

Appeal Decision

Inquiry held on 5-8 April 2016

Accompanied site visit made on 7 April 2016

by David Spencer BA (Hons) DipTP MRTPI

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

Decision date: 19 May 2016

Appeal Ref: APP/Q3115/W/15/3035899

Land to the east of Newington Road, Stadhampton, Oxfordshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Catesby Estates Limited against the decision of South Oxfordshire District Council.
- The application Ref P14/S4105/O, dated 23 December 2014, was refused by notice dated 23 April 2015.
- The development proposed is demolition of existing structures and outline planning permission for residential development of up to 65 dwellings (Use Class C3) and associated works including means of access, with all other matters (relating to appearance, landscaping, scale and layout) reserved.

Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing structures and residential development of up to 65 dwellings (Use Class C3) and associated works including means of access, with all other matters (relating to appearance, landscaping, scale and layout) reserved at land to the east of Newington Road, Stadhampton, Oxfordshire in accordance with the terms of the application Ref: P14/S4105/O and subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. At the Inquiry an application for costs was made by Catesby Estates Limited against South Oxfordshire District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted in outline with all matters reserved except for access. Nevertheless it was accompanied by supporting information including, amongst other things, a planning statement, a transport statement, a heritage statement, a flood risk assessment, an odour impact assessment and a landscape and visual appraisal.
4. A signed and dated agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (the S106) was submitted during the opening of the Inquiry. The S106 would provide for the delivery of affordable housing as well as financial contributions towards some aspects of community infrastructure. These proposed contributions would need to be assessed against the statutory tests set out in the CIL Regulations 2010. In addition the South Oxfordshire Community Infrastructure Levy (CIL) came into effect from 1 April

2016 with the appeal proposal being liable for a CIL charge. Consequently, it was confirmed to me that a combination of CIL and the S106 would address the Local Planning Authority's (the LPA) second and third reasons for refusal.

5. The timing of the Inquiry event occurred at what could be reasonably described as one of flux including two very recent appeal decisions in the District¹ which have lead the LPA, to change its position, after the exchange of evidence, to accept that it could not demonstrate a five year supply of deliverable housing land. Together with other matters this is presented in a Statement of Common Ground (SOCG) submitted on 5 April 2016. The SOCG is accompanied by an addendum which focusses on five year supply calculations² and a further statement providing the LPA's commentary on delivery³ reflecting the up-to-date position.
6. Additionally bus services in Stadhampton are fluid with one service having ended on 27 March 2016 and other services set to be amended after 20 July 2016. The SOCG provides a 'base position' on bus services and I have before me a planning obligation in relation to a bus contribution whose basis is explained in correspondence dated 4 April 2016 from the bus operator⁴. Accordingly, matters germane to the determination of this appeal have undergone revision in the immediate run-up to the Inquiry. However, I am satisfied that the parties have been able to respond appropriately and I too have taken these changing circumstances into account.

Main Issues

7. I consider the main issues are as follows.
 - (1) Whether the proposal complies with local and national policy in respect of the location of new housing;
 - (2) The effect of the proposed development on the character and appearance of the surrounding area; and
 - (3) Whether the proposal makes adequate and appropriate provision for any additional need for infrastructure, services and facilities arising from the development.

Reasons

The principle of development

8. In terms of considering the first main issue I turn first to matters of housing land supply and development plan policy before considering in detail the sustainability credentials of Stadhampton to accommodate the scale of developed proposed.

Housing Land Supply

9. The LPA accepts that it cannot demonstrate a five year housing land supply based on the 2014 Strategic Housing Market Assessment (SHMA) setting out options for the full objectively assessed need (FOAN) with a mid-point figure of 775 dwellings per annum. This is a sizeable uplift from the requirement for

¹ APP/Q3115/W/15/3032691 & APP/Q3115/W/15/3097666

² Document 3

³ Document 16

⁴ Document 5

547 dwellings per annum set out in the South Oxfordshire Core Strategy December 2012 (the Core Strategy).

10. Consequently, on applying the SHMA based requirement against recent delivery both parties accept that a shortfall broadly in the region of 1,250 homes has accrued in the past 5 years. In accepting the SHMA mid-point figure there is also agreement that the 5 year requirement in the District equates to 3,875 dwellings and that a 20% buffer, reflecting past performance, should be applied to the requirement and any shortfall.
11. The issues in dispute are therefore how the shortfall should be tackled and the degree to which there is a deliverable supply towards meeting the 5 year requirement. On the first matter, I note that the Core Strategy focuses significant housing growth at Didcot reflecting its past designation as a national Growth Point and relationship to planned economic growth in the science vale. That growth is contingent on some larger sites such that delivery would be slower in the first part of the Core Strategy period. As such the Council maintains that the accumulated backlog should be addressed over the plan period (the Liverpool method) which was also agreed in the recent Wallingford decision⁵.
12. However, I have significant evidence before me in this appeal from the appellant that a number of factors have recently come together which now mean that the more measured approach of the Core Strategy in respect of Didcot no longer justifies dealing with any backlog over a sustained period. This includes the increasing scale of the backlog in housing delivery over a persistent period (generally since 2006). There is also the emerging FOAN for the wider housing market area representing a significant uplift in need compared to the requirement in the Core Strategy which is grounded in the revoked South East Plan. Consequently, I am concerned that spreading the backlog over the plan period would have the harmful effect of resulting in even more delay in house building at a time of serious housing need.
13. Whilst the Core Strategy may have been examined and adopted following publication of the NPPF I find the evolving evidence base in South Oxfordshire since 2012 requires the shortfall to be met sooner rather than later. In coming to this view I heard little persuasive evidence that growth at sustainable locations elsewhere in the District would harmfully prevent or stall the planned growth at Didcot or that there are particular site delivery circumstances at Didcot which would justify the Liverpool approach. Indeed, the Council's evidence on supply outlined the headway on delivery at Great Western Park and the good progress being made to bring forward Didcot North East. Given the picture of the scale of the substantial housing need I am satisfied that focussed delivery at Didcot and at sustainable locations elsewhere can positively occur simultaneously.
14. I am also aware of the likely need to accommodate a proportion of Oxford City's housing requirement as part of the same housing market area as presented in the emerging Local Plan⁶. This would be an addition to the District's FOAN although the precise scale remains to be determined. However, it is part of an emerging direction of travel of substantial housing need to be accommodated in South Oxfordshire. Accordingly, I am concerned that further

⁵ Paragraph 22 of Document 12

⁶ South Oxfordshire Local Plan 2031: Refined Options February 2015

delays in meeting the backlog, in the context of this significantly increasing need, would unjustifiably run counter to the requirement at paragraph 47 of the NPPF to significantly boost the supply of housing.

