planning permission on the site. Therefore it does not represent a direct comparison to this proposal and I give it little weight. Future developments of a larger scale than the appeal before me are highlighted. Any future proposal would need to be assessed on its own merits against the relevant considerations and policies of that time.
9. The Appellant considers the traffic generation from a fallback position would be comparable to the use of the appeal proposal. A lawful development certificate (LDC) has been issued for the appeal building which I acknowledge was not the case with the appeal referred to by the Council. Therefore the circumstances are different to those presented to the Inspector in that case. The LDC is for "the use of the existing residential outbuilding as an annex incidental to The Barn" with the indication being that the annex could be occupied by the Appellant's adult children and/or their partners. Changes being made under permitted development rights to give the annex 2 bedrooms are mentioned. The LDC indicated the building would

be used as a self-contained annex for occupation by family members and possibly as a home office. Its use would be as an extension of the space available within the existing house and it would not be separated physically or functionally from the main house. I consider there is more than a theoretical possibility of the fallback position taking place. There is therefore a need to consider what weight to attribute to the fallback position.

10. I accept that an annex occupied as suggested could generate a level of traffic. However, an annex which is functionally related to the main house, even with a degree of independence, would suggest some shared trips taking place. Journeys such as shopping or visiting friends/family have potential to be shared where the annex would function as single unit along with the main dwelling. A separate unit of accommodation with unrelated and unconnected occupants would not have these shared trips as they would be two independently functioning dwellings. While the Appellant highlights one scenario in which the annex could be used, it could be used in a different manner which results in a far lower level of traffic being generated. Consequently I cannot be confident that the use of the site as an annex would result in the same number of vehicle movements as the proposal. Rather I find it would generate a lower level of traffic than its occupation by a third party as a separate unit. Therefore it cannot be assumed that the conversion of the building to an annex would generate comparable traffic to that of a separate independent dwelling into the future. As such the impacts would be less than that of the appeal proposal, causing less harm. While the fallback is a consideration it does not offer a basis to allow the appeal in light of the concerns above.
11. I note reference by the Appellant to the provision of a larger parking area within the site since the refusal, inclusion of additional parking provision for the existing dwelling and potential access improvements. While this gives potential for extra off street parking it does not imply additional traffic will be generated without the appeal proposal or outweigh the harm from additional traffic generation I have identified.
12. The Council have highlighted an appeal (APP/V3120/W/17/3187947) from earlier this year. I appreciate that appeal did not have the comparable "fallback" position to the case before me, but it did nonetheless consider the impact of a single dwelling on the road network around Sutton Courtenay. The Inspector reached the conclusion that even a very modest increase in vehicle trips would exacerbate the congestion as it had been demonstrated that the nearby junctions are already under pressure and operating well above their capacity at peak times. With no evidence to the contrary I have no reason to come to a different view.
13. The Framework has been revised since the refusal of the application. Paragraph 32 of the previous version related to traffic implications of development and was included in the Council's reasons for refusal. The revised Framework considers this at Paragraph 109 and it no longer refers to "significant amounts of movement" in this context. As such this indicates that any level of traffic generation can be considered in relation to this paragraph. This appeal is determined against the new Framework.
14. For the reasons given above I consider that the proposal would be detrimental to the safe and efficient operation of the highway network in the vicinity of the appeal site. The development therefore conflicts with Policy DC5 of the Vale of White Horse Local Plan 2011 Saved Policies, and Policy CP33 of the Vale of White Horse Local Plan 2031 Part 1 (LPp1) and paragraph 109 of the Framework, which seek to ensure that road networks can accommodate the traffic arising from development, preventing unacceptable impacts on highway safety and severe residual cumulative impacts on the road network.

15. The Council also refers to Policies CP1 and CP4 of the LPP1 in their reasons for refusal. Although these deal with locating new housing allocations in a sustainable manner and the presumption in favour of sustainable development, they do not relate explicitly to the issue of road network capacity. Policy CP35 is also referred to however this relates to promoting public transport, cycling and walking rather than traffic generation. As such these are not relevant to the main issue.

Other Matters

16. The appeal site is in the Sutton Courtenay Conservation Area (CA). As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. While the Appellant considers the proposal would make a positive impact on the character and appearance of the CA I find as the general form of the building is largely unaltered with minimal external alterations it would preserve its character and appearance. Therefore in this regard it would have a neutral effect and not weigh in favour of the proposal in the planning balance. No concerns have been raised by the Council in relation to adverse impact on living conditions of adjoining properties and I have no reason to reach a different conclusion. However, this does not alter or outweigh my findings on the main issue.

