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Date: - 4 MAR 1998

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 SCHEDULE 6 AND  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990  
SECTION 20 AND SCHEDULE 3**

**APPEALS BY EARL OF PLYMOUTH ESTATES**

**APPLICATION NOS: 95/00371/LBC subsequently registered as DRA/14134/1-LB,  
95/00370/FUL subsequently registered as DRA/14134, DRA/14134/3-LB and DRA/14134/2**

**INTRODUCTION**

1. I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine these appeals against:

1. the decisions of the Vale of White Horse District Council to refuse listed building consent and planning permission in relation to proposals for the removal of modern agricultural buildings, the conservation and conversion of traditional farm buildings to form 6 new dwellings, the formation of an access way, and the construction of 16 new dwellings including 4 low cost houses (25% of the development), (Appeal A); and,

2. the failure of the Vale of White Horse District Council to give notice of their decisions within the appropriate period on applications for listed building consent, conservation area consent and planning permission in relation to proposals for the removal of modern agricultural buildings, the conservation and conversion of traditional farm buildings to form 6 new dwellings, alterations to the existing cottage, and the construction of 13 new dwellings, to total 20 units in all, the construction of an access way and a new garage for the existing farmhouse, (Appeal B);

on land at Manor Farm, Drayton. I held an inquiry into the appeals on 4, 5 and 24 November 1997, and I inspected the site and the surrounding area on 6 November 1997.

2. A number of clarifications are required in respect of these applications and appeals, as follows:

i. listed building consent for both Appeal A and Appeal B is required only for the works of conservation and conversion of the traditional farm buildings to form 6 new dwellings, and I shall deal with both of the listed building consent appeals on that basis;

ii. in respect of Appeal A, the relevant application form was completed as an application for listed building consent only. No specific application had been made for conservation area consent to demolish the other relatively modern farm buildings. The Council's refusal was only in respect of listed building consent. The Council considered the demolitions to be a benefit. From what I saw and heard, I concur with their view. Nonetheless, I must deal with Appeal A as relating to refusals of planning permission and listed building consent only;

iii. in respect of Appeal B, the Council agreed at the inquiry that the applications had been made for both listed building consent and conservation area consent, and their decision related to both matters. I shall therefore deal with Appeal B as being against the refusal of planning permission, listed building consent, and conservation area consent;

iv. the forms for Appeal B were dated 12 August 1997, in respect of the failure of the Council to determine the applications within the appropriate period. On 11 August 1997, the Council refused the applications and issued their reasons for refusal. As the parties addressed the issues raised by the Council's reasons for refusal at the inquiry, and were not prejudiced by so doing, I shall deal with Appeal B on the basis that planning permission, listed building consent and conservation area consent were refused for the reasons given by the Council;

v. at the inquiry, an amended drawing (Plan C) was put in, relating to Appeal B, which had been produced and submitted to the Council shortly before the inquiry. It had not been through the process of statutory consultation, and Drayton Parish Council and local residents had not been in a position to comment on it. Although 2 members of the Parish Council spoke about the revised plan at the inquiry, because of the limited amount of consultation on the drawing, and bearing in mind the number of local concerns raised about the proposal, I shall not take into account the amended drawing in reaching my decisions;

vi. I have recorded the drawings submitted with each of the appeals at the end of my letter. Appendix 1 of Document 5 records that Plans B/2 - B/15 were submitted with application nos 95/00371/LBC and 95/00370/FUL on 16 June 1995, and were subsequently reregistered with the amended application nos DRA/14134/1-LB and DRA/14134, which included Plans B/2 - B/15. I shall therefore determine Appeal A on the basis of all of the application plans listed as Plans A/1 - A/17 as well as Plans B/2 to B/15.

## THE APPEAL SITES

3. The Manor Farmhouse, which is a listed building, and the existing farm buildings grouped around it, are accessed from the south of the appeal sites, from The Green and from Gravel Lane. The group of farm buildings includes a cottage as well as several relatively modern agricultural buildings. To the north of the group of buildings is a large field, which runs up to Henleys Lane. To the west of the sites is Abingdon Road, formerly the A34, and now the B4017; the properties along its west side are generally residential. To the south and east of the sites and to the north of Henleys Lane the area is mostly housing. The appeal sites are located within the Drayton Conservation Area.

4. The site for Appeal A contains the Manor Farmhouse. The northern boundary to the site includes an area of the southern part of the field, and then continues on slightly south of east to meet the north west corner of the gardens to the properties in Caudwell Close.

5. The site for Appeal B excludes the Manor Farmhouse, and also excludes a strip of land to the east of the Abingdon Road. The northern site boundary generally follows the existing southern boundary of the field and then continues eastward towards the same north west corner of Caudwell Close.