15. I am mindful that assessing the FOAN is only one step in developing a Local Plan and that there may be restrictions on what can ultimately be delivered. However, there is very little evidence that I should apply a circumspect view of the emerging FOAN. Much work remains to be done on the nascent Local Plan to 2031 and at this moment in time I consider that the scale of emerging housing need can be reasonably described as a "game changer".
16. I therefore consider, notwithstanding the findings of the previous Inspectors in relation to the Core Strategy and Wallingford, that the Sedgefield approach should now be favoured in addressing the housing backlog in the District. It would be more closely aligned to the requirement to significantly boost the supply of housing at paragraph 47 of NPPF and the more recent advice in the PPG⁷ that any undersupply should be dealt with within the first 5 years where possible.
17. Turning to the second matter, there is a difference of some 1130 dwellings between the two parties on deliverable supply over the next five years. In summary the differences stem, in the main, from a handful of larger sites and conflicting views on timeframes for the pre-commencement stages for these developments⁸.
18. The LPA has maintained appropriate dialogue with the development industry on anticipated delivery to which it has applied its own sensitivity checks. I see nothing wrong with such a methodology but note that past analyses using this approach have tended to be optimistic. I have borne this in mind together with relevant parts of the Planning Practice Guidance (PPG)⁹ and the reserved judgment of *Wainhomes*¹⁰ in applying footnote 11 of paragraph 47 of the NPPF to my assessment of the contested supply.
19. In respect of North East Didcot this is an allocation in the Core Strategy, with housebuilder involvement and is in the process of securing an outline consent. The LPA has applied a judicious lag for initial completions reflecting the timeframe for the S106. Whilst I note there remain other matters to be resolved, I nonetheless give significant weight to the principle of the site being established in the development plan and the lack of major impediments to granting permission. Consequently, I see little persuasive evidence to take an appreciably more cautionary approach as invited by the appellant.
20. Additionally, it seems to me that such a large greenfield site would reasonably attract 3 or more outlets delivering at the envisaged level of 175 dwellings per annum (in effect continuing levels of output seen at Great Western Park in Didcot). Accordingly, I am satisfied that the Council's trajectory for planned growth in Didcot is reliable. However, I prefer the appellant's cautious outlook to additional delivery at Didcot A given the site straddles two authorities and is presently without housebuilder involvement and so 40 dwellings should be deducted accordingly.

⁷ Planning Practice Guidance Paragraph: 035, Reference ID: 3-035-20140306

⁸ The requisite planning permissions together with any planning obligations and subsequent discharge of any pre-commencement conditions.

⁹ PPG (Reference IDs: 3-030/031/032/033-20140306)

¹⁰ *Wainhomes (South West) Holdings Ltd v. SSCLG* [2013] EWHC 597 (Admin) – Appellant Core Document H06

21. Turning to the rest of the District, I find on the whole the Council's trajectory again to be sufficiently robust such that I do not share in the majority of cases the appellant's pessimism that such sites will either take much longer to come to fruition or will yield at a notably slower rate. There seems to me to be a good variety of site types and sizes and I am satisfied that this assortment would appeal to a broad spectrum of housebuilders to deliver sooner rather than later. This includes a number of sites identified in Neighbourhood Plans which have passed through the critical lens of community acceptance.
22. However, I do have reservations about the Slade End Farm site at Wallingford where a number of signals appear to indicate a longer lead in time¹¹. However, I am not persuaded that delivery should be discounted in its entirety given the site was a 2006 Local Plan allocation and is under the control of a housebuilder¹². Therefore, taking a more prudent view on delivery such that it is realistically pushed back by a further 18 months, it is my view that the site could reasonably yield some 150 units in the five year period.
23. I am also mindful that the LPA has sought to include contributions from units permitted as Use Class C2¹³ within its supply calculations. This is allowed for within the PPG¹⁴ where such an approach is clearly set out in the development plan. There is no such approach before me although I accept the 2014 SHMA in establishing the nascent FOAN has identified that there will be a need for a range of accommodation for older people. Accordingly and similar to a previous Inspector¹⁵ I consider that a cautious rather than dismissive approach to the inclusion of C2 units in the South Oxfordshire supply would be appropriate. The LPA has applied a 50% discount, and whilst I accept this is a relatively arbitrary level, it is, nonetheless, in my view an appropriately prudent approach. As such I have not made any further discount for C2 supply to that presented by the LPA in their trajectory.
24. Taking all of the above factors into consideration, based on the agreed SHMA requirement, the broadly agreed shortfall, the agreed 20% buffer and my findings that the Sedgefield approach is to be preferred for the backlog and that the deliverable supply is some 4,660 units, I conclude that there is approximately 3.8 years deliverable housing land supply.
25. There was no dispute that relevant policies for the supply of housing should not be considered up to date. However, the extent of the under-supply identified above is also material in any balancing exercise including the weight to be attributed to conflict with policies for the supply of housing which are out-of-date. Given the degree of under-supply it also follows that the need to significantly boost the supply of housing would weigh heavily in favour of the proposed development in the same balancing exercise.

Development Plan Policy

26. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with planning applications the LPA shall have regard to the provisions of the development plan, so far as material to the application, and other material considerations. This is supplemented in Section 38(6) of the Planning and

¹¹ Also identified at paragraph 32 of Document 12

¹² Appendix 1 of Document 3

¹³ Use Class C2: Residential Institutions – Town and Country Planning (Use Classes) Order 1987 (as amended)

¹⁴ Planning Practice Guidance Paragraph: 037 Reference ID: 3-037-20150320

¹⁵ APP/Q3115/A/14/2217931 Thames Farm, Shiplake

Compulsory Purchase Act 2004, which provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise. One such consideration, of some importance, is the NPPF.

27. The Core Strategy presents a clear spatial strategy to 2027 with the underlying themes articulated at paragraph 4.5. In turn this translates into the overall strategy at Policy CSS1 which for smaller villages such as Stadhampton means, amongst other things, "allowing for limited amounts of housing...". Housing requirements in the Core Strategy are set out at Policy CSH1 and accompanying Tables 7.2 and 7.3. No specific requirement or supply is identified beneath the tier of larger villages. The absence of housing allocations in smaller villages is confirmed in Policy CSR1 which identifies that housing in smaller villages would be limited to individual infill development on sites of up to 0.2ha (equivalent to 5-6 houses).
28. It is not disputed that these are policies relevant for the supply of housing. Cumulatively, they seek to restrictively manage additional development in settlements such as Stadhampton. The general restraining repercussions of these policies, in light of the FOAN, are no longer consistent with the core planning principles and policy of the NPPF to meet the housing and other development needs of an area, to respond positively to wider opportunities for growth and to boost significantly the supply of housing.
29. The LPA submit that there is a duality to these policies such that varying weight can be attributed to their effect on: (1) the supply of housing; and (2) the articulation of a spatial strategy. It was acknowledged by the LPA that the Core Strategy policies in respect of housing numbers are out-of-date and in this regard they have no material weight.
30. However, as concluded recently in Wallingford decision¹⁶, the LPA submit that the over-arching spatial strategy remains an important material consideration such that the dimension of policies conveying the strategy should command considerable weight. In contrast the appellant describes the spatial strategy as redundant and out-of-date and to persist with it, in the light of the FOAN, would give little practical effect to paragraph 49 of the NPPF. Accordingly the appellant submits that sustainable smaller villages can now have a legitimate role in meeting the District's increased housing need.
31. Notwithstanding progress on the FOAN, the Core Strategy was nonetheless found sound in the context of the NPPF. In particular, as articulated in the Core Strategy¹⁷ the NPPF core planning principles of actively managing patterns of growth to make the fullest use of public transport, walking, cycling and to focus significant development in locations which are or can be made sustainable. This dimension of the spatial strategy remains valid particularly in a predominantly rural authority such as South Oxfordshire.
32. However, in light of the FOAN and the need to significantly boost the supply of housing it is clear that the weight to be given to the spatial strategy should be reduced. However, the weight should not be reduced to such an extent that there should be an inevitability that a wide number of smaller settlements would have a notable role to play in delivering the housing need. Each

¹⁶ Paragraph 33 of Document 12

¹⁷ Reference was made to Map 2.2, Table on page 9 presenting Location and Connections – Key Challenges for the Core Strategy, the spatial themes at paragraph 4.5 on p26 and Section 5 'Moving Around' including Policy CSM1

settlement would need to be considered within the context of ensuring that housing would be sustainably delivered in a network of settlements that are broadly consistent with the NPPF compliant spatial strategy for the District. Therefore, some settlements that were 'close to the cut' in terms of the appraisal undertaken in 2011 to inform the Core Strategy should now come into focus for their suitability for some additional housing based on an up-to-date assessment of their sustainability.

