



## Appeal Decision

Inquiry held 23<sup>rd</sup> – 26<sup>th</sup> February, 2<sup>nd</sup> – 5<sup>th</sup> March 2010

Site visit made on 4<sup>th</sup> March 2010

by **T Cookson MRTPI DipTP FRGS**

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

### The Planning Inspectorate

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Decision date:  
31 March 2010

### Appeal Reference: APP/Q3115/A/09/2113256 Land west of Reading Road, Wallingford

- 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 Wates Developments Limited against the decision of South Oxfordshire District Council.
- The application (reference: P09/W0489), dated 22<sup>nd</sup> May 2009, was refused by notice dated 27<sup>th</sup> August 2009.
- The development proposed is '**demolition of 10 Winterbrook, Reading Road, and development of land to the west so as to accommodate 106 dwellings together with new access and landscaping works**'.

### Decision

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

### Procedural Matters

2. The application the subject of the appeal seeks full planning permission.
3. The drawings submitted as part of the application are listed in paragraph 2.10 of the Statement of Common Ground, with the addition of drawing no. ITB4081-GA-019 entitled 'Site Access Comparisons'<sup>1</sup>. I am satisfied that this drawing does not materially alter the nature of the application and that no one who would normally have been consulted would be prejudiced by the drawing being considered. Accordingly, I propose to deal with the appeal on this basis.
4. The appeal site and land to the west are under consideration by the local planning authority for housing as part of the Council's Core Strategy. The area is known as Site E. Whilst I am aware of work being carried out for the Core Strategy, this appeal is concerned solely with the merits of this proposal on the appeal site. It is not my rôle to comment upon the acceptability of the sites under consideration for development in and around Wallingford.
5. Following the close of the Inquiry Planning Policy Statement 5 (PPS5), entitled *Planning for the Historic Environment*, was published on 23<sup>rd</sup> March. I consider that the publication of this document does not constitute a material change in circumstances in relation to the details of this case sufficient to affect my consideration of Issue 7 and require me to refer back to the parties for further representations prior to reaching my decision.

<sup>1</sup> Document 4



**Section 106 Agreements and Undertaking**

6. There are two agreements under Section 106 of the Town and Country Planning Act 1990. One is between the appellant and the landowners and the county council, the other is with the district council. The landowners and the appellant have also submitted a unilateral undertaking.

**Site and Surroundings**

7. The site is some 3.9ha. in size and comprises three fields used for occasional grazing of livestock and the house and curtilage of 10 Winterbrook. It is bounded to the north by Bradford's Brook, immediately beyond which is the Wallingford Community Hospital. To the east are the rear gardens of the dwellings that front Reading Road, one of the main routes into Wallingford town centre, which is some 850m to the north. To the south are properties that lie along Winterbrook Lane. Open agricultural land is to the west; beyond is the western by-pass to the town.

**Proposed Development**

8. The proposed development seeks to erect 106 dwellings on the site. There would be a mix of dwelling types ranging from one-bedroom flats to five-bedroom houses<sup>2</sup>. 40% of the units would be affordable properties and some 44% of the market units would be one- and two- bedroom dwellings. All of the units have been designed to meet the Code for Sustainable Homes Level 3. Also, 10% of the site's energy requirements are to be provided through the use of renewable resources.
9. The development would include landscape areas in the form of buffers to Bradford's Brook and along part of the western boundary. There would be areas of incidental open space within the site, including a community orchard. Many of the good quality trees on the site, as well as trees and hedges on the boundaries, would be retained.
10. The demolition of 10 Winterbrook would provide vehicular and pedestrian access to the main road. The junction with Reading Road would be controlled by traffic signals. Pedestrian access would also be provided to Winterbrook Lane to the south.

**Main issues**

11. From my consideration of all the evidence and representations, and from my inspection of the site and surroundings, I am of the opinion that the main issues in this case are:
  - 1) The extent to which the proposed development is in accordance with the development plan for the area, having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 and other material considerations.
  - 2) The extent to which the proposed development is consistent with Government policies in Planning Policy Statement 1 – *Delivering*

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<sup>2</sup> Full details are at paragraph 5.3 of the Planning Statement of Common Ground

