

**VALE OF WHITE HORSE DISTRICT COUNCIL
TOWN & COUNTRY PLANNING ACT 1990**

SECTION 78

**APPEAL BY BLUE CEDAR HOMES LIMITED
LAND TO THE REAR OF 10 HALLS CLOSE, DRAYTON, ABINGDON**

APPEAL REF: APP/V3120/W/16/3144811

STATEMENT ON BEHALF OF THE VALE OF WHITE HORSE DISTRICT COUNCIL

1. Introduction

- 1.1 This outline planning application was presented to the Council's planning committee on 27 January 2016 with an officer recommendation for approval subject to a legal agreement being entered into to secure affordable housing and financial contributions towards infrastructure improvements. The officer's report was submitted with the appeal questionnaire.
- 1.2 Members of the planning committee undertook a site visit with planning officers on 25 January 2016. At the site visit members had a copy of the application plans including the access details and illustrative layout plan.
- 1.3 Members of the planning committee were familiar with the site and plans before the planning committee meeting commenced. The planning committee on 27 January 2016 considered the case and resolved to refuse outline planning permission for the following reasons:
- 1.4 *"This application proposes residential development outside the built limits of Drayton, a village that benefits from an adopted Neighbourhood Plan. That Neighbourhood Plan incorporates a housing growth strategy that allocates land for residential development in line with current identified district need and seeks to resist further development outside the settlement boundary. This development is not an allocated site and lies outside the settlement boundary and is therefore contrary to that growth strategy as outlined in Policies P-H1 and P-LF2 of the Drayton Neighbourhood Plan, as well as Policies GS2, H11 and H13 of the Local Plan 2011 and advice within the NPPF, particularly Paragraphs 183, 184, 185 and 198. Furthermore, it would represent an unwarranted extension of the village into the countryside that would cause material harm to the setting and historic interest of the Drayton Conservation Area and the listed buildings within. This harm is considered to significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal is also contrary to Policies P-LF4 and P-LF5 of the Drayton Neighbourhood Plan, Policy HE1 of the Local Plan 2011, Core Policy 39 of the emerging Local Plan 2031 Part One and advice in the NPPF."*
- 1.5 *"In the absence of a Section 106 agreement relating to the provision of affordable housing and financial contributions towards community, leisure, recreation, open space and play area maintenance, public transport, education, and waste collections, the proposal would place increased pressure on these facilities and fail to provide the social, recreational, and cultural facilities and services the community needs. This is considered contrary to Policy DC8 of the adopted Vale of White Horse Local Plan 2011, Core Policies CP7 and CP24 of the emerging Local Plan 2031 - Part One and Paragraphs 17 and 70 of the National Planning Policy Framework. It is acknowledged this reason for refusal can be overcome through the submission of an acceptable Section 106 agreement."*

2. Recent Site Planning History

- 2.1 The application has been screened for the potential need for an Environmental Impact Assessment under planning reference: P14/V2078/SCR and the council concluded that an Environmental Statement was not needed for this application.

3 The Vale of White Horse Local Plan 2031 Part One

- 3.1 At the time of writing this statement (April 2016), the Vale of White Horse Local Plan 2031: Part 1 - Strategic Sites and Policies is in submission draft form and has been through a two stage Examination in Public. The Inspector's Report following that Examination is due in June/July 2016, prior to the informal hearing into this appeal taking place in August. Once the Inspector's Report is received, the council expects to be able to apply significant weight to the policies and allocations of the Local Plan 2031 Part One.

- 3.2 An update on progress of the Local Plan and the council's five year supply situation will be provided at the hearing. At the present time, Part 1 of the Plan is expected to be adopted in October 2016, at which time its policies and allocations can be afforded full weight.