Conclusion

17. I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR

PLANNING

ELECTRONIC
VERSION

Planning Decision

P17/V1963/O

c/o Bidwells-Milton Keynes
John Ormond House
899 Silbury Boulevard
Milton Keynes
MK9 3XJ

REFUSAL OF OUTLINE PLANNING PERMISSION

Application No : **P17/V1963/O**

Application proposal, including any amendments :

Outline planning application for up to 200 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works, as amended per Planning Statement (August 2018), Framework Plan (August 2018), FRA (August 2018) and Drainage Strategy (August 2018). The submitted DAS Addendum (August 2018) is in addition to the original DAS submitted in July 2017. (As per amended Framework Plan and supporting documentation received 31 January 2019).

Site Location : **Land off Hobbyhorse Lane Sutton Courtenay Abingdon OX14 4BB**

Vale of White Horse District Council hereby gives notice that **outline planning permission is REFUSED** for the carrying out of the development referred to above for the following reason(s) :

1. Paragraph 109 of the National Planning Policy Framework states:
"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Further, saved Policy DC5 of the adopted Local Plan 2011 and Development Policies 16 and 17 of the emerging Local Plan 2031 Part 2 require safe and convenient access for developments and that the road network can accommodate the traffic arising from the development without causing safety or congestion problems.



The proposal will generate additional traffic movements on to the highway network including the Culham Crossing and the junctions leading to the Culham Crossing which have been identified as over capacity. Based on the findings of the additional traffic surveys and modelling carried out by the local highway authority the impact of the additional traffic movements associated with the proposed development would be severe and result in manoeuvres by drivers that would be detrimental to the safety of highway users.

As such, and notwithstanding the fact that the application site is allocated for housing development in the adopted Local Plan 2031 Part 1, in the opinion of the local planning authority the proposal does not amount to sustainable development and would be contrary to saved policy DC5 of the Local Plan 2011, Development Policies 16 and 17 of the emerging Local Plan 2031 Part 2 and paragraph 109 of the National Planning Policy Framework.

2. The National Planning Policy Framework provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraphs 160 to 163). Core Policy 42 of the Local Plan 2031 Part 1 seeks to minimise the risk and impact of flooding through:
 - Directing new development to areas with the lowest probability of flooding
 - Ensuring new development effectively manages all sources of flood risk
 - Ensuring new development does not increase the risk of flooding elsewhere
 - Ensuring wider environmental benefits of development in relation to flood risk

Based on the drainage documents submitted with this application, in the opinion of the local planning authority the proposal fails to demonstrate that it is flood resilient and resistant whereby residual flood risk can be safely managed, including by emergency planning, and that flood risk will not be increased elsewhere. Therefore, and notwithstanding the fact that the application site is allocated for housing development in the adopted Local Plan 2031 Part 1, the proposal does not amount to sustainable development and would be contrary to the National Planning Policy Framework, Core Policy 42 of the Local Plan 2031 Part 1 and to advice contained in the Council's Strategic Flood Risk Assessment.

3. Notwithstanding the fact that the application site is allocated in the adopted Local Plan 2031 Part 1, in the opinion of the Local Planning Authority the proposal is contrary to saved policies DC6 and NE11 of the adopted Local Plan 2011, Core Policy 44 of the adopted Local Plan 2031 Part 1 and paragraph 170 of the National Planning Policy Framework, as it will have a harmful impact upon the existing, mature trees located to the north of the application site which are key features that contribute positively to the character and appearance of the site and the surrounding area.
4. In the absence of a completed S106 legal agreement, the proposal fails to

secure affordable housing to meet the needs of the District. As such, the development is contrary to the National Planning Policy Framework and Core Policy 24 of the Local Plan 2031 Part 1.

In the absence of a completed S106 legal agreement, the proposal fails to secure infrastructure necessary to mitigate the impacts of the development including the long-term maintenance and management of the open space and play area, street naming and numbering, waste collection bins, public art, s106 monitoring fees, improvements to the strategic cycling infrastructure in Science Vale, improvements to bus services in the area, improvements to bus shelters and for travel plan monitoring. As such, the development is contrary to the National Planning Policy Framework, to saved policies DC4, DC7, H23 of the adopted Local Plan 2011, to Core Policies 7, 24, 33 and 35 of the adopted Local Plan 2031 Part 1 and Development Policies 16, 17, 20, 27, 28, 33 of the emerging Local Plan 2031 Part 2.

In accordance with paragraph 38 of the National Planning Policy Framework the Council takes a positive and proactive approach to development proposals. The Planning Service works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and by advising applicants/agents of issues that arise during the processing of their application and where possible suggesting solutions to problems.

Note : A more detailed explanation is available in the officer's report, available in the application case file.