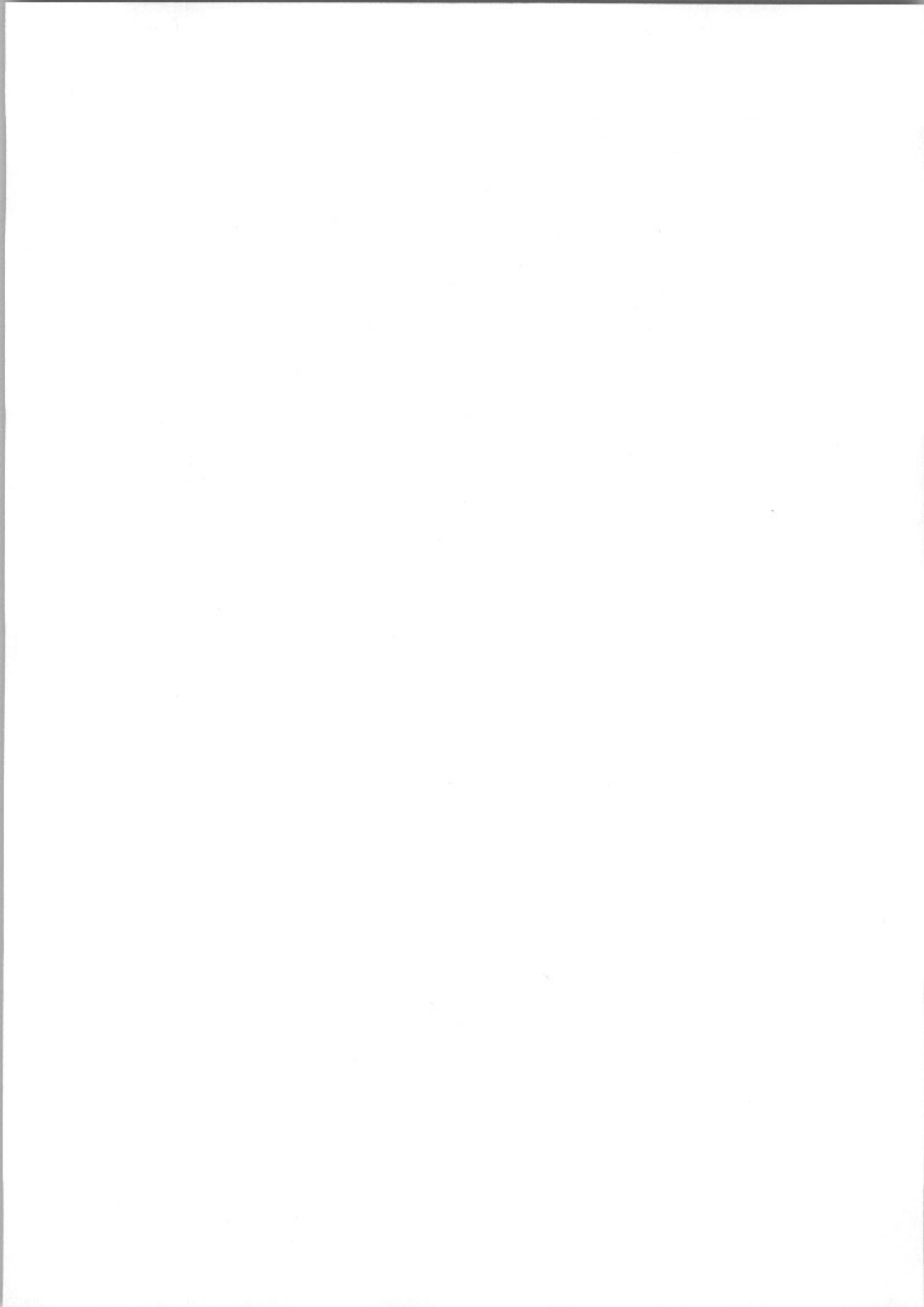


*Sustainable Development*, with particular regard to the need to contribute to the delivery of sustainable development through dwellings built in accordance with the Code for Sustainable Homes, and the development having regard to the need to incorporate renewable and low carbon energy sources.

- 3) The extent to which the proposed development is consistent with Government policies in Planning Policy Statement 3 – *Housing*, with particular regard to housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure, and a sufficient quantity of housing, taking into account need and demand and seeking to improve choice.
- 4) The extent to which the proposed development is consistent with Government policies in Planning Policy Guidance 13 – *Transport* with particular regard to the need to reduce the need to travel, especially by car, and secure community safety and road safety by the design, location and nature of the access, and by the layout of the development.
- 5) The extent to which the proposed development is consistent with Government policies in Planning Policy Guidance 17 – *Planning for Open Space, Sport and Recreation* with particular regard to the need to meet the sport, open space and recreation requirements of the whole community by protecting existing facilities and securing appropriate new provision.
- 6) The effect of the proposed development on the character and appearance of the surrounding area.
- 7) The effect of the development on the character and setting of nearby listed buildings.

### **Policy Considerations**

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
13. In this case the development plan comprises the Regional Spatial Strategy for the South-East (May 2009) (The South-East Plan), and the saved policies of the South Oxfordshire Local Plan (2006).
14. Material considerations that I consider need to be taken into account include Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1); Planning Policy Statement 3: *Housing* (PPS3); Planning Policy Statement 5 (PPS5): *Planning for the Historic Environment*; Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7); Planning Policy Statement 12: *Creating Strong, Safe and Prosperous Communities through Local Spatial Planning* (PPS12); Planning Policy Guidance note 13: *Transport* (PPG13); Planning Policy Guidance note 17: *Planning for Open Space, Sport and Recreation* (PPG17).



15. Other material considerations include: Circular 11/95: *Use of Conditions in Planning Permission* and Circular 05/2005: *Planning Obligations*. The emerging Local Development Framework (LDF) document *Core Strategy Preferred Options Consultation* is at an early stage in the process and is agreed by the main parties to be of limited weight.