- 3.3 The following policies of the emerging Local Plan are relevant to the determination of this appeal:

- Core Policy 1 – Presumption in favour of sustainable development
- Core Policy 2 – Co-operation on unmet housing need for Oxfordshire
- Core Policy 3 – Settlement hierarchy
- Core Policy 4 – Meeting our housing needs
- Core Policy 5 – Housing supply ring-fence
- Core Policy 7 – Providing supporting infrastructure and services
- Core Policy 8 – Spatial strategy for Abingdon and Oxford Fringe sub-area
- Core Policy 22 – Housing Mix
- Core Policy 23 – Housing density
- Core Policy 24 – Affordable housing
- Core Policy 33 – Promoting sustainable transport and accessibility
- Core Policy 35 – Promoting public transport, cycling and walking
- Core Policy 36 – Electronic communications
- Core Policy 37 – Design and local distinctiveness
- Core Policy 38 – Design strategies for strategic and major development sites
- Core Policy 39 – The historic environment
- Core Policy 42 – Flood risk
- Core Policy 43 – Natural resources
- Core Policy 44 – Landscape
- Core Policy 45 – Green Infrastructure
- Core Policy 46 – Conservation and improvement of biodiversity

4 The Vale of White Horse Local Plan 2011

- 4.1 The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009 and are relevant to this appeal:

- GS1 – Developments in existing settlements

- GS2 – Development in the countryside
- DC1 – Design
- DC3 – Design against crime
- DC5 – Access
- DC6 – Landscaping
- DC7 – Waste collection and recycling
- DC8 – The provision of infrastructure and services
- DC9 – The impact of development on neighbouring uses
- DC12 – Water quality and resources
- DC13 – Flood risk and water run-off
- DC14 – Flood risk and water run-off
- H11 – Development in the larger villages
- H13 – Development elsewhere
- H15 – Housing densities
- H16 – Size of dwelling and lifetime homes
- H17 – Affordable housing
- H23 – Open Space in new housing development
- HE10 – Archaeology
- NE9 – Lowland Vale

5 The Drayton Neighbourhood Plan (DNP)

- 5.1 Drayton has an adopted neighbourhood plan (January 2016) which carries full weight as part of the development plan. The plan includes allocations for about 250 dwellings across three sites, defines a settlement boundary for the village outside which development is restricted and allocates land for non-residential uses. The plan is supported by an evidence base and sustainability appraisal. The Sustainability Appraisal considered alternative sites to its allocations, including this site.
- 5.2 The 250 dwellings proposed within the Neighbourhood Plan are intended to contribute towards the requirement of 5,438 dwellings identified for the Abingdon-on-Thames and Oxford Fringe sub-area within the emerging Local Plan 2031.
- 5.3 The following policies of the Drayton Neighbourhood Plan (DNP) are particularly relevant to this appeal:
- P-LF2 – Bounded Development
 - P-LF4 – Conservation Areas
 - P-LF5 – The Historic Environment
 - P-H1 – Scale of Development
 - P-T1 – Residential Travel Plan

6 Supplementary Planning Guidance and National Guidance

- 6.1 The following supplementary planning guidance documents are of relevance and include:
- Design Guide – SPD – March 2015
 - Sustainable Design and Construction – SPD – December 2009
 - Affordable Housing – SPG – July 2006
 - Planning and Public Art – SPG – July 2006

6.2 The following national guidance is of relevance:

- National Planning Policy Framework (NPPF) – March 2012
- Planning Practice Guidance 2014 (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990

