

Appeal Decisions - UPDATE

21/03720/FUL – 44 Common Road North Leigh Witney

Demolition of existing residential property. The erection of 10 detached and semi detached two storey dwellings and construction of a new access onto Common Road, with associated garaging and parking, landscaping and all enabling works

Refusal reasons:

- 1. The proposal is for housing development on a predominantly greenfield site on the edge of the settlement of North Leigh. The design, scale, form and layout of the proposal would not form a logical complement to the existing scale, pattern and character of development in this location; it would fail to protect or enhance the local landscape and the setting of the village, and would fail to conserve the natural environment. While the development would provide some economic benefits, would add nine homes (net) to West Oxfordshire Housing stock, would meet some of the affordable housing need in North Leigh, and would create off site biodiversity net gain, these benefits are insufficient to outweigh the conflict with the Development Plan as a whole. As such, the proposed development is contrary to policies H2, OS2, OS4 and EH2 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant paragraphs of the National Planning Policy Framework 2021.*
- 2. The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; or contributions to waste; public transport services and infrastructure; or highways improvement schemes. The proposal therefore conflicts with West Oxfordshire Local Plan 2031 Policies OS5, H3, T1, T2, and T3.*

(Committee decision – Member overturn)

ALLOWED

A S106 Legal Agreement was submitted to the Inspectorate. This overcame refusal reason 2.

With regard to refusal reason 1. The Inspector agreed with Officers and Members that the proposal would harm the rural setting of the village and that it would extend beyond the established linear pattern of development, encroach into the open countryside resulting in harm to the landscape character of the area. However, the Inspector also found that the development would be of a suitable scale, form and layout and would represent good design. The Inspector afforded moderate harm to the character and appearance of the area.

The scheme proposed two affordable Housing units. These were not required to meet policy but were offered as a means to meet housing need. The Inspector afforded considerable weight in favour of the scheme for the provision of affordable Housing units.

In the concluding paragraphs (47-53) the Inspector noted that WODC cannot demonstrate a five-year housing land supply (5YHLS). Stating that paragraph 11 d) is engaged and as such, the starting point is that permission should be granted. The Inspector balanced the moderate harm to the character and appearance of the area against the considerable weight in favour of the scheme for

the provision of affordable Housing units, that the scheme would be delivered relatively quickly enabling it to make a rapid contribution to housing numbers in the area, and the 9 (net) additional homes. Concluding that the harm did not significantly and demonstrably outweigh the benefits.

COSTS

The application for an award of costs was refused.