### Reasoning

#### Issue 1

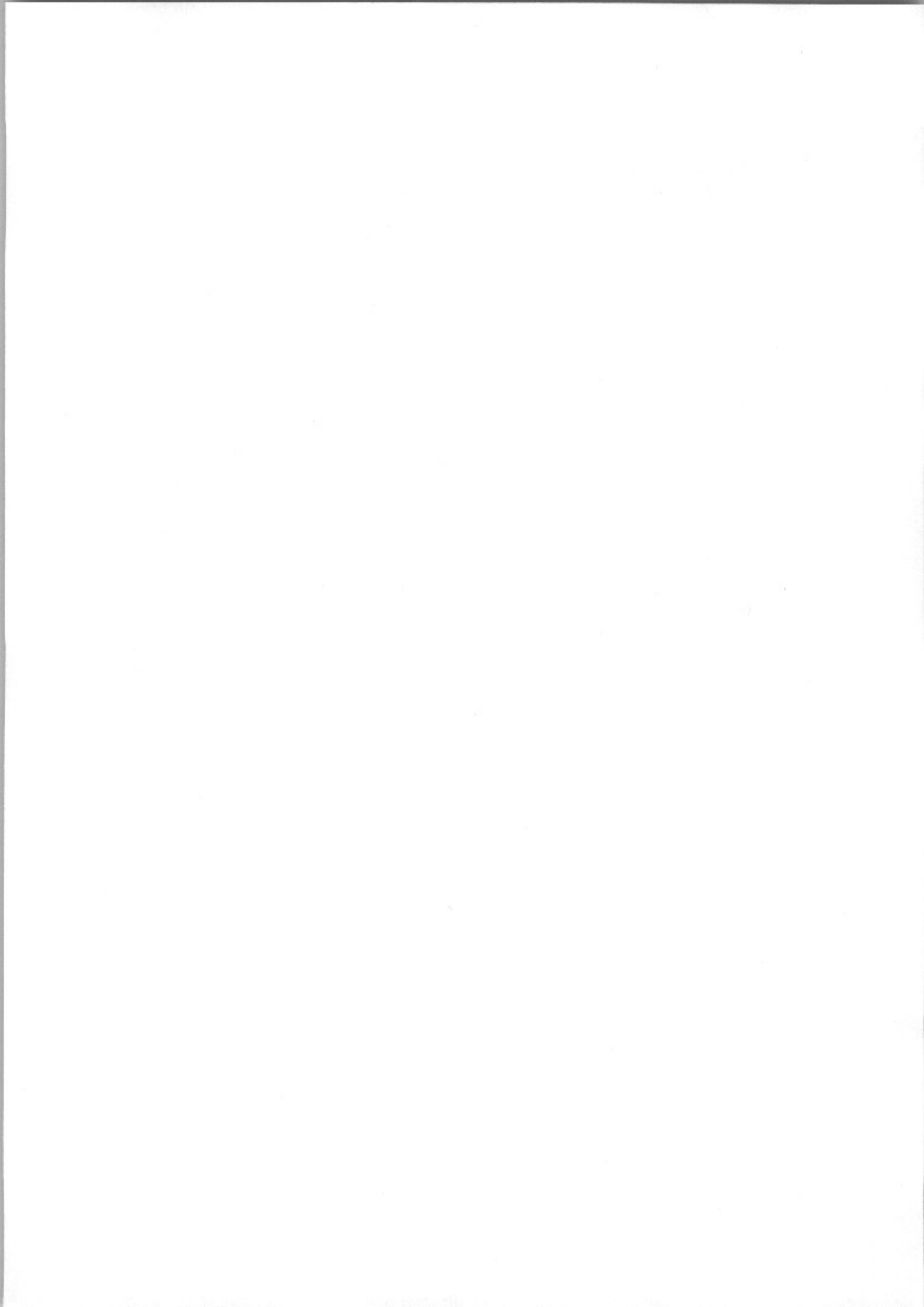
16. Policy H1 of The South-East Plan<sup>3</sup> deals with regional housing provision. It stipulates that in this sub-region, 40,680 net additional dwellings should be provided between 2006 and 2026. Table H1b requires South Oxfordshire to provide some 10,940 units. Policy H2 requires local planning authorities to allocate and manage a land supply to deliver both the district and sub-regional housing provision. Authorities should take account of, inter alia, first, the possibility of maximising the scale and the pace of housing delivery on named strategic locations, and second, the need to address any backlog of unmet housing needs within the housing market areas to which they relate in the first ten years of the Plan.
17. Policy SP3 states that the prime focus for development should be urban areas, with local planning authorities formulating policies to concentrate development within or adjacent to the region's urban areas. Policy CO1 identifies the main locations for development in central Oxfordshire. Didcot is identified as one of these locations. Policy CO3 apportions 6,000 of the 8,240 dwellings to be provided in South Oxfordshire at Didcot. Also, in Policy BE4 authorities are required to encourage and initiate schemes and proposals that help strengthen the viability of small rural towns, such as Wallingford, by promoting, amongst other things, sufficient housing development to meet identified needs, whilst protecting and enhancing their character and appearance.
18. In the South Oxfordshire Local Plan<sup>4</sup> saved Policy H2 allocates sites for residential development within the district. The appeal site is not listed. Saved Policy H6 precludes new housing, inter alia, on the edge of settlements where the built-up area would be extended. Saved Policy G4 contains the same preclusion.
19. The Core Strategy Preferred Options Consultation<sup>5</sup> includes the appeal site as part of one of the sites on the edge of Wallingford being considered for a future housing development of some 750 dwellings. However, a further consultation exercise is being undertaken by the Council with a view to providing a submitted version of the Core Strategy document later this year. This document therefore has little weight in terms of materiality.
20. Accordingly, in terms of this issue I conclude that in policy terms the appeal site is not allocated for housing purposes in the development plan, and thus does not accord with the development plan.