7 Reason for Refusal One

- 7.1 *“This application proposes residential development outside the built limits of Drayton, a village that benefits from an adopted Neighbourhood Plan. That Neighbourhood Plan incorporates a housing growth strategy that allocates land for residential development in line with current identified district need and seeks to resist further development outside the settlement boundary. This development is not an allocated site and lies outside the settlement boundary and is therefore contrary to that growth strategy as outlined in Policies P-H1 and P-LF2 of the Drayton Neighbourhood Plan, as well as Policies GS2, H11 and H13 of the Local Plan 2011 and advice within the NPPF, particularly Paragraphs 183, 184, 185 and 198. Furthermore, it would represent an unwarranted extension of the village into the countryside that would cause material harm to the setting and historic interest of the Drayton Conservation Area and the listed buildings within. This harm is considered to significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal is also contrary to Policies P-LF4 and P-LF5 of the Drayton Neighbourhood Plan, Policy HE1 of the Local Plan 2011, Core Policy 39 of the emerging Local Plan 2031 Part One and advice in the NPPF.”*
- 7.2 This reason for refusal covers a number of aspects that, although intertwined, are considered separately in this statement, as follows:
- 7.3 *Principle of development*
Paragraph 47 of the NPPF expects local planning authorities to *“use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area”*... The authority has undertaken this assessment through the April 2014 Strategic Housing Market Assessment (SHMA) which is the most up to date objectively assessed need for housing. In submitting the emerging Local Plan for examination, the Council has agreed a housing target of at least 20,560 dwellings for the plan period to 2031. Set against this target the Council does not have a five year housing land supply. As of March 2015, the housing land supply in the district is 4.2 years.
- 7.4 Paragraph 49 of the NPPF states *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*. This means that the council accepts that the relevant housing policies in the adopted Local Plan are not considered up to date and should be afforded weight convergent with their compliance with the NPPF.
- 7.5 Similarly, the status of the policies of the DNP that are relevant to the supply of housing has been clarified by recent updates to the PPG. The PPG states, *“Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date.”*
- 7.6 Thus, the council accepts that the presumption in favour of sustainable development contained with Paragraph 14 of the NPPF applies and thus the adverse impacts of a development proposal need to significantly and demonstrably outweigh the benefits for it to be refused. However, the council does not accept that the proposal amounts to sustainable development within the meaning of paragraph 14 and therefore contends that planning permission should not be granted.

- 7.7 Policy GS1 of the adopted Local Plan provides a strategy for locating development concentrated at the five major towns but with small scale development within the built up areas of villages provided that important areas of open land and their rural character are protected. In terms of a hierarchy for allocating development this strategy is consistent with the NPPF, as is the intention to protect the character of villages and ensure development is located in the most sustainable settlements.
- 7.8 Drayton is one of the district's larger villages and is around 3 miles south of Abingdon. As such, the principle of a proportionate amount of new housing in Drayton is acceptable and accordingly the DNP allocates three sites for housing in Drayton, totalling about 250 houses. The sites have been assessed in terms of their sustainability and constraints, and development allocated to the best of these. This site is not one of those allocated and therefore does not represent a location which, in the community's view, is the most suitable for development to meet housing need. This site also sits outside the defined settlement boundary of the DNP as per Policy P-LF2. Therefore, this development represents an urban form of extension to the village beyond its built limits. This is in contrast to the character and urban grain of the site surroundings and undermines the sustainable credentials of the proposal. The council contends this application would ordinarily be dismissed out of hand were this policy up to date and consistent with the NPPF.
- 7.9 *Conflict with the DNP*
The PPG says "*In this situation [where para 14 is engaged], when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.*"
- 7.10 *This includes paragraphs 183–185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted."*
- 7.11 It is important to note that the above passage of the PPG dates from February 2016, subsequent to the recommendation made on this application. The council contends that this update to the PPG supports its case that this appeal should be dismissed.
- 7.12 In reaching its decision on this application, the council was mindful of a number of recent court cases and appeal decisions that engaged with applications comparable to this one. The council is satisfied that its decision is consistent with the conclusions of these cases.
- 7.13 One such cases is "*Crane v SSCLG [2015] EWHC 425 (Admin)*". The Crane case (**attached as Appendix One**) relates to the provision of 111 dwellings on open undeveloped land at Broughton Astley in Harborough. The Core Strategy for the District proposed at least 400 dwellings in Broughton Astley, based on a revoked Regional Plan figure that was not compliant with the NPPF requirement for an objectively assessed housing need (OAN). Thus, there was insufficient housing land supply. In January 2014, the Broughton Astley neighbourhood plan was made, allocating three sites for housing to a total of 528 dwellings, in excess of the 400 required by the Core Strategy. The Crane site was not one of the allocated sites. The Neighbourhood Plan also sought to secure improvements to recreation, leisure, retail and employment alongside the housing growth and so is comparable to the DNP.
- 7.14 The District Council refused the Crane application and the appeal was recovered by the Secretary of State (SoS) once his Inspector recommended allowing the appeal.

The Inspector noted that the neighbourhood plan had considered and rejected this site, the neighbourhood plan would help address housing land supply shortfall and that allowing the appeal would have a demoralising effect in terms of local perception of the value of neighbourhood planning but it would not render the process as a whole pointless.