6. Although formerly the farm buildings on the appeal sites were used in connection with the farm, I heard that, due to the rerouting of the A34 to bypass the village, the farm buildings had become separated from the landholding, which lay to the west of the village, and mostly to the west of the A34. The Council had granted planning permission for new farm buildings and associated accommodation, to enable the farming enterprise to be concentrated west of the A34. The buildings on the appeal site were thus no longer required in connection with the farming activities.

## THE PLANNING OBLIGATIONS

7. During the inquiry, 2 draft planning obligations were put in, relating separately to Appeal A and Appeal B. They were in the form of agreements under Section 106 of the Town and Country Planning Act 1990, as substituted by Section 12 of the Planning and Compensation Act 1991. Following the close of the inquiry, completed versions of these, dated 24 December 1997, were submitted.

8. The planning obligation for Appeal A provides generally that, if I were to grant planning permission for the proposal, the land owner, who is the appellant, would transfer to the Council its freehold interest in part of the field to the north, as well as the public open space provided within the new housing area. The remainder of the field to the north would be maintained by the owner free from any built development, and the land would be used for agricultural, horticultural or animal grazing purposes only. An area of land would be transferred to the Council for affordable housing. The owner would use reasonable endeavours to enter into an agreement with the Highway Authority in respect of certain Highway Works to The Green. Commuted Sums would be paid to the Council for the maintenance of the public open spaces. The Council would use reasonable endeavours to construct and complete the affordable housing within a timetable. They would not use the 2 areas of transferred land other than as public open spaces, and would keep those areas in reasonable or good condition for a minimum of 10 years.

9. The planning obligation for Appeal B provides generally that, if I were to grant planning permission for the proposal, the owner would transfer to the Council its freehold interest in the public open space provided within the new housing area. The whole of the field to the north would be maintained by the owner free from any built development, and the land would be used for agricultural, horticultural or animal grazing purposes only. An area of land would be transferred to the Council for affordable housing. A Commuted Sum would be paid to the Council for the maintenance of the public open space. The Council would use reasonable endeavours to construct and complete the affordable housing within a timetable. They would not use the area of transferred land other than as public open space, and would keep the area in good condition for a minimum of 10 years.

10. In the emerging Local Plan, Policy H1.6 proposes Land at Manor Farm for new housing development. The Council have prepared Supplementary Planning Guidance in respect of the site. In that document, the Council state that the field to the north is of important amenity value and makes a crucial contribution to the open character of the Drayton Conservation Area. For this reason, the Council state that they will seek a Section 106 Agreement securing the provision of this field as public open space. The proposed housing site is shown on the 1:2500 plan accompanying the Supplementary Planning Guidance with its northern boundary approximately following the line shown for Appeal B, except that the Appeal B site excludes a strip to the east of Abingdon Road. The field to the north is identified on the plan as land to be retained as open space. The Guidance also states that in accordance with Policy H3 the Council will negotiate with the developer to secure provision of an element of affordable housing as part of the development.

11. In view of the fact that there is a general level of agreement between the Council and the owner concerning the planning obligations, that the Council's intention for the transfer of the field as public open space is contained within the Supplementary Planning Guidance, and that the emerging Local Plan is at an advanced stage, I am satisfied that such a transfer of land would indeed be made, although the provision for the transfer of land seems to run contrary to the letter of the advice in Circular 1/97. In my view the benefits of the 2 agreements are such that I shall take the planning obligations into account as material considerations in my determination of these appeals.

## THE MAIN ISSUES

12. From the foregoing, my inspection of the site and its surroundings and from the representations made at the inquiry and in writing, I consider the main issues in both Appeal A and Appeal B to be the effect the proposals would have on:

1. the character and setting of the Manor Farmhouse and the buildings proposed for conversion, all listed Grade II, and the character or appearance of the Drayton Conservation Area, within which they stand; and,

2. the living conditions of proposed occupiers with particular reference to the provision of open space and the living conditions of proposed and adjoining occupiers with particular reference to privacy;

and, for Appeal B only, the effect the proposal would have on:

3. highway safety arising from the proposed access arrangements.

## THE DEVELOPMENT PLAN

13. The Development Plan for the area consists of the approved Oxfordshire Structure Plan, Alterations No 4. The Deposit Draft version of the Oxfordshire Structure Plan 2011 has recently completed its Examination in Public. The Deposit Draft Vale of White Horse Local Plan completed its Local Plan Inquiry stage earlier in 1997. I have taken account of the advice given in Paragraph 48 of Planning Policy Guidance: General Policy and Principles (PPG 1) and I have attached weight accordingly, bearing in mind the Parish Council's opposition to the inclusion of the site in Policy H1.6 at the Local Plan Inquiry.