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<sup>3</sup> Core Document CD4

<sup>4</sup> Core Document CD5

<sup>5</sup> Core Document CD15





*Issue 2*

21. Paragraph 27 of PPS1 sets out the approach that should be taken in order to deliver sustainable development. The site is clearly not previously-developed land. However, the opportunities for providing housing on such land in Wallingford are limited. This is witnessed by the Council's consideration in the Core Strategy Preferred Options report of various greenfield sites around the town. The appeal site forms the eastern part of Area E, one of the options under consideration.
22. Leaving aside the fact that the appeal site is part of a larger area under consideration for development, by itself the site has advantages in terms of sustainability. It is on the edge of the built-up area, close to the town centre. Other facilities in the town are also relatively close. Thus through its location relative to Wallingford, development on the site would help sustain and promote the viability and vitality of the town centre. The site's location could also encourage more sustainable transport patterns.
23. In terms of the scheme itself, the development, being at a higher density than surrounding housing, would represent a more efficient use of land. Also commendable is the fact that the dwellings would be constructed to a minimum Level 3 of the Code for Sustainable Homes, and that 10% of the site's energy would be from renewable sources.
24. Accordingly, I consider that the proposed development accords with the principles advocated in PPS1.

*Issue 3*

25. PPS3 sets out the Government's approach to housing delivery. The objective is to ensure that there is a flexible, responsive supply of deliverable sites through having a continuous 5-year supply. Where an up-to-date 5-year supply of deliverable sites cannot be demonstrated, a local planning authority should consider favourably applications for housing having regard to the policies in the PPS, especially the matters listed in paragraph 69.
26. As stated above, The South-East Plan apportions 8,240 dwellings to be provided in South Oxfordshire during the plan period. Some 6,000 of them are proposed to be provided at Didcot. The most up-to-date assessment of the 5 year housing land supply position dates from April 2009<sup>6</sup>. The figures were calculated using the emerging South-East Plan requirements. The assessment shows a shortfall of some 1,530 houses for the district. The Council's reassessment of the figures in May 2009, when The South-East Plan came into force, calculated a surplus of 414 dwellings in the 5 year period, with a surplus of 372 at Didcot, 28 in the rest of Central Oxfordshire, and 14 in the remainder of the district. These figures are based on the premise that the figures for Didcot no longer need to be 'front-loaded'.
27. I have considered the evidence regarding the deliverability of sites such as Didcot West, Ladygrove East, Didcot town centre and Fair Mile. As a result I find the Council's assessment to be overly optimistic. The authority's approach lacks robustness and does not properly adopt the Government advice on

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<sup>6</sup> Core Document 18



assessing deliverability. This optimistic approach is also reflected, in my view, in the Council's approach to its time estimates with the Core Strategy Preferred Options, where progress has not been achieved as originally forecast.

28. The Council has indicated that the housing land supply figures in central Oxfordshire comprise Didcot and the rest of central Oxfordshire, that is, Didcot is 'ring-fenced' or disaggregated. I do not find evidence that this is the correct approach in The South-East Plan. Policy H1 of the plan indicates that the housing figures are district figures. The plan makes it clear that authorities should deliver their sub-regional allocations within their part of central Oxfordshire. On a straightforward reading of the plan I cannot find anything that suggests that if Didcot were unable to provide 6,000 units then the Council's housing requirement in central Oxfordshire should be reduced accordingly.
29. I have had regard to the Inspector's findings on housing supply in the Benson Lane appeal. I do not have before me the evidence that was relied upon by the Inspector in that case. I note, though, that his conclusions turned greatly on the credibility of witnesses, which is not the case here.
30. Altogether, I conclude on this issue that I am inclined to accept the appellant's more up-to-date estimate of the housing land supply situation as being the more pragmatic, in that there is less than a 5 year housing supply.

#### *Issue 4*

31. Paragraph 4 of PPG13 sets out the Government's objectives. They are to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduce the need to travel, especially by car. Paragraph 6 deals with community safety and road safety. As stated above the town centre and other facilities in Wallingford are relatively close to the site. The opportunity exists, therefore, for development on this site to achieve the transport objectives of PPG13 in a realistic and reasonable manner.
32. With the proposal, access for vehicles and pedestrians would be to Reading Road by way of a road and footway constructed in the south-eastern part of the site using the land and curtilage of 10 Winterbrook. A further pedestrian access is proposed from the southern boundary onto Winterbrook Lane. Within the development an estate road runs parallel to and close by the southern part of the western boundary. This layout is designed to enable a future link to be made to the land to the west should the need arise. I do not consider, therefore, that any future development of this land to the west would be necessarily compromised, although I am not convinced that co-operation, and the co-ordination of schemes, between the appellant and Berkeley Homes is as robust as it could be.
33. Despite the proposed connections to Reading Road and Winterbrook Lane, the ability for prospective residents to have ready and easy access to the town centre is compromised by the position of these accesses. They are in the southern part of the site, the furthest points away from the town centre. Notwithstanding a footpath being provided in the landscape buffer along the northern boundary there is no pedestrian route in and out of this part of the site, the most logical location for a pedestrian and cycle link.