33. The LPA drew my attention to the emerging Local Plan and that any additional flexibility for housing in smaller villages would nonetheless be limited to schemes of up to 10 dwellings¹⁸. However, the new Local Plan 2031 remains some way from examination such that the LPA's position at the Inquiry was that I should attach no weight to the early drafts of the document¹⁹. As such I cannot be certain that the door is closed on a spatial strategy that may include a modest role for some additional sustainable rural settlements not identified in the existing spatial strategy.
34. In this regard the appellant highlighted the proportion of Oxford growth mooted for South Oxfordshire at an additional 3,000 homes. The proximity of Oxford is clearly an important dynamic for the north of the District including Stadhampton and for securing sustainable patterns of growth across wider housing market and functional economic areas. In my view, Stadhampton's relative proximity to Oxford is an important strand of assessing whether or not it is a sustainable location in what is a transitional period for the existing spatial strategy.
35. Taking all of this into account I find there to be a mixed degree of conformity between the spatial strategy and the NPPF such that it is not rendered defunct. However, it is out-of-date in the context of paragraph 49 of the NPPF. As such I consider that only moderate weight should be attached to any conflict to the spatial strategy articulated in Core Strategy policies CSS1, CSH1 and CSR1.
36. I have also been referred to Core Strategy Policy CSQ3 which seeks to secure high quality and inclusive design as sought by the NPPF. In my view it is a permissive development management policy that complies with the NPPF's design objectives. It does not influence the supply of housing land and to find otherwise would derogate the principle of achieving good design which I am not persuaded was the purpose of paragraph 49 of the NPPF.
37. The LPA has also referred to a number of Local Plan policies: G2, G4, C4 and GB4. The appellant submits that these policies are no longer compliant with the NPPF by virtue of applying a greater restriction than is necessary in the context of the scale of housing need. I share the view espoused in the recent Wallingford decision that these policies, when looking at their specific purpose, are consistent with the NPPF at paragraph 17. However, this decision preceded the latest case law²⁰ before me which provides a wider interpretation of paragraph 49 of the NPPF. The final sentence of paragraph 33 of this judgment, having explicitly identified "policies for the general protection of the countryside", concludes thus "...and various policies whose purpose is to protect the local environment in one way or another." (my emphasis).

¹⁸ Refined Options February 2015 Point 1) on page 41

¹⁹ Jeremy Peters in response to my question regarding paragraph 216 of the NPPF

²⁰ Document 11 – Hopkins Homes / East Cheshire Borough Council

38. Having looked carefully at the wording it is patent that Local Plan Policies G2, G4 and C4 in their general protectionist approach to the countryside are policies relevant to the supply of housing. For the purposes of paragraph 49 of the NPPF they are out of date. However, given their compliance with the NPPF I consider they should be ascribed moderate weight.
39. It was put to me by the LPA that Local Plan policy GB4 falls within the same ambit as Core Strategy policy CSQ3. However, I disagree given the wording of the policy references the "siting" of development which has a locational dimensional. It too is now out-of-date and I share the appellant's submission²¹ that it has little, if any, basis, in the NPPF. Accordingly, I give very little weight to Policy GB4.
40. On development plan policy, in the context of housing land supply and degree of compliance with the NPPF, I summarise as follows:
- i. Policies CSS1, CSH1 and CSR1 insofar as they affect the supply of housing are out of date by virtue of the emerging FOAN, they have limited compliance with the NPPF and in this regard they should be afforded very light weight.
 - ii. I also accept that by virtue of the FOAN and significant shortfall in deliverable housing land the weight to be given to the spatial strategy is also reduced in that settlements not identified in the strategy should not be precluded from consideration in meeting the emerging housing need if it is demonstrated that they would broadly accord with the sustainability objectives that underpin the spatial strategy. As such I consider the spatial strategy, whilst out of date, has moderate weight.
 - iii. Policies CSH3, CSI1 and CSQ3 are not relevant to the supply of housing, they are compliant with the NPPF and they have full weight.
 - iv. Local Plan policies G2, G4, C4 and GB4 are all relevant to the supply of housing, they are all out of date. Due to their degree of compliance with the NPPF policies G2, G4 and C4 should have moderate weight.
 - v. Having regard to paragraph 216 of the NPPF, I give limited weight to the emerging Local Plan to 2031 which remains in the preliminary stages of preparation.

Sustainable Location

41. Stadhampton is categorised in the spatial strategy as a 'smaller village'. From the assessment informing the Core Strategy²² I note that Stadhampton sits comfortably within this tier but it is closer to the threshold deemed appropriate for larger villages compared to the significant majority of smaller villages. As set out above such spatial categorization may now be considered to carry only moderate weight but clearly in considering residential development of the quantum proposed the location is inexorably a significant factor in securing sustainable development. To view matters otherwise would obfuscate what was described at the inquiry as the "nub" of this appeal.
42. In terms of Stadhampton's sustainability credentials it is agreed by both parties that it has the essential basic day-to-day services in terms of a shop including

²¹ Document 20

²² Submission Core Strategy – Settlement Assessment Background Paper 2011 – Core Document D06

post office counter, pub, primary school and village hall. Stadhampton also has a pre-school, a petrol filling, a farm shop, a cash machine and a niche bar/hotel. All these facilities are within reasonable walking distances from the appeal site. I would describe this level of service provision for a village the size as Stadhampton as very good, taking into account both the shop and farm shop are open seven days a week over long hours.

43. There is little evidence before me that infrastructure in the village could not cope with the demands arising from the appeal proposal subject to mitigation, including the liable CIL monies. Whilst I heard from the publican of The Crown that trading conditions were challenging I have little to persuade me that services in the village would wane without the additional proposed housing. However, I accept the broader point that the appeal proposal would contribute to the sustainability of existing services in accordance with NPPF paragraph 70.
44. My attention now turns to those factors which led the LPA to assess the sustainability of Stadhampton less favourably in the 2011 assessment. These include population, diversity of employment base, frequency of public transport, absence of higher order services and lack of service plurality.
45. In terms of population, Stadhampton is marginally below the 1,000 population threshold devised in 2011. I accept the general point that population influences viability of service provision. However, Stadhampton's population is supporting a very good diversity of services which appear to be, on the whole, in good health. Accordingly, I do not consider a population threshold in itself to be determinative of whether a settlement is sustainable or not.
46. It is not disputed that the employment base for Stadhampton remains in the lowest scoring category of settlements that provide employment to just 50 or more people. Whilst the village services, working from home and local agriculture would provide for some diversity of employment I accept that a good proportion of those of working age in the proposed housing would commute to other employment centres²³ with a likely focus on Oxford.
47. Whilst the thinness of employment opportunities raises legitimate question marks over the sustainability of Stadhampton, I do not consider it to be a mortal blow given there is clearly some employment in the settlement²⁴. However, it does emphasise, in my mind, the importance of transport connections, particularly for commuting.
48. There are no rail services in Stadhampton and with the exception of Oxford, Chalgrove and Watlington there are no direct bus services to other employment centres. Accordingly, those employed outside of the Oxford-Watlington corridor would be reliant on the use of the car to get to work. I note from elsewhere in the Core Strategy that radial corridors into and out of Oxford are a key feature of transportation network in South Oxfordshire such that Stadhampton's lack of connectivity to "out of corridor" employment centres would not be markedly different to many larger villages identified for growth.
49. With regards to Oxford there are presently weekday AM and PM peak bus services connecting Stadhampton to employment and retail centres in south Oxford and in the city centre, including 3 buses arriving between the

²³ Appendix 8 Simon Parfitt proof of evidence

²⁴ I note the vast majority of rural settlements in South Oxfordshire did not meet the 50 employee threshold from the Settlement Assessment Table at Appendix 1 to the 2011 Background Paper

approximate 07:25 and 08:35 timeframe. It is the case that there is no service between 07:52 and 09:42 into Oxford and that a number of employment centres, notably the Oxford Science Park are not served by the connecting bus route. However, I am satisfied that the bus service would provide a reasonable transport alternative to car commuting for many of those working in Oxford.

