

APPLICATION NO.	P19/S0648/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	28.2.2019
PARISH	NUFFIELD
WARD MEMBERS	Jo Robb Lorraine Hillier
APPLICANT	Passmore brothers
SITE	1 Mays Cottages between Nuffield and Ewelme, OX10 6QF
PROPOSAL	Erection of 2 bed affordable cottage
OFFICER	Simon Kitson

1.0 INTRODUCTION

- 1.1 This application is recommended for refusal. It is referred to the District Council Planning Committee at the request of the previous ward member.
- 1.2 The application site (**attached** as Appendix A) is comprised of an area of land measuring approximately 0.11ha at the edge of a small group of cottages accessed off the A4130/ Old Henley Road. The site is approximately 3.3km from the limits of Ewelme, 3.6km from Nuffield and 5.2km from Nettlebed. The land falls within the Chilterns Area of Outstanding Natural Beauty (AONB) and there is a very strong rural character to the surrounding landscape.
- 1.3 There is scant planning history for this area of housing. However, in 2002, planning permission was granted by the area committee for the demolition of one cottage and its replacement with two on an area to the south of the site. This was contrary to the planning manager’s recommendation of refusal. The committee report for that application explained that the scheme conflicted with Policy H6 of the Local Plan in force at that time and that the applicant’s intention to use the income from the rental of the cottages to support his farming business did not outweigh the harm to the local landscape or the conflict with the spatial strategy of the Development Plan.
- 1.4 In 2017, planning permission was sought for a further 2-bed cottage within the site, again to provide income to support the farm. Officers recommended the application for refusal, on the basis that the scheme did not meet the requirement to demonstrate the type of essential agricultural need described under Paragraph 55 of that version of the NPPF. The location was considered not to be sustainable for housing development as described within the prevailing local and national planning policy. The scheme was withdrawn by the applicant prior to a decision being progressed.

2.0 PROPOSAL

- 2.1 As detailed in the application submission, full planning permission is again sought for the erection of a 2-bed cottage within the site. The supporting documentation describes this as a rural exception proposal on the basis that the dwelling would be affordable and for occupation by persons with a local connection.
- 2.2 The applicants have subsequently provided a solicitor’s letter confirming their client’s intention to enter into unilateral undertaking restricting occupancy to a local tenant at 80% of the current market value.

- 2.3 A copy of the plans accompanying the application is **attached** as Appendix B. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Nuffield Parish Council – Fully Supports

- The applicant is a member of Nuffield Parish Council.
- The scheme meets parish housing needs by providing affordable housing to those working in or having close links to the parish
- The impact on the countryside is minimal since the development is within the area already occupied by houses and that any impact is outweighed by the benefits of having an additional affordable home in the parish.

Housing Development – Objection

- Any affordable housing should be secured by way of a Section.106 Agreement and delivered through a Registered Provider, which will be required to enter into a nomination agreement with the council.
- As the site is remote from shops and services, it may not be sustainable. A detailed housing needs survey would need to be undertaken to support an application under rural exception policy.

Nation Farmers Union

- The proposal would provide a property at an affordable rental rate and the rental income would provide important support for the existing farm.
- The applicant is a well-respected member of the farming community and has won a number of high profile awards.

Neighbour Approve (3)

- The existing tenants at other of the immediate properties have benefitted from lower rate of rent. The Passmore family are very considerate landlords and it would be wonderful if another family were to have a similar opportunity on what is currently a wasted area of ground.
- The local impact will be very minimal and the house will be within keeping of the existing dwellings. Finding affordable housing in the area for agricultural members of staff has always been difficult and this application is a way to solve this problem.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P17/S0740/FUL](#) - Withdrawn (02/05/2017)
Erection of 2 bed cottage and cartshed garage

[P02/S0702](#) - Approved (25/03/2003)
Demolition of existing dwelling and erection of two dwellings and detached garage.

5.0 **POLICY & GUIDANCE**

- 5.1 South Oxfordshire Core Strategy (SOCS) Policies;
CSEN1 - Landscape protection
CSH3 – Affordable Housing
CSQ3 - Design
CSR1 - Housing in villages
CS1 - Presumption in favour of sustainable development
CSS1 - The Overall Strategy

- 5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) Policies;
C9 - Loss of landscape features
D1 - Principles of good design
D2 - Safe and secure parking for vehicles and cycles
D10 - Waste Management
D3 - Outdoor amenity area
D4 - Reasonable level of privacy for occupiers
G2 - Protect district from adverse development
G4 - Protection of Countryside
H10 - Affordable housing within or adjoining villages
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users
H4 - Housing sites in towns and larger villages outside Green Belt
- 5.3 Supplementary Planning Guidance/Documents
South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7
- 5.4 National Planning Policy Framework (NPPF)
National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The main issues for consideration in this application are as follows:-
1. The principle of the proposed development
 2. The impact of the scale and design upon the character of the site and the wider rural landscape
 3. The impact upon neighbouring amenity
 4. The impact upon highway safety
 5. Any other material planning considerations