34. Altogether, there is no easy and direct route for pedestrians wishing to walk or cycle to the town centre or even the nearby hospital and doctors' surgery. Residents, especially those living in the furthest parts of the appeal site, who wish to walk into the town centre, would have to undertake an indirect route. They would have to walk away from the town centre through the development, join Reading Road, and then walk northwards into the centre, crossing the main road several times to use the available footways. It is not a natural and easy connection that would tempt residents to use it. It is tortuous and uninviting, although I accept that residents could access the bus stops on Reading Road.
35. Overall, I find that the net result of these far from satisfactory links would be to encourage residents to undertake the majority of their journeys by car, contrary to the policies of PPG13.

#### *Issue 5*

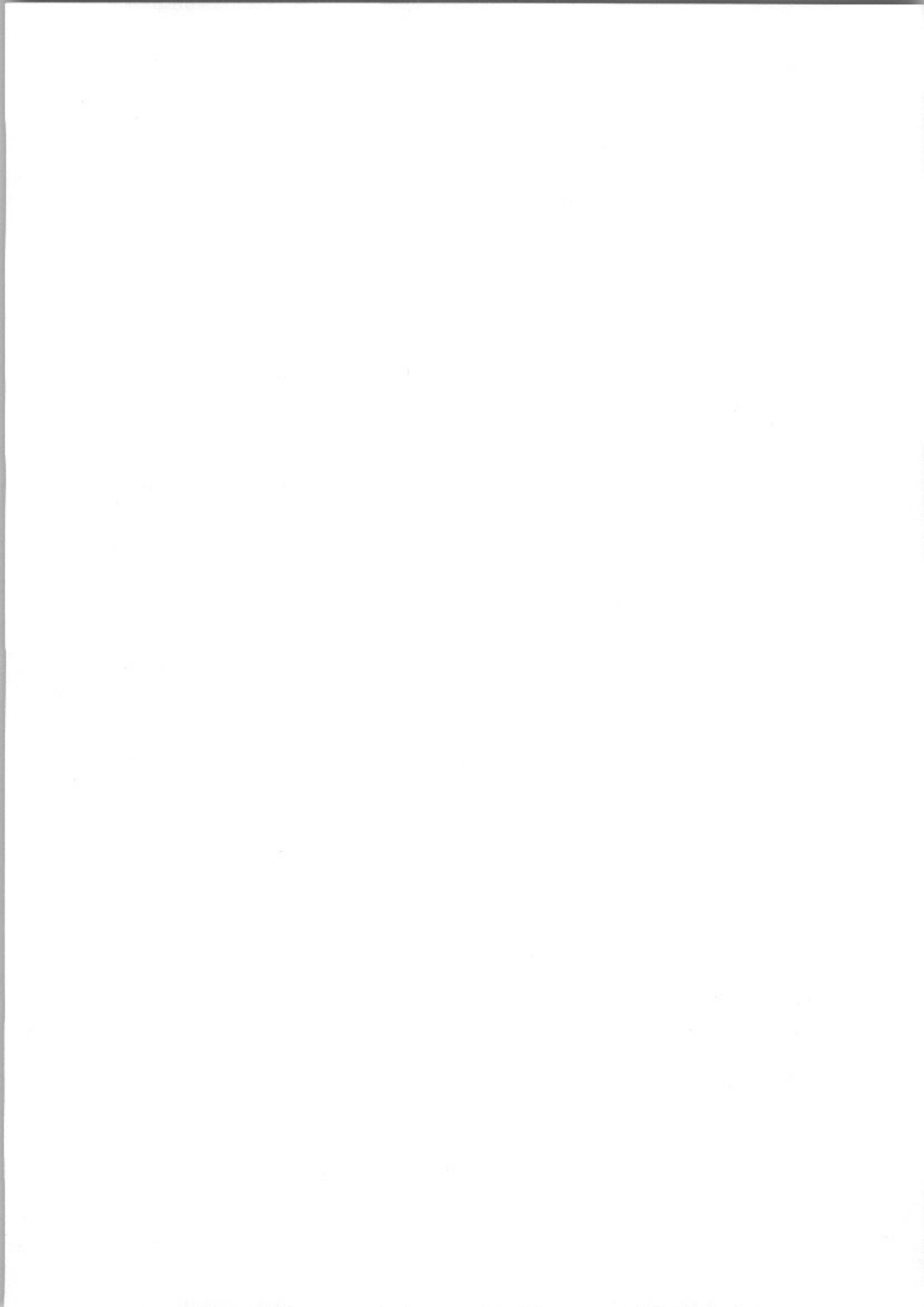
36. PPG17 relies on local planning authorities to set open space standards that cater for local circumstances and that take account of quantitative elements, a qualitative component, and accessibility. The guidance also encourages local authorities to seek opportunities to improve the value of existing facilities.
37. The proposal provides for some 0.9ha. of landscaped amenity space within the site, including a community orchard. I note that this amount exceeds what is necessary to accord with the Council's standards regarding public open space and play space provision. Also contributions towards the provision of open space and leisure facilities are contained in one of the Section 106 Agreements. Accordingly, I consider that the proposal is consistent with the aims and objectives of PPG17.