- 7.15 The Inspector attached only moderate weight to the conflict with the Neighbourhood Plan and concluded the benefits in allowing the appeal outweighed that harm. The SoS took a different view, attaching “*very substantial negative weight*” to the conflict between the proposal and the Neighbourhood Plan. This, when coupled with identified landscape harm, led the SoS to conclude the overall harm significantly and demonstrably outweighed the benefits of housing.
- 7.16 The SoS decision was challenged by the applicant at the High Court and the claim was rejected. Justice Lindblom made clear the NPPF does not prescribe how much weight should be given to policies that are out of date. Instead the weight given to such policies “*will vary according to the circumstances, including, for example, the extent to which the policies actually fall short of providing for the required five year supply, and the prospect of development soon coming forward to make up the shortfall.*” Justice Lindblom then went on to reiterate that “*the critical question*” was whether the benefits of the development were significantly and demonstrably outweighed by the harm. Justice Lindblom was satisfied that the SoS had carried out this balancing exercise as required by Paragraph 14 of the NPPF and had not erred in law in concluding the harm did significantly and demonstrably outweigh the benefits.
- 7.17 The council considers the crucial point with the Crane case is that the SoS gave “*substantial weight*” to the contribution the scheme would make to the housing supply shortfall in the area, but also gave “*very substantial [negative] weight*” to the conflict with the Neighbourhood Plan, attaching great importance to Paragraph 198 of the NPPF. The council is of the view that the February 2016 update to the PPG validates and supports this stance and that the circumstances of the Crane case are directly comparable to those of this appeal. In particular, in preparing the DNP, this site was specifically considered and rejected as being a less sustainable option than alternative sites in the village. The council considers that to allow this appeal would have a similarly demoralising effect in terms of the local perception of the value of the DNP.
- 7.18 Another court case the council would draw the Inspector’s attention to is “*Woodcock Holdings Limited v SSCLG [2015] EWHC 1173 (Admin).*” This case (**attached as Appendix Two**) related to a proposal of 120 dwellings at Sayers Common, West Sussex, which is close to and within the same parish as Hurstpierpoint, which had an emerging Neighbourhood Plan that allocated four housing sites for around 252 dwellings, which was within the identified housing range for the parish. No allocations were proposed at Sayers Common, where development was proposed to be capped at 40 dwellings. The neighbourhood plan included a settlement boundary like the DNP.
- 7.19 The Inspector recommended the appeal be allowed but the SoS disagreed as the proposal conflicted with the emerging Hurstpierpoint and Sayers Common Neighbourhood Plan. There were no technical objections to the proposal. Again, the applicant challenged the SoS decision in the High Court and in this instance Justice Holgate agreed with the applicants claim. Crucially, in this instance the SoS did not apply paragraph 49 as he did not regard it as applicable to draft development plans. Justice Holgate found this approach was wrong, inadequate and contrasted unfavourably with the reasoning he had given in the Crane case. Justice Holgate placed particular weight on the fact “*the draft neighbourhood plan did not proposed*

any allocations at Sayers Common or discuss the relative merits of sites. It merely proposed, in the absence of a core strategy or [OAN] to cap the number of new dwellings for the village...” As the SoS had failed to acknowledge that Paragraph 49 was engaged, he had also failed to apply the planning balance exercise required by Paragraph 14. The SoS had not demonstrated that the harm from this proposal “*significantly and demonstrably*” outweighed the benefits.