A handwritten signature in black ink, reading "Adrian D. Field". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Head of Planning
9th August 2019

STATUTORY INFORMATIVE

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under sections 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within **six months** of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

OTHER INFORMATION

The Planning Portal contains a wide range of helpful planning-related guidance and services. You may wish to view their website (www.planningportal.gov.uk).

PLANNING

ELECTRONIC
VERSION

Planning Decision

P21/V2682/O

Roebuck Land & Planning Ltd
Mr Jim Rawlings
3 High Street
Stoke Goldington
Milton Keynes
MK16 8NP

REFUSAL OF OUTLINE PLANNING PERMISSION

Application No : **P21/V2682/O**

Application proposal, including any amendments :

Residential development up to 175 dwellings (Outline Planning Application with all matters reserved except means of access to the site from Frilsham Street) and associated works (as per amended plans and documents received in June 2022 and 25 August 2022).

Site Location : **Land north of Hobbyhorse Lane Sutton Courtenay OX14 4BB**

Vale of White Horse District Council hereby gives notice that **outline planning permission is REFUSED** for the carrying out of the development referred to above for the following reason(s) :

1. Frilsham Street is in part, a designated by-way open to all traffic. It is used as a cycle route and provides access to the village hall. Frilsham Street is subject to on street car parking which narrows its useable width to a single lane. The increased traffic movements resulting from this proposal would fail to provide safe access for all users of Frilsham Street which is considered detrimental to highway safety and contrary to Development Policy 16 of the Local Plan 2031 Part 2 and paragraph 110 (b) of the National Planning Policy Framework.
2. The village and application site are poorly served by public transport and therefore, occupants of the proposed housing would be reliant on private motor vehicles for most of their trips. The additional traffic movements associated with the proposed development, upon the local highway network described as "highly fraught" by Thames Valley Police, would be detrimental to the safety of highway users. As such the proposal is considered contrary to Development



Policy 16 of the Local Plan 2031 Part 2 and paragraph 110 (b) of the National Planning Policy Framework.

3. The site is subject to contamination from former land uses adjacent (east) of the site and the proposal fails to demonstrate that the proposed contamination mitigation measures and particularly their future management are sufficient to ensure the protection of the health and well-being of the future occupants of the proposed development. As such the proposal does not amount to sustainable development and would be contrary to Development Policies 24 and 27 of the Local Plan 2031 Part 2 and paragraph 119 and 183 (c) of the National Planning Policy Framework.
4. The site is subject to odour generated by a nearby composting facility (FCC Sutton Courtenay) and the proposal fails to provide sufficient information to fully assess the impacts of odour upon the living conditions of future residents. In particular the application fails to demonstrate how the impact of odour can be successfully / sufficiently mitigated, so that health and well-being of the future residents of the proposed development would not be negatively affected. As such the proposal does not amount to sustainable development and would be contrary to Development Policy 24 of the Local Plan 2031 Part 2 and paragraph 119 of the National Planning Policy Framework.
5. The application site is subject to surface and ground water flooding. The proposal fails to demonstrate that it is flood resilient and resistant from all sources of flood risk and that flood risk will not be increased elsewhere taking account of the effects of climate change. As such the proposal would be contrary to Core Policy 42 (iii) of the Local Plan 2031 Part 1, and paragraph 166 of the National Planning Policy Framework.
6. In the absence of a s.106 agreement relating to the provision of affordable housing and financial contributions towards public transport, education, public art, street naming, waste bin provision, household waste and recycling centres and the provision of and management of public open spaces and play areas, the maintenance of the gas vent trench and a restriction to 43 dwelling occupations before the new Thames crossing is in use, the proposal would place increased pressure on these facilities and fail to provide the environmental, social, and recreational services needed to support this development. This is considered contrary to core policies 7, 24, 33 and 35 of the Vale of White Horse Local Plan 2031 Part 1 and development policies 20, 28 and 33 of the Vale of White Horse Local Plan 2031 Part 2.

NB: The sixth reason for refusal could be overcome by entering into a section 106 agreement(s) with the Vale of White Horse District Council and Oxfordshire County Council to secure affordable housing, financial contributions towards infrastructure and services improvements. open spaces and play areas.

In accordance with paragraph 38 of the National Planning Policy Framework the

Council takes a positive and proactive approach to development proposals. The Planning Service works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and by advising applicants/agents of issues that arise during the processing of their application and where possible suggesting solutions to problems.

Note : A more detailed explanation is available in the officer's report, available in the application case file.

A handwritten signature in black ink, reading "Adrian D. Field". The signature is written in a cursive style with a long horizontal stroke underneath.

Head of Planning
23rd November 2022

STATUTORY INFORMATIVE

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under sections 78 and 79 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from :

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Telephone : 0303 444 5000
www.planningportal.gov.uk
email: enquiries@pins.gsi.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council

(District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter 1 of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

OTHER INFORMATION

The Planning Portal contains a wide range of helpful planning-related guidance and services. You may wish to view their website (www.planningportal.gov.uk).