50. In respect of Chalgrove and Watlington there is presently no bus in the AM peak. However, I have little evidence that these locations have a strong influence for employment compared to Oxford. Accordingly, I do not consider the lack of commuter bus service to these settlements renders Stadhampton an unsustainable location for additional housing.
51. It is also necessary to consider the frequency of bus services more generally including access to higher order services. At present there is an hourly bus service through the day in both directions to Oxford and Watlington. I consider this to be a good daytime frequency of service to access doctors (Chalgrove) and retail and leisure (Oxford and Watlington). I also note that there is a school bus service to Icknield Community College in Watlington. I appreciate existing evening bus services²⁵ are limited such that there would be some reliance on the car to access the evening economy including sports and leisure facilities but these would not be particularly regular journeys.
52. The employment areas on the southern fringes of Oxford are 6 kilometres from Stadhampton and those in Chalgrove are under 5 kilometres. In my view, both are within a reasonable cycling distance. Stadhampton is not on any Sustrans route but I have little contrary evidence to dispute the assertion that the same applies across much of South Oxfordshire. Both destinations are served by the B480 which is largely restricted to no more than a 50mph speed limit. Whilst the quality of the routes may only attract confident cyclists it nonetheless remains that cycling would be a reasonable alternative travel choice to the private car for some commuting journeys.
53. Concern has been raised regarding the range of services and again Stadhampton is in the lowest scoring category of 1-4 retail outlets²⁶ and having no bank or pharmacy. It was accepted that the retail and service offer in Stadhampton would not remove the need to travel further afield for choice. However, I do not consider this fatal to Stadhampton's sustainability qualifications given the very good quality of the essential day-to-day services it does have including significant recent investment in the main village shop. As set out above there is good availability to services and retail in Oxford and Watlington by public transport during the week and on Saturday which I consider sufficient.
54. Bringing this all together, I find the scope of transport alternatives to the private car to offer a realistic choice for Stadhampton residents, including prospective occupiers of the appeal proposal who would be within walking distance of the bus stops, including the Oxford bound stop which benefits from a good sized shelter. The NPPF clearly envisages that choices on how people travel will vary from urban to rural areas²⁷ and as such does not distinguish the reality that a higher proportion of journeys by car may be expected within rural areas.

²⁵ On the basis the 101 Saturday evening service was withdrawn on 27 March 2016.

²⁶ Core Strategy Settlement Assessment Background Paper March 2011

²⁷ NPPF Paragraph 29

55. From the evidence before me, most notably the very good level of service provision in the village and the good frequency of buses, I am not persuaded that there would be a disproportionate reliance on car borne journeys contrary to the objectives of the spatial strategy and NPPF. Nor do I find that existing services and facilities could not cope with additional demands arising from the proposed development such that I give moderate weight to the benefit arising from the appeal proposal in bolstering the vitality and viability of existing services in the village. I therefore conclude that Stadhampton would be a sustainable location for the proposed scale of the development at up to 65 dwellings.

Character and Appearance

56. The appeal site is situated on the southern edge of the village of Stadhampton bounded by the A329 to the west with open farmland beyond, existing housing to the north, fields to the east and a tall Leyland Cypress hedge²⁸ to the south. It is part of a low lying crease of land which rises from the valley of the River Thame to the west before the land rises and then falls to north-east into the shallow valley of a tributary stream and the historic parkland at Ascott Park.

57. The A329 to the west of the site marks the boundary between the Clay Vale landscape character area (LCA) within which the site sits and the River Thames Corridor LCA as defined in the South Oxfordshire Landscape Assessment 1998 (SOLA). Within the Clay Vale LCA, the site is situated within the undulating, semi-closed vale landscape character type (LCT). The land to the south and west is primarily within the flat floodplain pasture LCT of the River Thame but also encompasses parts of the flat, open farmland LCT. This area to the south and west correlates to a previous 'Area of Landscape of Great Value' designation.

Localised effects including setting of Stadhampton

58. The appeal site is a contained parcel of land between areas of visible human intervention and activity. This includes the mixed edge of the houses at Warren Hill, the uncharacteristic and visually dominant Leyland Cypress hedge demarcating the garden centre and the enclosures to the Stadhampton Sewage Treatment Works. As such the appeal site does not form part of a wider fabric of open countryside providing a clear sense of departure when leaving Stadhampton on the A329. It is a transitional, settlement fringe location, which due to its containment by adjoining land uses does little to contribute to a sense of being in an open, undulating vale landscape.

59. Furthermore, the appeal site is presently used for horse grazing including a number of ancillary structures and the regular subdivision of the site by post and rail fencing. I appreciate these may only be transitory and that the site could revert to its former farmland use. However, it is not uncommon at the periphery of some settlements to find fringe land uses such as 'horsiculture' where the delineation between settlement and countryside becomes distinctly blurred such as at the appeal location.

60. I accept the site has a very gentle sloping topography but otherwise it does not contain any key features characteristic of the host landscape type. I consider

²⁸ Agreed to be >10metres as described in the appellant's submitted tree survey.

this to be significant in finding that the appeal site is not representative of the host LCT.

61. However, the LPA invite a wider consideration that the site has to be seen as part of a broader landscape type of medium value and one that has been identified for 'repair' within the SOLA²⁹. 'Repair' is the second highest category in terms of how the landscape has been evaluated and I accept that it clearly stems from an assessment of attributes³⁰ such that there is a link between value and management guidelines.
62. Whilst the appeal site may benefit from some enhancement I do not consider the circumstances of the site, including its degree of containment, make it an integral part of wider landscape such that it even were it repaired it would clearly form part of a coherent rural landscape. The SOLA describes areas of 'repair' as being "least suitable for new development" but invariably there will be exceptions to such a broad brush approach and I consider the particular circumstances at the appeal location to be such an exception.
63. I note that the site is positioned where there is transition to the adjoining river corridor landscape area. However, I find the intervening A329 road limits the immediate connectivity of the appeal site to this landscape. I am satisfied that there would be no direct physical effects on this landscape and limited proximate visual effects which would be ameliorated by the sizeable proposed open space buffer which could accommodate mitigation planting.
64. For the reasons given above I do not consider the site to be unspoilt countryside, particularly open or visually exposed on a prominent ridgeline or valley side. As such I do not consider the landscape at the appeal site to be vulnerable to change or that the appeal proposal would harmfully undermine the wider strategy of 'repair' for the Clay Vale landscape which should focus on those parts and sites which better reflect the key landscape characteristics.
65. I have also considered the appeal proposal from the north-east which is also within the Clay Vale landscape. I am satisfied that there would be negligible intervisibility from within the historic parkland at Ascott Park or its setting due to landform and vegetation. Consequently, I am satisfied that the significance of this heritage asset would not be harmed.
66. There is however a bridleway leading from Ascott Park to Newells Close in Stadhampton which passes the Crazy Bear farm shop. Judging from the visibility of the adjoining dwellings on Warren Hill and the Leyland Cypress hedge to the south I consider upper parts of the proposed development would be clearly visible from this perspective. From the submitted parameter plan a buffer would be left to provide open space along the north east perimeter of the development. I consider this area sufficient to accommodate landscaping as part of any reserved matters. This would notably lessen the impact in the long-term and in the short-term the harm would be no more than moderate. This would be due to the intervening rising landform already obscuring any expansive views of the countryside to the south of Stadhampton. The visible upper parts of the buildings would also appear cohesively as part of what is a conspicuously developed edge to this part of Stadhampton.