## THE FIRST ISSUE

14. Turning to my first issue, Manor Farmhouse is listed Grade II. Within the curtilage of the listed building are a cottage, which you propose to upgrade, and a number of traditional buildings, which you propose to convert to dwellings. These are identified on the Site Plan, (Plan D), as Building A, the cottage with an attached barn; Building B, stables to the west of the cottage; Building D, a large barn with an attached granary, Building E; Building F, a shed, which is related to Building G, which is stables; and Building H, a shed attached to Building G. As these buildings were constructed prior to 1 July 1948, and are situated within the curtilage of the listed building, they are to be treated as part of the listed building by reason of Section 1 (5) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

15. Policy EN6 in the Structure Plan, Policy EN9 in the emerging Structure Plan, and Policies HE11 and HE13(R) in the emerging Local Plan, seek to control works to listed buildings and their settings. They reflect the thrust of the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice in Planning Policy Guidance: Planning and the Historic Environment (PPG 15).

16. The proposals in both appeals are similar, in my view, in terms of their effects on the listed buildings. The Council have raised no concerns in connection with the works to the listed buildings, or the effect that the proposals in both appeals would have on the settings of the listed buildings. The proposals also included for resiting of the stables and a garage to the Manor Farmhouse. From what I saw and heard, I concur with the Council's view. In my judgement, neither proposal would harm the character of the listed buildings or their settings, and both proposals would preserve the listed buildings and their settings. Both proposals would therefore be in accord with the policies in the Structure Plan, the emerging Structure Plan, the emerging Local Plan, and with Government guidance.

17. With regard to the Drayton Conservation Area, in addition to Policies EN6 and EN9 which I have referred to above, and which also seek to preserve or enhance conservation areas, Policies HE1 and HE2 in the emerging Local Plan seek to control development in Conservation Areas so that it preserves or enhances the character or appearance of the area, and harmonises with the traditional local materials. The policies reflect the thrust of the statutory duties.

18. The Conservation Area was designated in 1969. The Council at that time described the area, and wrote that the street scene was reinforced by walls and overhanging trees. They also referred to improvements that could be made to The Green when the A34 bypass was built. The description also stated that much of the land between the High Street (to the south of Gravel Lane) and Henleys Lane (to the north of the field) was taken up by farm paddocks.

7 19. I saw that the Conservation Area in many ways still reflected the description; and although the A34 bypass has now been completed, The Green remains much as it was. It was stated at the inquiry that the character and appearance of the Conservation Area is that of a loose knit area; I share that view. I saw that the area is generally residential, with a variety of housing styles, sizes and materials, many of which reflected local traditions and character. Trees, verges and paths also contribute to that character. Open space is particularly significant, with the field to the north of the appeal sites making, in my view, an important contribution in this respect.

20. Although there are some cottages, terraced houses, and buildings converted to residential use, the overall appearance of the area is predominantly that of detached dwellings set in good sized gardens. Local character is provided by stone boundary walls, mature trees, hedgerows, narrow lanes, and overhanging trees, as well as by a variety of generally traditional building forms, with brick walling, timber cladding, clay tile or slate roofing, steeply pitched roofs and chimneys.

21. Dealing firstly with Appeal A, your client's architect stated that the design proposal had been to reflect a traditional farmyard area with its access onto Gravel Lane, based around the existing traditional farm buildings at the south end of the site; a middle section with an appearance of a village street; and a more open area to the north containing a mix of house types in a rural setting. Beyond that would be the open space of the field.

22. The proposal for the new housing showed a slightly curving boundary to the north, between the house plots and the field. This intruded onto the land which the Council seek for public open space, as did some of the houses themselves, to a lesser extent. In my view, by reason of the gentle curve and natural form of this boundary, provided that it were detailed to be sympathetic to the agricultural character of the field, it would reflect the rural appearance of the area. Such detail could be controlled by condition.

23. The public open space provision on the site would link visually and functionally into the field to the north, which I consider would be a benefit. The part of the field retained as private open space would be a visual benefit, as it would continue to provide an open and rural character much as it does at present. These aspects of the proposal would preserve the character and the appearance of the Conservation Area.

24. Furthermore, as the proposal would also create views through the new housing and the farmyard area, from the field to the north down to Gravel Lane, which are generally obscured by the existing modern agricultural buildings, it would enhance the openness of the character and appearance of this part of the Conservation Area. The fact that only part of the field would be public open space does not, in my judgement, harm the proposal. Almost all of the field would be available as open space, which would be a visual benefit, and public access to a large part of it would provide a functional benefit well in excess of the normal requirements of the Council for the provision of public open space for such proposals.