BUILDING OVER GAS MAINS AND SERVICES

Please note before you plan to dig, or carry out building work within the SGN gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact the SGN Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone SGN with general plant protection queries. See SGN details below: Phone 0800 912 1722 or email plantlocation@sgn.co.uk

For further information please refer to:

<https://www.sgn.co.uk/damage-prevention>

<https://www.sgn.co.uk/help-and-advice/digging-safely>



Appeal Decision

Site visit made on 20 March 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2019

Appeal Ref: APP/V3120/W/18/3214090

West Barn, Peewit Farm, 95 Drayton Road, Sutton Courtenay, Abingdon OX14 4HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2.(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Stuart Wilson against the decision of Vale of White Horse District Council.
 - The application Ref P18/V1661/N4B, dated 3 July 2018, was refused by notice dated 28 September 2018.
 - The development proposed is a change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application form does not give a description for the development at section 5, however, this form can only be used for the proposal as described in its heading. I have, therefore used that description of development in my heading above.

Background and Main Issue

3. There is no dispute that the development complies with the provisions and limitations of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") and there is no reason for me to take a contrary view.
4. The provisions of the Order, under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2(1) require an assessment of the proposal solely on the basis of certain clearly defined issues. Of the matters that fall to be considered, the Council is only concerned with the transport and highway impacts of the development. All other matters were considered by the Council to be acceptable and there is no reason for me to disagree.
5. The main issue, therefore, is the effect of the development on transport and highways with particular regard to the capacity of the local road network.

Reasons

6. The site is close to an area of the highway network which is known to be heavily congested at peak times. This is broadly a consequence of a lengthy signal controlled, single-lane width section of road across the Culham Bridges that causes backing up at other nearby junctions.
7. Evidence from the Local Highway Authority based upon traffic surveys in 2017 indicates that lengthy queues build in the area at peak times. Previous Inspectors considering proposals for dwellings in nearby Sutton Courtenay¹ have found that the Highway Authority's evidence indicates that the road network currently operates beyond its capacity. The most recent of the appeal decisions noted that the existing effect of traffic was severe and both decisions found that no additional traffic, no matter how small could reasonably be accommodated on this part of the network. I have nothing to dispute the Highway Authority's evidence in this regard and so no reason to disagree with those earlier Inspectors' findings.
8. Those earlier decisions were both for single dwellings and so would likely generate a comparable amount of traffic to the current proposal. The traffic generation would be limited in itself, but the Highway Authority's evidence suggests that even small increases in traffic could have significant effects given that parts of the network are already saturated. Given the severity of the existing situation, therefore, resisting development that would add traffic to this part of the network can be justified, even if the broad location of development would otherwise be suitable under the locational strategy of the development plan.
9. In order to add to the existing problem, traffic would have to travel towards the congested area. In this regard, I note that there are other routes around the area that future residents may seek to use. However, whilst a highway impact study may sometimes be considered disproportionate to the scale of the proposed development, in the absence of any substantive evidence about likely trip patterns, I can only attach limited weight to the supposition that residents may use other routes and so not contribute to the existing congestion.
10. It may well be that the prior approval process under the GPDO removes an element of planning judgement from certain development proposals. However, whilst the Planning Practice Guidance may advise that the location of development is not a factor to be considered, this does not necessarily mean that all of those matters subject to which prior approval should be assessed should be confined to impacts on the site.
11. The proposal is not an application for planning permission, but the GPDO does require a specific assessment of the transport and highway impacts against the National Planning Policy Framework (the Framework). I find no compelling reason as to why this should not go beyond the confines of the site and look at wider capacity issues on the highway network. For the reasons given above, I find that the effect of increased traffic on the congested part of the local highway network would be severe and there is nothing substantive to suggest that this increase would not occur.

¹ Appeal Refs: APP/V3120/W/18/73187947 & APP/V3120/W/18/3200241

12. I note that the Local Highway Authority proposes to address congestion in the area through new road schemes. However, there is no clear evidence that recent Government grants would address the congestion around Culham Bridges. Similarly, there is no certainty that a recent bid to address that issue would be successful and, if it were, what the timetable for delivery would be.
13. Any CIL receipts from the development would contribute to infrastructure funding in the locality, which could include road schemes. However, there is also no clear evidence before me suggesting that the congestion near the appeal site would be resolved by the time that the dwelling came to be occupied. I, therefore, attach limited weight to potential future improvements to the network.
14. For the reasons given above I find that the transport and highway impacts would be unacceptable and would conflict with Paragraph 109 of the Framework. Therefore, the appeal should be dismissed.

M Bale

INSPECTOR