²⁹ Figure 10.2, SOLA

³⁰ Page 3, SOLA

67. It is not disputed that the proposed development would have a major effect on the site itself including how it would be experienced from some adjoining properties on Warren Hill. However, from my observations, I am satisfied that the appellant's evidence of inter-visibility³¹ to be reliable such that only a handful of properties have direct views onto the site. I note the appeal proposal would enable approximately one third of the site to remain undeveloped which would allow for landscaping and to set the development back from the edges of the site such that buildings would not oppressively dominate the site.
68. In terms of impact on settlement form I note that the houses on Warren Hill already breach the ridge to the south of the historic core of Stadhampton. Whilst I accept the majority of these dwellings were constructed long before recent planning regimes it would be the case, nonetheless, that the appeal proposal would integrate into what can reasonably be described as a "loosely nucleated form". Indeed, the LPA accepted that development has "straggled" along the A329. Due to its set back position and containment between existing housing and other adjoining land uses I am not persuaded that the appeal proposal would represent the harmful ribbon development the SOLA warns against. Nor would it prominently undermine the settlement form of Stadhampton (including the satellite Brookhampton).
69. At an immediate scale, hedgerows either side of the A329 and the tall Leyland Cypress hedge to the south filter most short range views of the site. There is no footway along the A329 site frontage and the site is only transitorily experienced from a moving vehicle. As such the appeal site does not form a part of a conspicuous or particularly attractive part of the setting of Stadhampton. This is reinforced by the road alignment of the A329 which when approaching from the rolling valley landscape to the south makes a sharp right hand bend parallel to the tall Leyland Cypress hedge. It is only at this point on the approach to Stadhampton that the appeal site becomes visible and it is largely seen within the urbanising effect of the road signage and associated infrastructure and the backdrop of the houses on Warren Hill.
70. I am satisfied that the proposed highway safety measures to reduce speed on entering the village would be representative of other nearby village entrances and their scale and position would not unduly urbanise the approach into Stadhampton. I am also satisfied from the submitted plans that the site access, which is not a reserved matter, can be accommodated without any appreciable loss of the site frontage hedge. I therefore find the appeal proposal would not harmfully urbanise the approach into Stadhampton.

Landscape Effects on the Thame Valley and visual amenity of the Green Belt

71. There are a small number of viewpoints to the west of the appeal site, are all within the Oxford Green Belt which extends westwards from the A329. The first is an informal footpath along the field boundary along the A329 immediately west of the appeal site. Whilst this appears to be a well-used path, I have no evidence that it is a permissive path and I cannot be certain that it will endure. This significantly limits the weight I can give to the visual impact from this viewpoint which I consider to be no more than minor given the intervening hedges, the position of the planned open space and the retained strong sense of openness to the west across the Thame valley that dominates users' experiences of this path.

³¹ Proof Plan DM5, p10 Volume II Duncan McInerney Proof of Evidence

72. Within 1.5 kilometres to the west of the site is a public right way which extends from Drayton St Leonard to Chiselhampton. For much of its length it appears to be used as a public bridleway before diverging south of Camoys Court by way of a spur of a public footpath. It is evidently a well-used route and having walked its length in both directions I am satisfied that it provides a representative transect through the relevant river corridor landscape types.
73. In large part the route is enclosed by tall hedgerows on either side such that there is limited peripheral visibility. However, there are a limited number of gaps which afford views eastward across the Thame valley towards the location of Stadhampton. I noted that settlement was generally not a prominent feature in the landscape although some dwellings on Warren Hill were visible, particularly those with pale coloured exterior treatments.
74. The appeal site could also be glimpsed, principally due to its gently elevated position on a corresponding slope facing towards the valley. However, I use the word 'glimpsed' due the degree of intervening tree cover along the valley floor and various field hedgerows. This means that the LPA's two viewpoints³² are the only ones where there is any kind of visibility of the appeal site from this right of way. This visibility is over some distance such that the appeal proposal, given its set back position within the site would not be a conspicuous feature, especially over time as the prospective landscaping begins to mature.
75. Additionally, the public right of way follows a north-south alignment such that the appeal site to the east would be very much at the periphery of the principal direction of view which would be more likely to be drawn to the distinctive Wittenham Clumps on the horizon to the south or the undulating hills beyond Chiselhampton to the north. I accept that users of this path may wish to glance at these open points to take into the shallow valley but I am not persuaded that the appeal proposal, if carefully designed with an appropriate palette of materials and high quality landscaping, would result in a conspicuous sub-urbanisation of the river corridor landscape.
76. I note the LPA expresses concern about the effectiveness of the proposed mitigation in terms of the rising topography and house heights. I have few details from the LPA of what the residual harm may be at the 15 year point³³ but it may well be that the upper parts of the development are only filtered as presented in the appellant's photomontages. In that scenario I am not persuaded that glimpses of rooftops or upper parts of buildings beyond maturing planting would be especially harmful and in any event are likely to be less conspicuous than adjoining housing at Warren Hill.
77. Therefore, at the distances involved I do not find the appeal proposal would be intrusive, harm the tranquillity of the landscape or be highly prominent. As such the visual amenity of this part of the nearby Green Belt would not be adversely affected.

Landscape Conclusions

78. Whilst the proposed development would occur in an area of transition between two landscapes of medium value, the appeal site itself is not representative of its host landscape area or type. It is an unusually well contained settlement fringe site such that due to a combination of its current use, adjoining land

³² Drawing 1, Appendix 2, Alison Farmer Proof of Evidence.

³³ As recommended for assessment in GLVIA v3

uses and limited inter-visibility to any wider rural, open landscape or public perspectives, it would have a remarkably localised and minor effect on the landscape and any wider visual amenities. I have also found that the appeal site is not part of an intact rural or attractive setting to the village, that it would not harmfully undermine the historic nucleated form or impair any sense of rural approach or departure from the village.

79. Taking this all into account, including the proximity of the Thames valley corridor LCA (which broadly correlates to the former AGLV) I consider that the appeal site falls well short of being considered to be part of a valued landscape for the purposes of paragraph 109 of the NPPF. Additionally, given the circumstances at the appeal location I see no inherent conflict arising from the appeal proposal being in a landscape of 'repair' and I attach weight to the landscape benefits that would accrue from notable areas of open space to reinstate landscape features and aid biodiversity.
80. I therefore conclude that the appeal proposal would not have a significant adverse effect on the character and appearance of the surrounding area. Accordingly, given only minor harm and largely short term visual harm has been identified, I find that the proposal would accord with Local Plan policies G2, G4, C4 and GB4. Furthermore, by utilising a contained, transitional, settlement fringe site I find the appeal proposal has taken account of the different roles and character of different areas and achieves the balance of recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities in accordance with NPPF paragraph 17.

Adequate and Appropriate Provision of Infrastructure

81. The S106 agreement is signed by the landowner and the appellant and notably by both South Oxfordshire District Council (SODC) and Oxfordshire County Council (OCC). It was confirmed to me that the agreement addresses the second and third reasons for refusal on the LPA's decision notice. Nonetheless, it is necessary for me to be satisfied that the proposed obligations meet the requisite tests in the CIL Regulations 2010 to determine whether or not they should be taken into account.
82. On 1 April 2016 SODC adopted its Community Infrastructure Levy (CIL) Charging Schedule which is accompanied by a CIL Regulation 123 List and a Section 106 Planning Obligations Supplementary Planning Document (SPD). As such it is necessary that any obligation contained in the S106 does not fund infrastructure to be paid for by the new CIL and that since 6 April 2015 any obligation contributing to pooled funding for an infrastructure project would not infringe CIL Regulation 123(3). On these aspects the LPA produced a CIL compliance statement at the Inquiry³⁴.
83. Additionally, it was put to me that the content of the S106 pertaining to a proposed bus contribution related primarily to that part of the first reason for refusal on sustainability of location. Notwithstanding the signatures of both OCC and SODC to the S106 agreement this obligation was contested at the Inquiry by SODC in terms of its lawfulness. I accept that this is a highly unusual position but nonetheless the submission was eloquently made and I deal with it in some detail below.