25. The Council raised a number of concerns relating to the design and layout of the proposed new dwellings. They were of the view that the dwellings were squeezed onto the site, with little space between the buildings and with poorly disposed garden areas.

26. The proposal includes for 4 terraced units, for affordable housing, and 12 good sized detached houses. The overall design reflects a number of the characteristics of local traditional buildings, particularly in terms of materials, roofs and details. In this regard, the proposal

preserves the character and appearance of the Conservation Area, and meets the objective of Policy HE2 in the emerging Local Plan.

27. The layout of the houses would achieve, in my view, the design concept of the village street in the central part of the site, which I consider to be entirely appropriate to this particular site in terms of the preservation of the character and appearance of the Conservation Area. The existing modern farm buildings to the north of the site detract from the character and appearance of the area by reason of the loss of openness that they cause. Their removal would give the opportunity for development with a greater sense of openness which would be far preferable to what is on the site at present. As the houses in this latter area would be more scattered, and there would be open space between and around them, the proposal would achieve a more open character nearer to the field, which I therefore consider to be appropriate.

28. In my judgement, the right balance has been struck between a size of property which reflects the importance and sensitivity of the site, and the area of private garden and public open space on the site. Garden dimensions of about 10.5 m are shown on the Site Plan for each of the detached houses, with further open space around their other sides, and I do not consider that the garden provision in terms of space and thus the character or appearance of the Conservation Area is therefore in any way inadequate or harmful. However, it is important that this open character and appearance is not compromised by walls or fences which unduly restrict the open character that would be achieved.

29. Finally, the proposal involves off site works in connection with highway improvements to The Green. These works would close the northern and southern accesses through The Green, and would widen the central access. These matters were referred to, in principle, in the Council's Supplementary Planning Guidance for the site, including the fact that the special character and amenity of The Green will need to be paid particular attention. The Conservation Area designation description refers to the improvement that could be made in this area. The Green would become a generally larger area of open space, with only a central access, to the benefit, in my view, of the Conservation Area as well as to the safety of road users in the area. It would enhance the character and appearance of the Conservation Area.

30. Concerns were expressed at the inquiry as to whether the Parish Council, who controlled The Green, would be agreeable to the works; I have referred earlier to the concerns that they expressed at the local plan inquiry, which related to the number of new build houses proposed. They stated at this inquiry that they were not minded to agree to any alterations to The Green without there being a distinct overall benefit to the village. They supported the move of the farm to the west of the A34; the 6 conversions; and they would accept 5 or 6 new dwellings. The benefit that they sought was that the whole of the field to the north should be public open space. The Parish Council were not against the principle of development, for which improvements to the access would be required. Whilst the number of new build houses proposed is higher than the Parish Council would like to see, the proposal would retain the majority of the field as open space, albeit it that some of that would be kept in private ownership rather than as public open space. The appellant is prepared to carry out the works through the mechanism of the Section 106 Agreement. I am satisfied, notwithstanding the Parish Council objections, that there is a reasonable prospect of the access improvements being secured. A negative condition would provide for this.

31. I find with regard to my first issue on Appeal A that the proposal would preserve the listed

buildings and their settings. It would preserve and, with regard to some aspects, would enhance, the character and appearance of the Conservation Area. It would conform to Government guidance and the aims of the policies in the Structure Plan, the emerging Structure Plan, and the emerging Local Plan.

32. Turning to Appeal B, the proposal is for 13 new houses, of which 4 would be for affordable housing, and terraced. The other 9 houses would be detached. There would be, in my view, a cramped layout to some areas of this proposal. In particular, the area to the west and south west of the new build site would contain some 5 houses. Set around a short drive, there would be insufficient space between the buildings, and the area would appear as relatively densely built up, which would be harmful to the open character of the area. The 3 houses to the east of the site would also be in close proximity to each other, and would similarly have little open space between them, which would also be harmful.

33. Furthermore, 4 of the dwellings on the northern boundary would be almost in line with each other in terms of their north elevations and their relationship to the field beyond. This would present an unduly hard and straight edge in an area where the character is generally more natural. This I also consider would be harmful to the character of the area. Although the design of the houses would be sympathetic to the area, as I have found for Appeal A, the harm that the proposal would cause to the character and appearance of the Conservation Area I find to be a compelling objection.