#### *Issue 6*

38. I note that Winterbrook and the appeal site have been described in various ways, with terms such as hamlet, a linear settlement possessing rural characteristics, and Arcadian springing to mind. The last description used by the Council's landscape witness to describe the aspect of the site when viewed from the west, is especially inapt. The open area of the site, with its occasional trees and vegetation, and the adjoining fields is pleasant urban fringe. It certainly does not represent an ideal rustic paradise.
39. In addition to my accompanied site visit I also visited the site and surroundings unaccompanied. In particular, I viewed the site from the by-pass to the west. I found that the edge to the urban area created by the existing housing estate is quite unprepossessing. I found also that the edge to the development along Reading Road and Winterbrook Lane is irregular and visually weak. Having regard to the nature, form and design of the buildings and landscaping proposed, I consider that the development would create a strong edge to the settlement, if needed. It would relate satisfactorily to the larger context of the built form of Wallingford and Winterbrook as a whole. It would provide an element of unity of built form where none exists to any degree at present. Accordingly, from this aspect, I consider that there would be no deleterious effect on character and appearance.
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40. Although administratively Winterbrook is within the parish of Cholsey, and not in Wallingford, it does not bestow upon Winterbrook any rural prerogative. Whatever its history, physically Winterbrook now forms part of the outskirts of the town. It is evident that the early, original properties were scattered along the Reading Road, and subsequent infilling to the frontage created a linear form. Development in depth then took place at certain points at a later date. The result is a road of mixed character with some attractive buildings and sizeable gardens that, overall, create an attractive approach to Wallingford. And I find that this character extends to a noticeable degree north of Bradford's Brook towards the town centre.
41. The stretch of Reading Road where the linear development is most attractive in terms of character and appearance is between the brook and Winterbrook Lane. Here the properties are larger and more distinctive. Many are set in sizeable plots that contain mature trees and bushes. The overall effect is to create a strong sense of enclosure whereby this relatively narrow space directs one physically and visually along the road.
42. The proposed development on the appeal site would be described at certain points through odd gaps between the buildings and the vegetation, but not to such a degree that would harm the character and appearance of this part of Reading Road. However, what would damage this part of the road in this regard is the proposed access to the appeal site. It would open up the most sensitive stretch of road by creating an access wide enough for a standard carriageway, a footway, and landscaping. Views of the new housing would be clearly seen, notwithstanding the careful siting of the buildings and the landscaping. The net result would be to damage irreparably the linear nature and sense of enclosure that is the prime component of the character and appearance. To provide access to the site in this location is, I consider, unacceptable.
43. Winterbrook Lane was described by the Inspector in considering appeals for residential development in 2004 as being semi-rural in nature. He determined that the appearance of the field on the north side of the lane would be lost and that development would seriously harm the existing character of the lane.
44. This present scheme involves two dwellings fronting Winterbrook Lane, but not gaining direct access to it. Landscaping is proposed along the frontage. I accept that the gap would be filled in, thus affecting the views from the houses on the south side of the lane. However, bearing in mind the context of the scheme as a whole, and the fact that only two dwellings are proposed in the gap, I consider that overall, the effect on the character and appearance of Winterbrook Lane would not be so overwhelming as to warrant refusal.
45. There is, however, one aspect of the scheme that would affect the character of the lane, and that is the proposed pedestrian access from the development on to the lane. Whilst I appreciate that it would enable prospective residents to gain access to Reading Road and to the countryside to the west, it would result in a considerable increase in pedestrians using the lane. This would, I find, cause an unacceptable diminution in the quiet nature of the lane.
46. To conclude on this issue, I find that whilst the development would not affect the character and appearance of the area when viewed from the west, the
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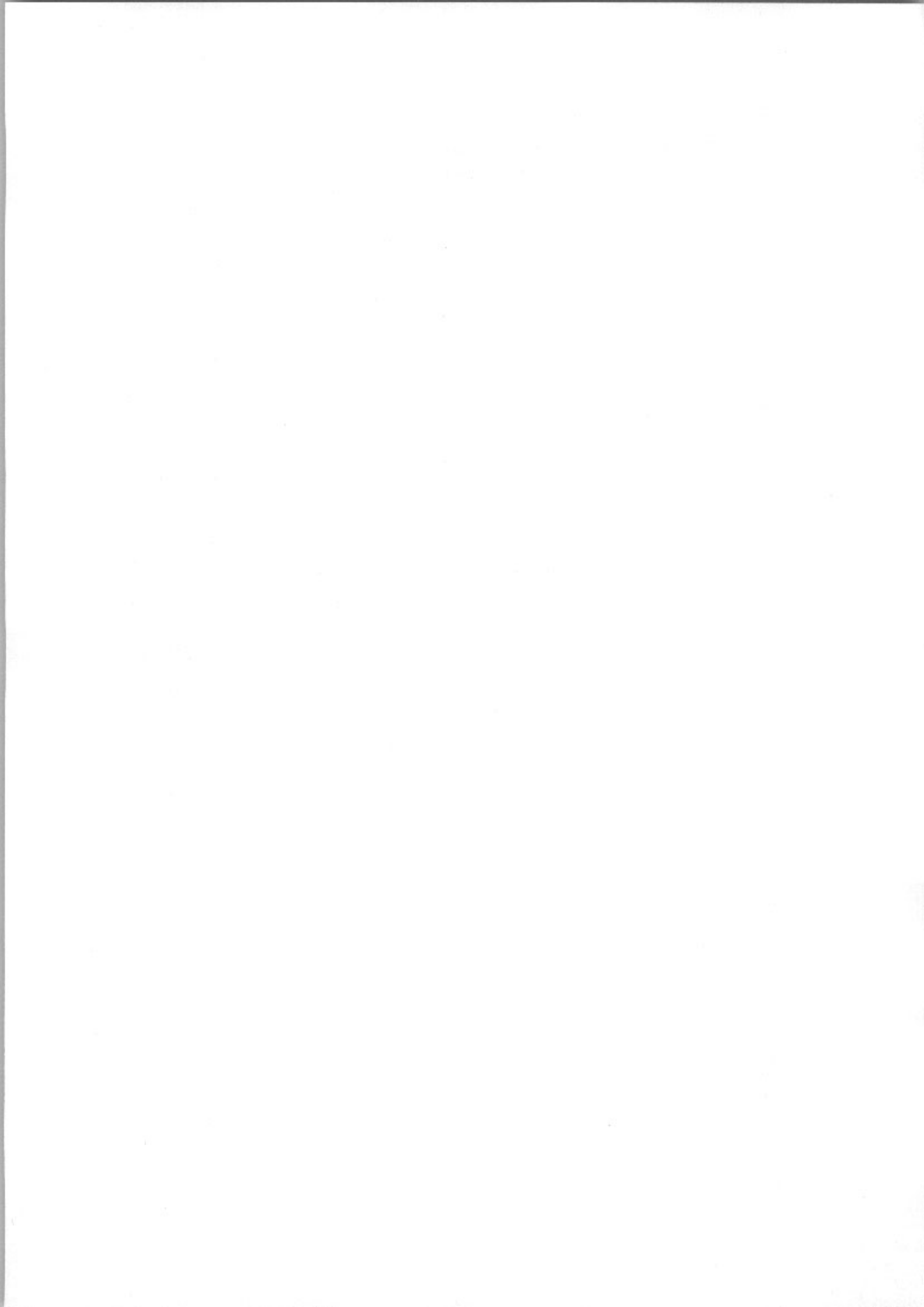