³⁴ Document 17

84. I am advised that the likely CIL charge for the appeal proposal would amount to some £585,000 and as such OCC's objections relating to education and library funding would now be addressed within a CIL liability. In a similar vein I note that the submission from Thames Valley Police regarding the anticipated effect on their services would be covered by the policing and community safety infrastructure on the CIL Regulation 123 list.
85. The agreement contains provisions for monitoring for OCC and SODC at £1,000 and £630 respectively. I note that recent appeal decisions³⁵ have grappled with this matter and there are legal submissions from OCC³⁶. Both parties offered no further elaboration but it seems to me that the matter of monitoring costs is case sensitive and a judgment is required as to whether or not the complexity of the obligation means the contribution would meet the tests. In this case I am satisfied that the relatively modest monitoring costs reasonably reflect the intricate, staged obligations for affordable housing and bus contributions for SODC and OCC respectively. As such the proposed monitoring costs would meet the tests.
86. I am satisfied that the planning obligation relating to affordable housing would secure a proportion and mix of such housing consistent with the Core Strategy policy requirements at Policy CSH3. I am satisfied that the obligation would ensure its delivery in an appropriately phased manner. It also contains suitable provisions for the management of the proposed mix of rented and shared ownership units which means they would be eligible and affordable to those in housing need in South Oxfordshire. I have therefore taken the obligation into account.
87. The agreement contains an obligation for a "recycling contribution" and "street naming" at £11,050 and £1,541 respectively. The LPA has provided detailed costs of the contributions which are for the capital one-off costs of waste receptacles and street signs. The LPA advised that the amounts sought specifically reflect the requirements of the site such that they are bespoke contributions and as such are not pooled. Consequently, I am satisfied that the obligation is lawful and as such I have taken it into account.
88. The agreement contains an obligation to deliver public open space including a play area as part of the development and that the maintenance is provided by a management company. I was advised that this is the preferred approach in the authority area and I find the agreement contains the requisite obligations to deliver a quantum of open space which meet the relevant tests. As such I have taken this obligation into account.
89. The fifth schedule of the agreement makes provision for highway works through a Section 278 agreement with OCC to be completed prior to the appeal proposal being occupied. As I understand it these works are to comprise of improvements to the B480 and A329 Newington Road junction and speed reduction measurements at the site frontage on the A329. I note that local residents are concerned about traffic queuing at the above junction and traffic speeds on the A329 at the proposed access to the appeal site. From the evidence before me³⁷, and from my observations on site (including during the

³⁵ Documents 12 and 13

³⁶ Advice notes from Ian Dove QC at Annexes 3a & 3b to OCC appeal statement

³⁷ Simon Parfitt Proof of Evidence, Statement of Common Ground paragraphs 5.9-5.27, and appellant's Transport Statement 2014

AM peak), I am not persuaded that highway conditions are such that either of these measures are necessary to make the development acceptable in highway safety terms. As such I have not taken this obligation into account.

90. I now deal with the matter of the proposed bus contribution. In many ways it is an adjunct to the main issue of whether or not Stadhampton is a sustainable location. OCC are signatories to the S106 agreement including obligations for a bus contribution and on OCC regarding the governance of this contribution. Whilst I have little evidence that OCC have formally withdrawn their objection to the appeal proposal, I nonetheless consider it significant that they have signed the S106. In doing so, OCC have accepted that the proposed bus contribution (which is primarily their jurisdiction) would meet the tests in the CIL Regulations and I have no evidence to conclude otherwise on this point.
91. SODC have also signed the S106 and evidence was presented to me that the Council considered its content acceptable before signing³⁸. However, the Council's position at the Inquiry was that its signature should not be taken as an agreement that the bus contribution met all 3 tests and that it could adopt a detached approach given the bus contribution was principally the domain of OCC. I have some reservations with this proposition given SODC has signed the S106 in its entirety. I am not aware that there was a compulsion for SODC to sign the agreement. Alternative mechanisms existed including the appellant and OCC entering into a separate agreement on the bus contribution or the appellant submitting a unilateral undertaking.
92. To extricate itself from this dilemma, SODC submits that the provision within the S106 for the appeal decision maker to find whether or not a planning obligation meets the CIL regulations applies to the Council as much as it does for the owner and developer. I am not sure that this unique submission sufficiently disengages SODC from its position when signing the S106 on 4 April 2016 that the index linked £620,000 bus contribution was considered lawful. However, I am obliged to consider each obligation and come to my own view, based on the evidence before me, on whether they meet the CIL regulations.
93. I note the scale of the bus contribution would eclipse the total CIL charge for the development and that a development of up to 65 houses would bear the cost of subsidising services on a public transport corridor serving a much greater catchment. Additionally, I consider there is a distinction to be made between the £400,000 to restore withdrawn services and the balance of £220,000 for enhancements.
94. The proposed bus contribution in the S106 is a tenfold increase on that originally sought by OCC. The genesis for the markedly increased amount is clearly explained in Mr Parfitt's proof of evidence and from the evidence before me the scale of the final bus contribution has not come out of the blue. I therefore need to look in detail at how the scale has been derived given that both parties submitted, having regard to case law³⁹, that it is a matter of planning judgment as to whether the proposed bus contribution meets the tests.
95. Prior to 27 March 2016, and against which the sustainability of the appeal proposal was assessed by the local planning and highway authorities,

³⁸ Document 28

³⁹ Documents 24, 25 & 26

Stadhampton had a bus service comprising the T1 and 101 services which are/were part of a transport corridor identified in the Core Strategy connecting Oxford to the larger village of Watlington via Stadhampton. Their timetables are set out in the SOCG and in summary they provided what I will describe as a "core service". This involves the T1 providing an hourly service throughout the day (including AM and PM peaks) Monday to Saturday into and out of Oxford City Centre. This was augmented by the 101 bus which provided a Saturday evening service into and out of Oxford and a limited service during the daytime on Sunday along the corridor.

96. This "core service", has recently been affected by the decision of OCC to remove bus subsidies such that the 101 service was withdrawn as of 27 March 2016 and the T1 service will be affected after 20 July 2016. The precise implications for the future commercial viability of the T1 service remain uncertain but the key evidence in this regard is the letter from Thames Travel (the bus operator of the T1 service)⁴⁰. It is clear from this evidence that a viable T1 service after 20 July 2016 is likely to remain at the same level of service on the Monday to Friday peak times but for off-peak services to terminate at the Cowley Centre rather than continue on to Oxford city centre.
97. In essence the £400,000 of the proposed bus contribution would effectively be engaged to restore the "core service". Whilst I accept that the reduced bus service is not a consequence of the appeal it nonetheless remains that OCC has identified reliance on the private car as a harm arising from the proposed development. It is therefore necessary to consider whether that harm could be mitigated.
98. Even with the projected reduced bus T1 service, residents of the appeal proposal are very likely to have access to similar peak services into Oxford for work commuting services. The inter-peak service, again, is likely to operate on a similar frequency such that access to higher order services in Chalgrove, Watlington and Cowley would not be materially affected. Furthermore, once terminating at Cowley, from my observations, bus patrons would have access to connecting services within Oxford city. Accordingly, I find the reduced bus service would still offer good availability and a reasonable alternative to the private car to access employment and services during the standard working week including Saturday.
99. However, reinstating the "core service" would provide a more convenient and attractive bus service during the day into and out of Oxford which would enhance accessibility to key services and may well be attractive for some employees. Furthermore, the restoration of a Saturday evening and Sunday daytime service would undeniably provide a genuine transport choice for occupants of the appeal proposal, especially but not exclusively for younger residents and the elderly, to access services in Oxford at these times.
100. Bringing this all together I find the principle of the proposed bus contribution to be necessary in order to restore public transport availability to a level where the bus would provide a real alternative choice to the private car in accordance with paragraph 29 of the NPPF. I consider that a reinstated "core service" would be an essential component of what makes Stadhampton a sustainable location.