34. I find with regard to my first issue on Appeal B that the proposal would not preserve nor enhance the character or appearance of the Conservation Area. It would not achieve the objectives of the policies in the Structure Plan, the emerging Structure Plan and the emerging Local Plan, nor Government guidance.

## THE SECOND ISSUE

35. Turning to my second issue, Policy H18 (vi) in the emerging Local Plan seeks to ensure that public open space provision in residential developments will normally be 13% of the residential area. Dealing firstly with Appeal A, the public open space provision substantially exceeds the Council's requirement, by reason of the inclusion of land both on and adjoining the appeal site, albeit that some of the field would remain in private ownership. The proposal would therefore accord with the policy.

36. The Council's concerns with respect to privacy related primarily to window positions in the proposed dwellings, which were dealt with at some length at the inquiry. The Council's Supplementary Planning Guidance dealt with a number of aspects to minimise overlooking and to increase privacy. Your client's architect stated that all the concerns could be dealt with by way of a condition; the plans for the proposed houses were generic, and could be modified to suit the particular site. The Council's witness was also of the view that such matters could be controlled by condition. I do not dissent from that view, and that a condition to enable the Council to approve the door and window positions is necessary to ensure reasonable privacy.

37. I find with regard to my second issue on Appeal A that the provision of open space accords with the policy and that, subject to the imposition of a condition, privacy would be safeguarded for the occupiers of the houses, and would also accord with the policy.



38. Turning to my second issue, for Appeal B, no off-site provision of public open space would be included. From the calculated areas put forward at the inquiry, the provision on the site itself amounted to some 13% of the new build area, but no allowance had been made for the converted listed buildings. In my opinion, their requirement for public open space is similar to that for the new housing. Although there is no shortfall of public open space generally in the village, it is not so accessible as to obviate the need for on-site provision. Furthermore, the size of private garden would not overcome the need for normal open space requirements. The occupiers would thus be dependant on using the new build housing provision, which would be insufficient. I therefore find that the provision would be harmfully deficient in this respect.

39. With regard to privacy, similar concerns to Appeal A were put forward by the Council. I consider that a similar condition to that which I have found to be necessary with regard to Appeal A would satisfactorily deal with the concerns relating to privacy within the site. However, the proposal, in my view, would be located unacceptably close to 3 Caudwell Close, which is a small single storey house. The presence of the proposed house so close to the common boundary would, in my view, have a harmful effect on the privacy of the occupiers of that property. Whilst such matters could, in other circumstances, be controlled by a condition requiring a hedge or fence to be provided, in view of the proximity of the dwelling and its main window to the boundary, such a fence or hedge would be unduly overbearing for the occupiers of the property, and would therefore be harmful to their living conditions.

40. I find with regard to my second issue on Appeal B that the proposal would have a harmful effect on the living conditions of the proposed occupiers by reason of the lack of sufficient public open space, and would not accord with the policy in the emerging Local Plan. The proposal would have a harmful effect on the living conditions of the occupiers of the adjoining property by reason of overlooking, which would outweigh the fact that within the new development matters of privacy could be controlled by condition.

### THE THIRD ISSUE

41. Turning to my third issue, for Appeal B only, Policy T16 in the Structure Plan and Policy T19 in the emerging Structure Plan set out the various transport aspects of development that will be considered when proposals are brought forward. Policy HE1 in the emerging Local Plan requires particular attention to be paid to the traffic generation of new developments proposed in a Conservation Area. No highway works to The Green are proposed for Appeal B. I have also taken account of Government advice which is contained in Planning Policy Guidance: Transport (PPG 13). Annex D sets out visibility standards relevant to this appeal.

42. Abingdon Road is subject to 30 mph speed limit. The northerly access on The Green has visibility to the north, for oncoming traffic, substantially below that which is advised in Annex D of PPG 13. For that reason, it would be likely to be harmful to highway safety for traffic exiting from Gravel Lane, including the proposed dwellings, when using this exit and seeking to turn north. There would continue to be 3 accesses across The Green onto Abingdon Road. Advice in Paragraph 6.7 of PPG 13 states that the combining of individual access points along a road should be encouraged as this will help to increase road safety. Without such an improvement, the increase in traffic that would be created by the proposal, although modest, would in my view be likely to be harmful to highway safety. The south access from The Green is close to the mini-roundabout at the junction with High Street. The proximity of these 2 junctions would add to the likelihood of accidents, which would be harmful.

43. I have taken account of the facts that the 3 accesses provide a limited amount of choice for drivers when exiting onto the Abingdon Road, that the traffic likely to be generated by the conversions would be similar to that generated by the farm use, that the traffic likely to be generated daily by the new dwellings was agreed at the inquiry between the parties at some 7 vehicle movements two-way per dwelling, and that no personal injury accidents had been recorded at The Green in the last 5 years. However, in my view, these do not outweigh the harmful effects, described above, that the proposal would be likely to cause.