The principle of the proposed development

- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan currently comprises the South Oxfordshire Core Strategy (SOCS) and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP). In terms of relevant planning policies relating to the principle of housing, the spatial strategy in Policy CSS1 of the SOCS establishes a settlement hierarchy. This is expanded within Policy CSR1 and SOLP Policy H4 which allow for allocations, infill housing and redevelopment schemes within the built-up limits of some villages in the district. These are currently set out under Appendix 4 to the SOCS. Outside these locations, new housing development is not supported.
- 6.3 The site is located a significant distance from the built-up limits of any recognised settlement within the district. There would thus be an expansion of built form into the countryside for planning policy purposes and this would only be supported by the Development Plan or the NPPF if a specific need or exceptions case has been demonstrated. Without this exceptional justification, there would be conflict with SOCS Policies CSS1 and CSR1 and planning permission should be refused.

- 6.4 The level of accessibility of any out-of-settlement location does not make the principle of housing any more acceptable in development plan policy terms. However, officers consider it important to note that the proposal before the committee is within a very unsustainable location in terms of the level of convenient access to the normal range of key services and facilities expected within housing locations. These are set out in the Settlement Assessment Background Papers (October 2017; December 2018) and are used in key indicators by the council in making proper objective decisions for housing allocation under the plan-led approach to development required by the NPPF.
- 6.5 Whilst there is currently a bus service route along the A4130, there are no other facilities or services within close proximity to the site. All journeys to access these would need to be made by vehicular modes of transport, most likely by car on a frequent basis. Accordingly, any competing material planning considerations justifying a departure from the council's spatial strategy would need to be very significant and demonstrable.

Rural exceptions case

- 6.6 Paragraph 77 of the NPPF states that in rural areas, planning policies and decisions should support opportunities to bring forward 'genuine rural exception sites' that will provide affordable housing to meet 'identified local needs'. The SOCS defines 'rural exceptions sites' as 'small sites for affordable housing within or adjacent to villages where housing would not normally be permitted'. Saved Policy H10 of the SOLP states that special small-scale affordable housing schemes may be permitted 'within or adjoining villages' provided that, amongst other things, 'it can be demonstrated that all of the houses meet a particular local need that cannot be accommodated in any other way'.
- 6.7 All the above policies and associated text emphasise that rural exceptions schemes must respond to a specific, evidence-based local housing need. They also advocate a sequential approach, with preference given to sites 'where there are adequate local services and facilities'. They omit any support for sites well-outside of settlements. Policy H10 further requires that this type of application is accompanied by a Housing Needs Survey demonstrating the extent of the housing need arising from people with a local connection. This must be assessed by the council prior to a planning application being submitted. Housing need is based on factors such as overcrowding, lack of or sharing of facilities, income, ill-health and disability. It is accepted that the requirements supporting a rural exceptions scheme are strict, but planning permission is ultimately sought in a location where both local and national policies direct that new housing will only be permissible if an exceptional set of circumstances exist. Officers suggest that an elected parish council or a neighbourhood planning body might be best placed and better resourced to amass the required evidential need and present it in a transparent manner.
- 6.8 Officers do note that the applicant is a parish councillor and a well-respected farmer, but there is no objective evidence provided in support of this application to demonstrate that there is an exceptional need for affordable housing within any of the closest settlements. Even then, the council would need to see evidence that other sites within or closer to those villages have been considered for affordable housing and why they are deemed unsuitable. Although there is anecdotal support for the scheme from the Nuffield Parish Council and two neighbours, with further examples alluded to in the application, this is not backed up by any evidence which can be properly assessed.

- 6.9 It is worthy of note that within its latest Parish Plan 2012, Nuffield Parish Council concluded that it would 'not be championing additional housing within the Parish based on its own actual survey findings (p9) **attached** as Appendix C. If these circumstances within Nuffield have changed, Nuffield Parish Council has not provided any up-to-date survey data illustrating this and officers have not been made aware of a neighbourhood plan under preparation.
- 6.10 Officers can also confirm that the council's Housing Team have not been provided with any supporting housing needs information prior to the submission of this application. As stated within their consultation response, the unit would not be delivered by a Registered Provider (RP) and the application does not comply with the policy requirements, irrespective of the applicant's willingness to engage in a unilateral undertaking. Officers remain concerned that without evidence of local need, the specific obligations within the draft agreement may be unrealistic in perpetuity. This would call into question the enforceability of some of the proposed conditions and an increased likelihood that, in the event of planning permission being granted, the council would receive an application to modify the obligation in the longer term.
- 6.11 In the light of the above assessment, the proposal would not constitute sustainable development of the sort envisaged by the NPPF and, in the absence of adequate overriding justification, the proposal is contrary to the relevant local planning policies and national planning guidance.