⁴⁰ Document 5

101. Having regard to the case law before me⁴¹, I am satisfied that the proposed bus contribution would be directly related to the appeal proposal. In terms of the third test of reasonable in scale and kind both parties have focused on the case law in *Tesco v. Forest of Dean*. From this judgment it is clear that the proposed bus contribution would be mitigation rather than seeking to avoid the harm (reliance on the private car) altogether. As such, I accept the submission that mitigation as a matter of principle reflects a proportionate approach compared to avoidance.
102. I am therefore satisfied that the £40,000 per annum (up to a 10 year period equating to £400,000) for reinstating the "core service" is justified and the mechanisms for how it will be spent are reasonably clear. However, the remaining balance of £22,000 is poorly defined but generally the evidence from the bus operator refers to opportunities to maximise the long term prospects of commercial security of the route. This was explained to me as potentially consisting of marketing, "targeted infrastructure improvements" and the possible extension of the T1 service towards Chinnor. There is no evidence on the likely proportions of the £22,000 (£220,000 over 10 years) to these identified elements. As such I am only able to assess the lawfulness of this part of the proposed contribution in the round.
103. I am conscious that infrastructure improvements, such as improving the Watlington bound bus stop, would constitute capital projects now to be funded via the CIL charging schedule. Accordingly, it would not meet the tests and I have discounted this element on that basis.
104. In respect of marketing it was explained to me that bus patronage figures for the T1 service are commercially sensitive and thus not available. No evidence was provided to me as to how long the T1 service has been operating at its present frequency. However, from the Thames Travel evidence it appears that a notable level of weekday service on the route remains commercially viable without the OCC subsidy. As such it would appear that it is the extended inter-peak and weekend services which would require promotion for increased patronage to boost their durability. In the absence of any detailed breakdown of the £22,000 I am not persuaded that anything like this sum of money, or a reasonable proportion of it, would be needed from the appeal proposal to market these services. Particularly given that travel planning and introductory travel packs at the appeal proposal could be secured separately by condition. As such I do not consider the scale of the contribution towards marketing to be sufficiently clear and as such I cannot find that it would meet the lawful tests.
105. On the matter of an extended bus service to Chinnor and connections to the "Oxford Tube" bus service at Lewknor, I have very little evidence of the material effect this would have on mitigating harm stemming from reliance on the car or the likely cost of the route extension. Accordingly, I find this aspect would not meet any of the lawful tests.
106. SODC also avers that the scale of the bus contribution raises viability issues given the assessed CIL liability. However, rates formulated for CIL should not be set at the margins of general viability. The appeal site is a greenfield site with few obvious constraints. The owner and appellant have entered into the S106 cognisant of the affordable housing requirement and the CIL charge. The

⁴¹ Document 25 (Welcome Break judgment)

bus contribution is also phased such that it would not be a significant upfront cost. Taking this all into consideration, I am satisfied that a bus contribution would be fairly and reasonably related in scale and kind to a development proposal that is required to meet other obligations and charges in mitigation.

107. To summarise, I find the proposed bus contribution falls into two distinct camps. The first, relating to the reinstatement of a "core service" at £400,000 meets all three lawful tests. This part of the obligation is essential to ensuring that there is genuine availability of public transport to provide a good level of choice and a practical alternative to the car for a variety of journeys. A reinstated "core service" would benefit a considerable number of residences, businesses and services along the T1 route corridor but I accept the appellant's submission that invariably any public transport contribution has a wider benefit than just the development it serves. Overall I have found the contribution, whilst not representing an enhancement to bus services would be proportionate to mitigate the harm. It would equate to approximately £6,150 per dwelling (up to 65 dwellings) if the full contribution is utilised which would not be excessive. I have therefore taken this element of the planning obligation into account.
108. The second element of the proposed bus contribution for £220,000 is poorly defined and I am not persuaded that it meets the lawful tests and accordingly I have not taken it into account.
109. I therefore conclude that the effects of the proposal on the provision of affordable housing, recycling, street signage, on-site open space and sustainable travel would be acceptable by virtue of the provisions within the submitted planning obligations.

Other Matters

110. I heard at the inquiry of local support for the appeal proposal and in particular the benefit of the proposed housing in adding to a thriving rural community but importantly offering the potential for younger local residents to secure affordable accommodation in their village. I attach significant weight to the benefit of the appeal proposal providing 40% affordable housing in terms of contributing to the social diversity of the village.
111. Notwithstanding this support I also have before me numerous written objections to the appeal proposal including from the Parish Council. Whilst no one objecting attended the Inquiry I have given equal weight to the written submissions. I consider that the principal matters contained in these objections have been addressed in my consideration of the main issues but I note that odour from the nearby Stadhampton STW is a further area of concern. The appellant has undertaken a detailed odour impact assessment and I am satisfied from the submitted parameter plan that there would be a sufficient degree of separation to avoid any significant adverse effect on the living conditions of the future occupiers of the proposed dwellings.

Planning Balance

112. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is such a material consideration.

113. I have found that the proposal would not conflict with Core Strategy Policies CSQ3, CSH3 and CSI1 or Local Plan Policies G2, G4, C4 and GB4. Additionally, subject to the imposition of appropriate conditions I am satisfied that other impacts of the proposal could be adequately addressed such that the overall design of the proposal would not significantly harm the local environment generally or the living conditions of adjacent dwellings.
114. The proposal would be contrary to the spatial strategy articulated in the Core Strategy at Policies CSS1, CSH1 and CSR1. However, these policies are relevant to the supply of housing and given the LPA cannot demonstrate a five-year supply of deliverable housing sites these policies cannot be considered up-to-date in accordance with paragraph 49 of the NPPF. Accordingly, paragraph 14 of the NPPF is engaged in terms of the presumption in favour of sustainable development such that this decision must be grounded in the second bullet point of the second limb of that paragraph.
115. The NPPF is clear at paragraphs 6-9 that the three strands of sustainable development should be secured jointly and simultaneously. The appeal proposal would secure moderate economic benefits in terms of construction and support to local services. It would also deliver substantial social benefits in terms of generally contributing towards the overall need to significantly boost the supply of housing which weigh heavily in favour of the proposal. I also attach particular and significant weight to the proposed provision of a notable proportion of affordable homes. There would also be modest social benefits in terms of an increased population supporting rural services and facilities. The proposal would also secure moderate environmental gains in terms of being located where there are sustainable transport solutions and being sited where there would be minimal landscape harm and scope to secure ecological improvements.
116. Overall I conclude that there would be no adverse impacts that would significantly and demonstrably outweigh the benefits. In accordance with paragraphs 14, 47 and 49 of the NPPF I find that the appeal proposal would constitute sustainable development for which there is a presumption in favour. Therefore a departure from the development plan would be justified in this case.

Conditions

117. I have considered the LPA's suggested conditions in the light of the PPG. For clarity, to ensure compliance with the PPG, and in light of the discussion between the parties at the Inquiry, I have amended some of the suggested wordings.
118. As an outline application it is necessary to specify and secure the submission of those reserved matters outstanding. It is also necessary to specify the approved plans and to control the number of dwellings to be developed on the site for the avoidance of doubt and in the interests of proper planning.
119. A number of conditions were suggested in relation to environmental provisions, namely noise, dust and air quality. However, I have very little evidence that there are particular issues in these regards that either effect or would be affected by the development, including during the construction phase. However, I accept that the proposal would be adjacent to dwellings on Warren Hill and would require direct access during construction onto the A329.