details of the development in the form of the proposed vehicular access onto Reading Road and the pedestrian access to Winterbrook Lane would be detrimental to character and appearance.

*Issue 7*

47. Sections 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard shall be paid to the desirability of preserving listed buildings or their settings, or any other features of special architectural or historic interest that they possess.
48. Policy HE9.1 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets, and the more significant the designated heritage asset, the greater the presumption should be in favour of its conservation. Significance can be harmed or lost through development within the setting of the designated heritage asset.
49. Policy HE10.1 requires that when considering applications for development that affect the setting of a heritage asset, applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. When considering applications that do not do this, any such harm should be weighed against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.
50. The PPS defines a listed building as a designated heritage asset. The setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
51. There are two Grade II listed buildings near to the development. They are Winterbrook House and Winterbrook Lodge. Both are on Reading Road. The former is on the eastern side and is a two-storey property with an attic dating from the mid-18<sup>th</sup> century. It was formerly the house of Dame Agatha Christie. It is a substantial property with a separately-listed stable and extensive grounds that lead down to the River Thames. The house itself is set close to the road, behind railings, a hedge and a wall. The wall, which is part of the curtilage and thus included in the listing, is some 1.7m high and about 135m long, and runs at the back of the footway.
52. Winterbrook Lodge and its attached barn are listed together. The lodge dates from the early 19<sup>th</sup> century, and is a two-storey, rendered building. The barn is timber-framed with a half-hipped, plain tile roof. They are almost directly opposite Winterbrook House on the west side of Reading Road. The Lodge is a classically-inspired building whose principal elevation faces the road.
53. The proposed development involves the creation of a junction at the point opposite the wall of Winterbrook House, the house itself being a short distance to the south-east. Winterbrook Lodge is to the south, with a smaller dwelling located between it and the proposed access. The junction works would involve