44. I find on my third issue, for Appeal B, that the proposal would be likely to have a harmful effect on highway safety. It would not be in accord with the policies in the Structure Plan and the emerging Structure and Local Plans.

### MY CONCLUSIONS

45. I conclude that, for Appeal A, the proposal would preserve the architectural and historic character of the listed buildings and their settings. It would preserve the character and the appearance of the Conservation Area and, in some respects, would enhance it, subject to the use of a condition with regard to the detail of the enclosure of the northern boundary of the appeal site. The provision of public open space would exceed the Council's requirements. Subject to the use of a condition, privacy for the proposed occupiers could be safeguarded. The proposal would accord with the policies in the Structure Plan, the emerging Structure Plan and the emerging Local Plan, as well as with Government guidance. I shall therefore allow the appeal.

46. I conclude that, for Appeal B, the proposal would similarly preserve the listed buildings and their settings. However, it would not preserve or enhance the character or the appearance of the Conservation Area. The provision of public open space would be harmfully below the normal policy requirement. The privacy of the adjoining occupiers would be harmfully affected, although I am satisfied that the privacy of the proposed occupiers of the development could be safeguarded with the use of a suitable condition. The accesses to and from the appeal site onto Abingdon Road would be likely to have a harmful effect on highway safety. The proposal would not accord with the policies in the Structure Plan, the emerging Structure Plan and the emerging Local Plan, nor with Government guidance with regard to Conservation Areas. For these reasons, I shall not allow the appeal.

### CONDITIONS

47. I have considered carefully the suggested conditions submitted by the Council, in the light of advice in Department of the Environment Circular 11/95, The Use of Conditions in Planning Permissions. The Council have suggested conditions with regard to samples of materials and sample panels, details of door, window and other building matters, and hard and soft landscaping including means of enclosure, and materials. In view of the important and sensitive location of the site in the Conservation Area and within the settings of the listed buildings, as well as the effect of the works on the listed buildings themselves, I consider such conditions to be necessary. I also find it necessary to ensure that the hard and soft landscape works are undertaken to an acceptable timescale and I shall include a condition accordingly.

48. The Council have also suggested that no fences, walls or other means of enclosure should be erected along the north boundary other than that permitted by the landscaping condition. I have dealt earlier with this, and I consider such a condition to be necessary to maintain the rural

character of the area. The Council have put forward a condition for a programme of archaeological investigation. In view of the importance of the site archaeologically, which you do not dispute, I consider that such a condition is necessary.

49. The Council have also raised conditions with regard to the construction of the access into the site and the off site highway works. As I have discussed earlier, I consider that the off site works are fundamental to this permission, and it is also necessary that a safe access is formed into the appeal site. Finally, as surface water will need on site storage, I find a condition with regard to that matter to be necessary.

### OTHER MATTERS

50. I have taken account of all the other matters raised at the inquiry and in writing, including the loss of the silver birch and horse chestnut trees, which I do not consider to be important enough specimens to warrant retention or relocation. I have found no evidence that would outweigh the considerations which have led me to my decisions.

### MY DECISIONS

51. For the reasons given above and in exercise of the powers transferred to me, I hereby dismiss Appeal B.

52. For the reasons given above and in exercise of the powers transferred to me, I hereby allow Appeal A and grant planning permission for the removal of modern agricultural buildings, the conservation and conversion of traditional farm buildings to form 6 new dwellings, the formation of an access way, and the construction of 16 new dwellings including 4 low cost houses (25% of the development), on land at Manor Farm, Drayton, in accordance with the terms of the application 95/00370/FUL renumbered as DRA/14134, dated 8 August 1996 and the plans (Plans A/1 - A/17 and B/2 - B/15) submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. no development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority, including sample panels to be built on site to show the mortar mix and colour and type of pointing to be used. Development shall be carried out in accordance with the approved details;
3. notwithstanding the details shown on the application plans, no development shall take place until full details of the proposed door and window openings and their positions have been submitted to and approved in writing by the local planning authority;
4. no development shall take place until full details of the windows and doors, (including the joinery, reveals, cills and lintels), eaves, verges, chimneys, roof ventilators and rainwater goods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details;
5. 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 and these works shall be carried out as approved. These details shall include proposed means of enclosure; hard surfacing materials; and road surfacing and kerbing;

6. all hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority;

7. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, walls or other means of enclosure (other than those permitted under the terms of condition no 5) shall be erected along the north boundary of the site without the prior grant of planning permission;