- 7.20 The council considers that, in making its decision and as outlined in this statement, it has applied the planning balance exercise and has shown that the harm from this proposal significantly and demonstrably outweighs the benefits, as demonstrated later in this statement. The council considers that the SoS again reached a reasonable conclusion that the harm caused by a conflict with a neighbourhood plan can represent significant and demonstrable harm due to the conflict with Paragraph 198 of the NPPF. Furthermore, it is important to note that the DNP makes housing allocations in broad alignment with the district’s objectively assessed housing need, as outlined in the Oxfordshire SHMA. As such, the council contends that a good amount of weight should be applied to the policies of the DNP relevant to the supply of housing, even allowing for the fact that they must currently be considered out of date.
- 7.21 An appeal decision that was called in by the SoS relevant to the assessment of this case is “*APP/P1615/A/14/2218921*” which related to the provision of 200 houses at Lydney, Gloucestershire. This appeal (**attached as Appendix Three**) proposed 200 dwellings, again in a district without a five year supply but with an emerging Local Plan and an emerging neighbourhood plan that was approaching referendum. The Lydney neighbourhood plan allocated land for housing, but this site was not one of those allocations. The SoS concluded that, “*the lack of a [housing land supply] and the contributions that the appeal proposal would make to increasing the supply of market and affordable housing weigh substantively in favour of the appeal. Also weighing in favour of the appeal are...social, economic and environmental benefits...*”
- 7.22 However, the SoS proceeded to give “moderate” weight to the conflict with the emerging Local Plan and the emerging Neighbourhood Plan and further “moderate” weight to adverse impacts on the landscape and character of the area. The SoS also gave “limited” weight to traffic impacts and to harm to air quality. The SoS concludes, “*Overall...the adverse impacts of the appeal proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the [NPPF] when taken as a whole.*”
- 7.23 As discussed in more detail later in this statement, in reaching its decision on this application, the council has also given weight to the adverse impact from this proposal on the setting of the Drayton conservation area and the listed buildings within. Harm must also be attached to the manner in which this application would extend the village in a manner at odds with the character and grain of the surroundings, where building densities are less and the character vernacular. This harm, although perhaps “moderate”, must weight negatively in the planning balance alongside and in addition to the very substantial harm caused by the conflict with the DNP and its strategy of locating development in the most sustainable locations in the village. The Lydney case is supportive of this approach.
- 7.24 *Implications of emerging Local Plan*
As outlined above and in the Statement of Common Ground for this appeal, at the time of writing the council is awaiting the Inspector’s Report into the emerging Local Plan 2031. This is due before the hearing into this appeal is scheduled. If the

Inspector is supportive of the Plan, it is likely that the council will be able to attach significant weight to the policies and allocations within that Plan, which will allow the council to demonstrate a five year supply of housing land. In this scenario, the policies of the Development Plan would be up to date and this scheme would be clearly contrary to them for the reasons outlined above. In any case, the aim of the Development Plan in locating development in sustainable locations is in accordance with the NPPF and the policies should be given conversant weight even if considered out of date.

- 7.25 A recent Secretary of State decision considered a scheme contrary to a Neighbourhood Plan in this scenario, “APP/L3815/A/14/2223343”. This appeal (**attached as Appendix 4**) which relates to a scheme of 25 houses in Loxwood. Here the SoS concluded, *“The Secretary of State considers that there is no compelling basis on which to conclude that the LP finding that there is a five year housing land supply for the Plan area no longer applies. Therefore, as the appeal scheme fails to comply with the policies of the LP and the NP on the location of new residential development, the Secretary of State concludes that it does not comply with the development plan as a whole and so, having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, he has gone on to consider whether there are any material considerations which might nevertheless indicate that the scheme should be allowed. The Secretary of State gives the economic benefits of the scheme significant positive weight and, on balance, moderate weight to the environmental and social benefits. However, his overall conclusion is that the proposal does not represent fully sustainable development and, having regard to paragraph 198 of the Framework, he concludes that there is no overriding reason to reach a decision other than as indicated by the development plan.”*
- 7.26 The council would contend that the same conclusion should apply to this appeal should the Inspector’s report be supportive of the Local Plan 2031 and allow the council to progress it to full adoption in late 2016, as per the Local Development Scheme (**attached as Appendix 5**).
- 7.27 *Conclusions on principle*
Overall, the council contends that significant and demonstrable harm is caused by the manner in which this proposal conflicts with the DNP. Paragraph 183 of the NPPF states, *“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”* Paragraph 184 of the NPPF states *“The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them.”* The council contends that the DNP is aligned with the emerging Local Plan 2031 and that it sets a clear vision for the growth of the village through identifying the most sustainable sites for residential development in the village. This site was considered and rejected as being a less sustainable option for growth. To allow this scheme would undermine this carefully developed growth strategy that has achieved a high level of local support at referendum through allowing an unwarranted and unjustified extension to the village in a manner that should be considered less sustainable than the DNP allocations.
- 7.28 This stance has been well established by case law and recent appeal decision as summarised above and attached to this statement.