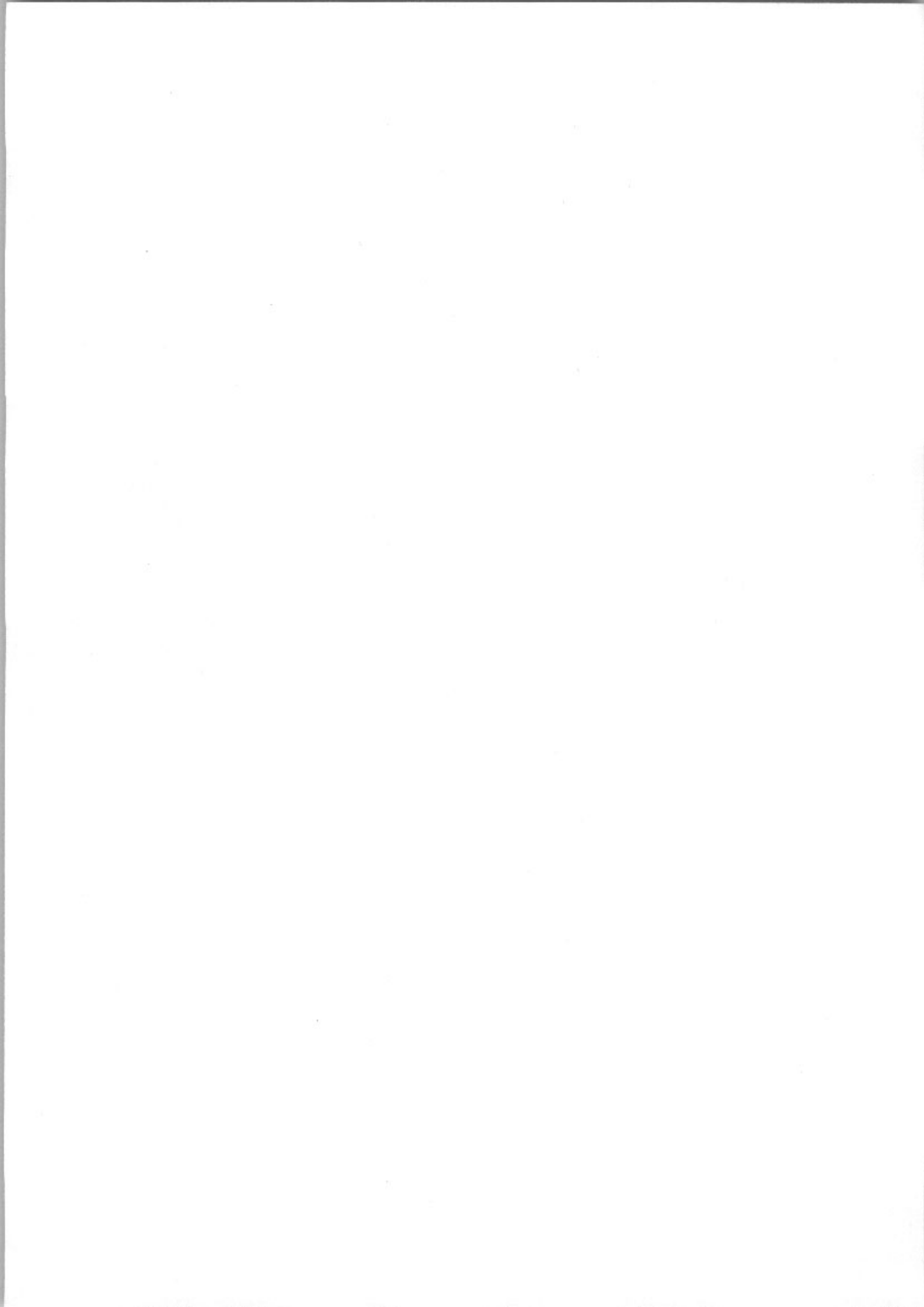
- traffic lights, road markings and signal crossings for pedestrians. All the traffic entering and leaving the site would use this point.
54. It is a location where Winterbrook House, with its proximity to the road and its imposing boundary wall, commands this part of Reading Road both visually and functionally. The house dominates to such a degree that I consider that a large part of Reading Road in front of and adjacent to the house and the wall can be regarded as part of the setting that contributes positively to the significance of this designated heritage asset. This setting has changed over the years as the road has been improved, other houses have been built, and the amount of traffic has increased. Yet such changes that have occurred have been gradual. If there have been any effects on the setting of the building they have been negligible and immaterial.
55. In contrast, the net effect of creating a new junction at this point would be profound. The appearance of the access and associated signal columns, its use by vehicles and the concentration of traffic waiting at the signals would intrude into the street scene in such a way that I consider the significance of the setting of Winterbrook House would be unacceptably diminished. There would be a lesser, but still significant effect on the setting of Winterbrook Lodge through queuing traffic in front of the building. I consider that the benefits offered by the development do not outweigh the detrimental effect of the proposed access on the significance of the settings of the designated heritage assets.

### **Section 106 Agreements and Undertaking**

56. Two agreements and an undertaking<sup>7</sup> under Section 106 of the Town and Country Planning Act 1990 have been submitted. The agreement with the County Council provides for the appellant to donate sums of money for education provision; highway improvements; public transport; library services; and museum services. That with the District Council relates to affordable housing, display boards for the community orchard; community halls; security contribution (police); indoor and outdoor sport, play and recreation; management plan areas; recycling and street naming. The unilateral undertaking relates to linking the appeal site with the land to the west should it be necessary.
57. Circular 05/2005: *Planning Obligations* points out that a planning obligation must be relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects. The Circular also encourages the use of unilateral undertakings where it is possible for the developer to find out the likely requirements of the local planning authority in advance; for example, where authorities set out the formulae and levels of standard charges in their Local Development Frameworks.
58. However, the Circular cautions that whilst the use of formulae and standard charges can help speed up negotiations and give greater certainty for developers by indicating the likely size and type of some contributions in

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<sup>7</sup> Document 29



advance, they should not be applied in blanket form regardless of actual impacts.

59. I consider that the unilateral undertaking satisfies the tests in Circular 05/2005. As to the agreements, I have considered what was said at the Inquiry and the evidence presented<sup>8</sup> with regard to the contributions sought for a cycleway from Wallingford to Cholsey, a scheme for which there are no funds allocated as far as I understand; air quality monitoring; the Museum Resource Centre at Standlake; community centres and halls; policing; indoor recreation and sport; recycling and street naming. I do not consider that the contributions requested for these schemes properly satisfy the tests in Circular 05/2005. Nor am I persuaded that the additional contributions sought are necessary to make the proposal acceptable.

### **Conclusion**

60. For the reasons given above I conclude that the appeal should be dismissed. In reaching this conclusion I have had regard to all matters raised in the evidence and the representations. However, none is sufficient to outweigh the considerations I deem to be paramount.

*T Cookson*

Inspector

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<sup>8</sup> Document 30