8. no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority;

9. no dwelling shall be occupied until the means of vehicular access into the site has been constructed in accordance with the approved plan 94.780 CL 0 01 Revision C and the specification of Oxfordshire County Council for such works;

10. no dwelling shall be occupied until 2 of the existing accesses across The Green have been closed and the remaining access widened in accordance with a scheme which has been submitted to and approved in writing by the local planning authority;

11. no dwelling shall be occupied until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

53. Similarly, I hereby allow Appeal A and grant listed building consent for the conservation and conversion of traditional farm buildings to form 6 new dwellings on land at Manor Farm, Drayton, in accordance with the terms of the application Nos 95/00371/LBC renumbered as DRA/14134/1-LB, dated 8 August 1996 and the plans (Plans A/1 - A/9 and B/2 - B/15) submitted therewith, subject to the following conditions:

1. the works hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. no works shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority, including sample panels to be built on site to show the mortar mix and colour and type of pointing to be used. The works shall be carried out in accordance with the approved details;

3. no works shall take place until full details of the windows and doors, (including the joinery, reveals, cills and lintels), eaves, verges, chimneys, roof ventilators and

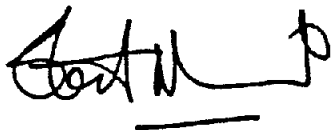
rainwater goods have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

54. An applicant for any consent, agreement or approval required by a condition of these consents has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the relevant period.

55. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990 and Sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

56. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stuart M Reid', written over a horizontal line.

STUART M REID D Arch (Hons) RIBA  
Inspector

## APPEARANCES

### FOR THE APPELLANTS

Miss Morag Ellis - of Counsel, instructed by Mr M Sant of Harmer Partnership.

She called:

- Mr G Frecknall  
MA (Arch) AADipl RIBA - Graham Frecknall Architecture and Design,  
9 Agincourt Street, Monmouth NP5 3DZ.
- Mr M R Knowles  
BSc CEng MICE MIHT DipTE  
ACGI - Tucker Parry Knowles Partnership,  
3 London Road, Newbury, Berkshire  
RG14 1JL.
- Mr M Sant  
BA (Hons) FRTPI - Harmer Partnership,  
39 Lambourne Crescent, Cardiff Business  
Park, Llanishen, Cardiff CF4 5GG.

### FOR THE LOCAL PLANNING AUTHORITY

Mr Robert Douglas-White - of Counsel, instructed by the District  
Solicitor, Vale of White Horse District  
Council.

He called:

- Mr A J Clark  
BSc CEng MICE - Principal Engineer, Environmental Services,  
Oxford County Council.
- Mr M Gilbert  
BA MRTPI - Area Planning Officer, Vale of White Horse  
District Council.

### INTERESTED PERSONS

- Mr A Thomas - Chairman, Drayton Parish Council.
- Mrs H J Morrison - Councillor, Drayton Parish Council.

## DOCUMENTS

- Document 1/1,/2,/3 - List of persons present at the Inquiry.
- Document 2 - Council's letter of notification of the Inquiry and list of persons notified.
- Document 3 - Written representations received.
- Document 4 - Appendices to Mr Sant's proof of evidence.
- Document 5 - Appendices to Mr Frecknall's proof of evidence.
- Document 6 - Appendices to Mr Knowles's proof of evidence.
- Document 7 - Appendices to Mr Gilbert's proof of evidence.
- Document 8 - Appendices to Mr Clark's proof of evidence.
- Document 9 - Submission of case put in by Drayton Parish Council.
- Document 10/1, /2 and /3 - Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another, British Railways Board v Secretary of State for the Environment and others, and R v Warwickshire County Council, ex p Powergen plc, put in by Miss Ellis.
- Document 11 - Letter from the Deputy County Archaeological Officer for Oxfordshire County Council dated 3 November 1997.
- Document 12 - Density calculations, conversion from imperial to metric units, put in by Mr Frecknall dated 4 November 1997.
- Document 13 - Extract from Research on Road Traffic HMSO 1965 put in by the Council.
- Document 14 - The Council's suggested conditions.
- Document 15 - Extract from the Vale of White Horse District Council's evidence to the Local Plan Inquiry.
- Document 16 - Policy H3 from the Vale of White Horse Deposit Draft Local Plan.
- Document 17 - Notices of refusal relating to Appeal B dated 11 August 1997.