Impact upon the character of the area

- 6.12 Paragraph 172 of the NPPF confirms that "great weight" should be given to conserving and enhancing the landscape and scenic beauty of the Chilterns AONB "which have the highest status of protection". This reinforces the statutory duty placed on the Council under Section 85 of the Countryside Rights of Way Act 2000. The SOCS Policy CSEN1 and the SOLP Policies G2, G4 and D1 seek to secure development which would respect settlement patterns and the existing landscape around them; protect landscape features and the aesthetic qualities of the district generally; safeguard the countryside from inappropriate development; and make a positive contribution to local distinctiveness.
- 6.13 Officers accept that the site is located within the corner of a small enclave of residential development and, although it lies inside the Chilterns AONB designation, the land within the site is not of any particularly exceptional landscape quality. However, it is not always the case that a site has to be widely visible to result in landscape harm. Not being widely seen would otherwise be taken as a licence to develop the countryside across the board in discreet locations. In this instance, whilst the application site is covered with patches of hardstanding and separated from the wider open agricultural land by various boundary treatments, it is not within the apparent residential curtilage of any other properties and it is largely devoid of operational development. It would not constitute 'previously developed'/ brownfield land under the NPPF's glossary and Policy G4 of the SOLP supports the protection of the countryside for its 'own sake' rather than requiring it to have a specific beneficial use.

- 6.14 The majority of the built structures within the wider parcel of land comprise a ribbon of development lining the A4130 to the south, and the site marks an effective transition between the wider extensive open agricultural fields and the sporadic housing along Old London Road to the north-west. Officers maintain that the scheme would, as proposed, partly consolidate a loose-knit group of dwellings and in doing so, fail to respect the wider settlement pattern. The presence of a new dwelling in public views within this location would have an urbanising influence upon an area of the countryside which the council seeks to protect through the Development Plan process. By extension, this would impact upon the landscape setting of the Chilterns AONB.
- 6.15 If this were an area objectively identified as an appropriate location for housing expansion, officers do accept that the design is broadly representative of the local vernacular and the modest form, proportions and detailing accord with the advice within the Chilterns Buildings Design Guide. It would also provide adequate private amenity spaces in accordance with the adopted minimum standards set out under Section 7 of the SODG. However, the accord of the proposal with this guidance is a neutral factor, which would not outweigh the localised, but nonetheless significant landscape harm that would arise from the proposed expansion of built form within the countryside, in conflict with the relevant local planning policies and national planning guidance.

Neighbouring amenity

- 6.16 It is noted that no neighbour objections were received, and the proposal would meet the minimum separating distances recommended under Section 7 of the SODG. Officers have no issues in relation to losses of daylight, sunlight or privacy.

Highway matters

- 6.17 Notwithstanding the general lack of sustainability of the location and the environmental harm arising from the likely frequent use of private vehicles to access facilities, officers are satisfied that there are no specific highway safety issues. The existing access point benefits from reasonable visibility splays, which could be reinforced by condition and the level of parking accords with the standards set out under Appendix 5 to the SOLP.

Other material planning considerations

- 6.18 Had the application been otherwise acceptable, it would have been CIL liable at a rate of £150 per square metre (index linked), 15% of which would go to Nuffield Parish Council in the absence of an adopted neighbourhood plan.

7.0 CONCLUSION

- 7.1 The application site is situated within an isolated rural location where there is poor access to necessary facilities and services, and where there are strict controls over the provision of new housing. Furthermore, this is not a rural exceptions scheme demonstrating that the provision of a new dwelling in this unsustainable location would fulfil an objectively-assessed, demonstrable local housing need.

In addition to the clear and overriding conflict with the spatial strategy of the Development Plan, the proposal would also further erode the undeveloped, rural character of this part of the countryside, to the detriment of the wider Chilterns Area of Outstanding Natural Beauty. Moreover, the environmental harm from additional private car use would significantly and demonstrably outweigh the very modest social benefits of delivering a single dwelling and the relatively small economic gains arising during construction.

The proposal would not constitute sustainable development of the sort envisaged by the National Planning Policy Framework and, in the absence of adequate overriding justification, the proposal is contrary to policies CSS1, CS1, CSR1 and CSEN1 of the South Oxfordshire Core Strategy, policies G2 and G4 of the South Oxfordshire Local Plan 2011.

8.0 RECOMMENDATION
Refuse Planning Permission

Author: Simon Kitson
Contact No: 01235 422600
Email: planninh@southoxon.gov.uk

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