- 7.29 *Harm to conservation area, setting of listed buildings and landscape*
Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight should be given to this requirement.
- 7.30 Paragraph 132 of the NPPF confirms that *“When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”*. The NPPF adds at paragraph 133 that proposals causing substantial harm to or total loss of significance of a designated heritage asset should be refused unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 of the NPPF explains that less than substantial harm to the significance of the heritage asset should be weighed against the public benefits of the proposal.
- 7.31 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In this case considerable importance and weight is given to the desirability of protecting or enhancing the character or appearance of the conservation area.
- 7.32 Policy HE1 of the adopted local plan seeks to preserve or enhance the character or appearance of the conservation area. The Drayton Conservation Area (**map attached as Appendix Six**) sits, at the closest point, around 20 metres from the site access. It predominantly consists of the High Street, Church Lane, Gravel Lane and Henleys Lane and the buildings and land within. The key significance of Drayton conservation area is its evidential, historical and aesthetic interest as a small rural conservation area, with a historic core of vernacular buildings at a much lower density than the appeal site. There are good views up and down the High Street and between historic buildings to the fields to the south. There are views inwards towards the village and the tower of the Church of St Peter from the Drayton Eastway bridleway.
- 7.33 Policy HE4 of the adopted local plan seeks to protect the setting of listed buildings. No.44 High Street is a Grade II listed building that lies immediately east of the junction of Halls Close and the High Street. The proposed development would lie around 75 metres south of this property, with the existing Halls Close development between. The key significance of the local listed buildings is that they are good examples of vernacular buildings dating from the medieval period onwards, being constructed in local materials and styles. This development would be at odds with this character and would be glimpsed in views from the High Street affecting the enjoyment of the listed buildings and their setting.
- 7.34 Policy P-LF4 of the DNP states, *“Any development in or adjacent to the Drayton Conservation Area should conserve and enhance the character and appearance of the Conservation Area and its setting.”* Policy P-LF5 of the DNP states, *“The Parish’s designated historic heritage assets and their settings both above and below ground including listed buildings scheduled monuments and conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.”*

- 7.35 The council considers that this proposal would fail to preserve or enhance the Conservation Area and its setting, nor the setting of listed buildings within. The significance of the setting of the conservation area to the south of the village, where the appeal site is located, is visual, evidential and aesthetic. The visual interest comprises the open fields surrounding the settlement, bounded by hedges and trees. The Drayton Eastway bridleway is a distinctive linear east/west feature of the historic and aesthetic interest of a historic route linking Drayton with Sutton Courtenay to the east and East Hanney to the west.
- 7.36 Whilst acknowledging the outline nature of the application, with layout, scale, appearance and landscaping reserved matters, the council contends that any development of up to 28 houses on this site will appear as a “bolt-on” contrary to the grain of development in the area that more accurately reflects the historic interest and morphology of Drayton.
- 7.37 Any development of this scale will appear as an incongruous addition to the village within the setting of the conservation area. Within the application, there is no analysis of the views from the conservation area looking southwards between historic buildings, nor views back towards the village from the Drayton Eastway bridleway. The proposal will affect the enjoyment of views of the listed buildings from this bridleway, in particular the Church of St Peter, 44 and 56-58 High Street. Thus, whilst acknowledging the illustrative nature of the plans, the council considers that the applicants have failed to demonstrate this development would preserve or enhance the setting of the conservation area or the aforementioned listed buildings. This brings the proposal into conflict with Policy HE1 of the Local Plan and Policies P-LF4 and P-LF5 of the DNP, all policies that are fully consistent with the NPPF and can be afforded full weight.
- 7.38 The council is satisfied the above harm can only be considered as “less than substantial” and this weighs against the development in the overall planning balance alongside the other harm and benefits identified for the balancing process
- 7.39 It is also important to consider the landscape impact of this proposal. The site forms part of a network of fields south of the High Street, with an open boundary to the west and a well vegetated boundary to the south. The development of the site would have a moderate to minor impact on the local landscape character. However, it is noted the landscape value of this site is inextricably linked to its relationship with the fields to the west. In line with the allocations of the DNP, a resolution to grant planning permission exists for the erection of 140 houses on the fields to the west and so the landscape value of this site, once this development occurs, will be reduced.
- 7.40 Policy NE9 of the Local Plan seeks to protect the Lowland Vale area of the district, in particularly the long, open views within or across the area, which characterise it. Again, once the adjacent fields are developed, the impact of this scheme on this character will be limited, although the negative impact of the views from the Drayton Eastway bridleway remain important and should not be dismissed entirely.
- 7.41 *The planning balance*
The council does acknowledge that there are benefits to this proposal in terms of its providing affordable and market housing in one of the district’s larger villages. Weight should be attached to this benefit, particularly due to the current lack of housing supply in the district. However, significant weight can also be applied to the housing allocations of the DNP, which make a meaningful contribution to addressing the housing shortfall in the district, even though no final allocation to Drayton has