- Document 18 - Bundle of correspondence and meeting notes put in by the appellants, relating to public open space.
- Document 19 - Appellants' suggested conditions.
- Document 20 - Appendices to Mr Frecknall's supplementary proof of evidence.
- Document 21/A and /B - Draft Section 106 agreements for Appeal A and Appeal B put in at the inquiry.
- Document 22/A and /B - Completed Section 106 agreements for Appeal A and Appeal B put in after the close of the inquiry.
- Document 23 - Letter from Thames Water Utilities dated 3 November 1997 relating to foul and surface water sewers.
- Document 24 - Correspondence from the appellant's agent dated 14 November 1997 relating to the Section 106 Agreements and the suggested list of planning conditions.
- Document 25/1 and /2 - Final version of the suggested conditions put in by the Council and the appellant's agent at the inquiry.



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T/APP/V3120/A/97/284623/P7

## PLANS

### Plan A/1 - A/17

- Application plans: Appeal A:  
Our Refs: T/APP/V3120/E/97/813565/P7  
and T/APP/V3120/A/97/281843/P7  
Drawing numbers:  
94.780 BL.0.0: Location Plan as existing dated 18.5.95  
94.780 CL 001 C: Site Plan Existing Buildings  
94.780 CL.0.2 A: Building A Cottage/Outbuilding  
94.780 CL.0.04 A: Proposed Conversion Building B  
94.780 CL.0.05 A: Proposed Conversion Building D Plans  
94.780 CL.0.7 A: Proposed Conversion Buildings G & H  
94.780 CL.0.17 B: Proposed Conversion Building B  
94.780 CL.0.18 B: Elevations Building D  
94.780 CL.0.19 B: Proposed Conversion Buildings G and H  
94.780 DL.0.01 A: Site Plan New Units  
94.780 DL.0.17: Proposed Garage  
94.780 DL.0.21 B: House Type A  
94.780 DL.0.22 B: Terraced Housing B  
94.780 DL.0.23 B: House Type C  
94.780 DL.0.24 B: "Vicarage" Type  
94.780 DL.0.25 B: "Vicarage" Type Plan  
File No 3390: The Green, Drayton.

### Plan B/1 - B/30

- Application plans: Appeal B:  
Our Refs: T/APP/V3120/E/97/813735/P7  
and T/APP/V3120/A/97/284623/P7  
Drawing numbers:  
94.780 BL.0.0: Location Plan dated Feb 97  
94.780 BL.0.1: Site Plan  
94.780 BL.0.2: Building A - Existing Cottage  
94.780 BL.0.3: Building A - Existing Cottage  
94.780 BL.0.4: Building B - Existing Stables  
94.780 BL.0.5: Building D Existing Barn, Building E Existing  
Granary  
94.780 BL.0.6: Building A-Rear Outbuilding  
94.780 BL.0.7 Buildings F G & H  
94.780 BL.0.8: Plans - Buildings - K, L, M, N  
94.780 BL.0.9: Site Plan as Existing  
94.780 BL.0.16: Elevations - Building A - Cottage  
94.780 BL.0.17: Elevations Building B - Stables  
94.780 BL.0.18: Elevations Building D - Barn  
94.780 BL.0.19: Elevations - Buildings F, G & H  
94.780 BL.0.20: Elevations - Buildings - K, L, M, N  
94.780 CL 001/1: Site Plan Existing Buildings  
94.780 CL.0.2 A: Building A Cottage/Outbuilding  
94.780 CL.0.04 A: Proposed Conversion Building B

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T/APP/V3120/A/97/284623/P7

94.780 CL.0.05 A: Proposed Conversion Building D Plans  
94.780 CL.0.7 A: Proposed Conversion Buildings G & H  
94.780 CL.0.17 B: Proposed Conversion Building B  
94.780 CL.0.18 B: Elevations Building D  
94.780 CL.0.19 B: Proposed Conversion Buildings G and H  
94.780 DL 0 01/1: Site Plan New Units  
94.780 DL.0.17: Proposed Garage  
94.780 DL.0.21 B: House Type A  
94.780 DL.0.22 B: Terraced Housing B  
94.780 DL.0.23 B: House Type C  
94.780 DL.0.24 B: "Vicarage" Type  
94.780 DL.0.25 B: "Vicarage" Type Plan.

Plan C

- Amended layout: Appeal B  
Our Refs: T/APP/V3120/E/97/813735/P7  
and T/APP/V3120/A/97/284623/P7  
Drawing number: 94-780 DL.0.01/2: Revised Site Plan for  
New Units.

Plan D

- Marked up copy of Drawing number 94.780 BL.0.1 showing  
buildings to be demolished.

Plan E

- Marked up copy of Drawing number 94.780 DL.0.01 A  
showing the stables to be resited and the position of the  
proposed garage for Manor Farmhouse.