Therefore I consider such matters can be dealt with through the submission of a Construction Method Statement. Such a condition would be necessary to protect the amenities of nearby dwellings and to ensure highway safety.

120. In respect of highway safety it is also necessary to require access arrangements onto the A329 Newington Road to be carried out in accordance with the submitted details and for the proposed visibility splays to be maintained.
121. Given the significance of sustainable transportation solutions to the principle of the appeal proposal I consider a condition requiring a travel plan statement be submitted is necessary given the content of paragraph 29 of the NPPF. For similar reasons it is also necessary that the agreed travel plan, including travel information, is distributed to each resident on occupation.
122. Having regard to the submitted Ecological Assessment Report, it is appropriate to require the reserved matters to be designed to secure the biodiversity enhancements identified. To protect neighbouring living conditions and to prevent pollution and flooding it is necessary to control details of the foul and surface water drainage for the site and to secure their implementation.
123. Given that the proposal lies within an archaeologically sensitive area a condition requiring an investigation and subsequent assessment of any heritage asset found are necessary in accordance with paragraph 141 of the Framework. However, I have simplified the conditions in the interests of clarity and as such it requires the details of the archaeological investigation to be negotiated between the parties.
124. I note that a condition was suggested requiring odour mitigation measures to be agreed prior to development commencing. However, I have carefully considered the Odour Impact Assessment (dated April 2015) and its conclusions. Accordingly, I do not consider that such a condition is necessary and as such would not meet the relevant tests of the PPG and NPPF and, as a result, it will not be applied.

Community Infrastructure Levy Contributions

125. In allowing this appeal, attention is drawn to the Council's Community Infrastructure Levy Charging Schedule.

Conclusion

126. I have had regard to all other matters raised, both in the oral and written submissions, but I have found nothing to alter my conclusion that this appeal should be allowed for the reasons set out above.

David Spencer

INSPECTOR.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mark Westmoreland Smith, Of Counsel

Instructed by Ian Price, Senior
Litigation & Planning Lawyer, South
Oxfordshire District Council

He Called

Alison Farmer
BA, MLD, CMLI

Principal of Alison Farmer Assocs.

Jeremy Peter
MRTPI

Principal of Jeremy Peter Assocs.

FOR THE APPELLANT:

Sasha White Of Queen's Counsel

Instructed by Mr Edward Barrett of
Turley.

He Called

Duncan McInerney
CMLI, AMarborA, AIEMA

Director. The Environmental
Dimension Partnership Limited

Simon Parfitt
BA, MSC, CMILT, MIHT

Director,
David Tucker Associates

Mathew Jones
BSc (Hons), DipTP, MRTPI

Director, Turley Associates

Ms Kim Langford (SODC) took part in the discussions on housing land supply, conditions and planning obligations. Mr Jeffrey Richards (Turley) and Mr Wilson Lui (SODC) also took part in the discussion on housing land supply.

INTERESTED PARTIES

Mr Tony Brandon
Mr David Howlett

Publican of The Crown, Stadhampton
Local Resident, Stadhampton

DOCUMENTS Submitted during the Inquiry

- 1 Schedule of Plans dated 5 April 2016
- 2 Statement of Common Ground signed and dated 5 April 2016
- 3 Addendum to Statement of Common Ground 5 April 2016
- 4 Signed and Executed S106 Agreement dated 4 April 2016
- 5 Letter dated 4 April 2016 from Thames Travel
- 6 Dwg No 16283-19 Rev B Preferred Approach to Village Entry Features
- 7 Mr McInerney's Supplementary Plan 1: Village Form
- 8 Mr McInerney's Supplementary Plan 2: Topography
- 9 Mr McInerney's Supplementary Plan 3: Enlargement of Former Area of Great Landscape Value
- 10 Wychavon District Council & SSCLG & Crown House Developments Ltd [2016] EWHC 592 (Admin)
- 11 Suffolk Coastal District Council & Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP & East Cheshire Borough Council & SSCLG [2016] EWCA Civ 168
- 12 Wallingford Appeal Decision APP/Q3115/W/15/3032691 Issued 21 March 2016
- 13 Chinnor Appeal Decision APP/Q3115/W/15/3097666 Issued 23 March 2016
- 14 Opening Submissions of the Appellant
- 15 Opening Submissions of South Oxfordshire District Council
- 16 Local Planning Authority commentary on contested site supply in Addendum Statement of Common Ground – submitted 5 April 2016
- 17 South Oxfordshire District Council CIL Compliance Statement
- 18 Section 106 Planning Obligations Supplementary Planning Document, South Oxfordshire District Council 1 April 2016
- 19 CIL Charging Schedule, South Oxfordshire District Council 1 April 2016
- 20 Mr Jones' Table of Policy Assessment
- 21 CIL Regulation 123 List, South Oxfordshire District Council 1 April 2016
- 22 Closing submissions of the LPA
- 23 Closing submissions of the Appellant
- 24 R.(oao) Tesco Stores Ltd v. Forest of Dean District Council et al. [2015] EWCA Civ 800
- 25 R.(oao) Welcome Break Group Ltd et al v. Stroud District Council & Gloucestershire Gateway Limited [2012] EWHC 140 (admin)
- 26 Dianne Smyth v. SSCLG & Teignbridge District Council et al [2013] EWHC 3844 (Admin)
- 27 Appellant's Application for Costs
- 28 Email of 9 March 2016 from Solicitor, South Oxfordshire District Council & accompanying Draft S106 Agreement
- 29 LPA rebuttal of Costs Application

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: EDP2459/02B Site Plan; EDP2459/41d Parameter Plan; EDP2549/38b Illustrative Masterplan; and 16283-02 Rev D Site Access Plan.
- 5) The number of dwellings hereby permitted to be constructed on the site shall not exceed 65.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) site offices and other temporary buildings
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) installation and maintenance of security hoarding/fencing
 - viii) hours of work
 - ix) permitted times for deliveries and collections and any measures necessary to ensure highway safety during the construction phase
- 7) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are 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 shall have been provided to the Local Planning Authority. The submitted details shall provide information about the: discharge rates; discharge volumes; sizing of features (attenuation volume); infiltration results in accordance with BRE365 (or its successor); detailed drainage layout and pipe numbers; network drainage calculations; SUDs measures identified in Section 6 of the Flood Risk Assessment dated 19 December 2014 and details of the maintenance and management of SUDS features for the lifetime of the development.

- 8) No dwelling hereby permitted shall be occupied until works for the disposal of sewage shall have been provided to serve the development hereby permitted, in accordance with details that have first been submitted and approved in writing by the local planning authority.
- 9) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include a timetable for the analysis, publication and dissemination of results and archive deposition.
- 10) No dwelling hereby permitted shall be occupied until the proposed means of access onto Newington Road has been formed, laid out and constructed strictly in accordance with the local highway authority's Residential Road Design Guide and to include all ancillary works as specified.
- 11) No dwelling hereby permitted shall be occupied until vision splays measuring 2.4metres by 115metres to the north and 2.4metres by 107metres to the south have been provided. The vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9metres as measured from the carriageway level.
- 12) The reserved matters for the scheme shall be designed to secure ecological mitigation and enhancement measures as detailed in Chapter 5 of the submitted EDP Ecological Assessment Report (Reference EDP2459_02a).
- 13) No dwelling hereby permitted shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include objectives, measures, initiatives and monitoring mechanisms to encourage and promote alternatives to single car occupation and travel information. The approved Travel Plan shall be provided to all new residents within their first month of occupation.

Schedule Ends.