been agreed in the preparation of the Local Plan 2031. This is a plan led approach, which allows for sufficient infrastructure provision and sustainable settlements. A Core Principle of the NPPF is to ensure a plan-led approach for these reasons.

- 7.42 The proposed development would perform an economic role, at least in the short term, in that it would provide employment during the construction phase. Though this is obviously a temporary benefit, to be weighed against the permanent harm identified. It would also create investment in the local and wider economy through the construction stage and new residents and their spending. This may enhance the vitality and viability of existing local services and facilities in Drayton village and some positive weight should be attached to this in the planning balance exercise.
- 7.43 However, overall, the council attaches very substantial negative weight to the conflict with the Drayton Neighbourhood Plan for the reasons outlined above. In addition, the council attaches moderate weight to the harm to the setting of Drayton conservation area and the listed buildings within, and limited weight to the harm to the landscape and character of the area surrounding Drayton. Combined, these impacts represent significant and demonstrable harm in planning terms that outweigh the presumption in favour of sustainable development contained within the NPPF.
- 7.44 Therefore, the Inspector is respectfully asked to uphold reason for refusal one and dismiss the appeal.

8 Reason for refusal two

- 8.1 *“In the absence of a Section 106 agreement relating to the provision of affordable housing and financial contributions towards community, leisure, recreation, open space and play area maintenance, public transport, education, and waste collections, the proposal would place increased pressure on these facilities and fail to provide the social, recreational, and cultural facilities and services the community needs. This is considered contrary to Policy DC8 of the adopted Vale of White Horse Local Plan 2011, Core Policies CP7 and CP24 of the emerging Local Plan 2031 - Part One and Paragraphs 17 and 70 of the National Planning Policy Framework. It is acknowledged this reason for refusal can be overcome through the submission of an acceptable Section 106 agreement.”*
- 8.2 The Council considers that the following contributions are necessary to make this scheme acceptable in planning terms:
- Expansion of Drayton primary school - £50,076
 - Strategic bus service improvements - £22,260
 - Bus stop improvements - £2,000
 - Football pitches - £65,015.55
 - Pavilion - £18,231.92
 - Pitch Maintenance - £10,806.04
 - Pavilion Maintenance - £364.56
 - Tennis Courts - £5,889
 - Play Maintenance - £3,533
 - Village Hall improvements - £26,616.10
 - Pre-school expansion - £7,984.60
 - Skate Park and MUGA - £3,992.49
 - Cycle Path Improvements - £9,315.56
 - Traffic Calming – subject to negotiation with Drayton Parish Council
 - Footpath and information board improvements - £266.19
 - Allotment provision - £3,194.68
 - Burial ground expansion - £3,726.30
 - Waste bin provision - £4,760
 - Public Art - £8,400
 - Street Naming – circa £200
 - District Council monitoring - £1,735
 - County Council monitoring - £500
- 8.3 During the determination of the original application, the applicant indicated agreed to the above contributions and has subsequent to the submission of the appeal indicated a willingness to complete work on a Section 106 agreement prior to the hearing being held. This agreement will also secure 40% affordable housing in line with council policy.
- 8.4 The council is keen for this agreement to be completed as well and envisages this will allow reason for refusal two to be removed.

9.0 Draft conditions

- 9.1 Without prejudice to the council's case, if the Inspector is minded to grant this appeal, the council would respectfully ask that the following conditions are applied to the consent:

Conditions

1. The development to which this permission relates shall be begun not later than the expiration of 6 months from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 in that the application has been made for outline planning permission and is not accompanied by the details of these reserved matters to address the shortfall in the housing land supply within the area which should be addressed in a short time frame.

2. Within a period of 18 months from the date of this permission, details of the layout, scale and appearance of the development and the landscaping of the site (the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority. No development shall be commenced prior to the approval of all of the reserved matters, and the development shall be carried out in accordance with all of the reserved matters.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 in that the application has been made for outline planning permission and is not accompanied by the details of these reserved matters to address the shortfall in the housing land supply within the area which should be addressed in a short time frame.

3. Prior to the commencement of development, an arboricultural method statement to ensure the protection of trees on the site during construction shall be submitted to and approved in writing by the Local Planning Authority. No works shall be carried out on site (including any demolition works) before the arboricultural method statement has been approved. The arboricultural method statement shall include details of the following:

1. - The location, materials and means of construction of temporary tree - protective fencing and/or ground protection measures (in accordance with BS 5837/2012 'Trees in relation to Construction');
2. - The programme for implementing and retaining such tree protection measures;
3. - Any works to trees (in accordance with BS 3998/2010 'Tree Works') to be carried out to prevent accidental damage by construction activities.

All works shall be carried out in accordance with the approved arboricultural method statement. At all times during construction, the tree protected areas shall not be used to park or manoeuvre vehicles, site temporary offices or other structures, store building materials or soil, mix cement/concrete or light bonfires.

Reason: To protect trees on the site in the interest of visual amenity (Policy DC6 of the adopted Local Plan).

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials, schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme.

Reason: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development (Policy DC6 of the adopted Local Plan).

5. All hard and soft landscape works shall be carried out in accordance with the details and programme approved under the above condition. Thereafter, the landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted.

Reason: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development (Policy DC6 of the adopted Local Plan)

6. Prior to the occupation or use of the development, surface water drainage works shall be carried out in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. Before the drainage scheme is submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment shall be submitted to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted scheme shall include the following:

1. - information about the design storm period and intensity, the method - employed to delay and control the surface water discharged from the site, - and measures taken to prevent pollution of the receiving groundwater - and/or surface watercourses;
2. - a timetable for its implementation;
3. - a management and maintenance plan for the lifetime of the development - - i.e. arrangements for adoption by any public authority or statutory - undertaker and any other arrangements to secure the operation of system - throughout its lifetime.

Reason: To ensure the effective and sustainable drainage of the site in the interests of public health and the avoidance of flooding (Policies DC9 and DC14 of the adopted Local Plan).

7. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed

Reason: To ensure the effective and sustainable drainage of the site in the interests of public health and the avoidance of flooding (Policies DC9 and DC14 of the adopted Local Plan).

8. Prior to the commencement of any residential development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be complied with throughout the construction period.

Reason: In the interests of visual amenity, highway safety and to protect the residential amenities of the occupants of adjacent dwellings during construction (Policies DC1, DC5 and DC9 of the adopted Local Plan).

9. Prior to the commencement of any dwelling hereby approved, a Residential Travel plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved plan shall be provided to all new residents of the development upon completion of their purchase.

Reason: To encourage the use of sustainable modes of transport (Policy GS10 of the adopted Local Plan).

10. Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

11. Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.

12. No other development shall take place until the vehicular access to the site, and the visibility splays serving it, have been formed in accordance with the approved plans. The access and visibility splays shall be provided prior to the occupation or use of the new development and, thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.

Reason: In the interest of highway safety (Policy DC5 of the adopted Local Plan).

13. No surface water from the development shall be discharged onto the adjacent highway.

Reason: To avoid localised flooding (Policy DC14 of the adopted Local Plan).

14. The development hereby permitted shall be implemented in accordance with the recommendations contained in the Ecological Appraisal Final Report (3rd July 2015) prepared by Malford Environmental Consulting in all respects. Any variation shall be agreed in writing by the Local Planning Authority before such change is made.

Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To promote the preservation and enhancement of biodiversity in accordance with government policy as stated in paragraphs 109 and 117 of the NPPF.