



# The Planning Inspectorate

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35d Newland Street	07 AUG 1997					Date: 1-6 AUG 1997
Eynsham	PASS TO:		COPY TO:			
WITNEY			FILE:			
Oxon OX18						

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR D L THURLOW  
APPLICATION NO: 96/01546/OUT

- I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Cherwell District Council to refuse an application for planning permission for the construction of four detached dwellings at East Street, Fritwell, Oxon. I have considered the written representations made by you and by the Council. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on Thursday 24 July 1997.
- The application was made in outline form, with siting and access only to be considered at this stage. From my inspection of the site and its surroundings, and the representations made, I consider that the main issues are, firstly, whether the proposal would be contrary to the policies for the area and, secondly, whether the proposal would be likely to result in hazards to traffic and pedestrians using the highway.
- The Oxfordshire Structure Plan was approved in 1992. Policy EN1 deals with the protection of the environment and policy EN6 with buildings of aesthetic, historic or architectural value. The Cherwell Local Plan was adopted in November 1996. Policy H13 refers to residential development in Fritwell and other villages being restricted to infilling, minor development of small groups of dwellings, and the conversion of non-residential buildings; policy H18 states that development beyond the built up limits of settlements being acceptable only where essential for agriculture or other existing undertakings. Policies C22 and C23 in the Local Plan set out considerations which development in Conservation Areas should meet. The northernmost part of the site is partly within the Fritwell Conservation Area.
- On behalf of the appellant, you say that this site, opposite the sewage works, would form a logical edge to development in Fritwell. There are precedents for this proposal in substantial residential development having been allowed outside the limits of this and other villages in the area. The site is well screened, and could satisfactorily accommodate a few substantial houses in this large village with good local facilities, as anticipated in Planning Policy Guidance Note (PPG) 7 paragraph 3.19. PPG15 says that not all development can be prevented in Conservation Areas,

and the properties would be designed to fit in with their surroundings and enhance and preserve the character of the Fritwell Conservation Area.

5. You consider that the entrance to the site is proposed in the safest location along the frontage where, due to the road alignment, traffic moves slowly. The proposal would be no more unsafe than other development in Fritwell; selective trimming of the hedge along the frontage would provide an adequate access without adversely affecting the character of the locality. The lack of footways is common in the area.

6. The Council says that the site is clearly beyond the village limits, and would be an unfortunate precedent for other development contrary to the policies in the Local Plan. No need for housing on this site has been shown; the homes currently being built elsewhere in Fritwell are on land allocated in the previous and present Local Plans. Development here would be in conflict with government advice in PPG7, and with policies G1, EN7, H1 and RUR3 in the Structure Plan and H13, H18, C8, C22 and C23 in the Local Plan. These refer to the general strategy for the county, the location of development including that in rural areas, and the locations for new housing. The extension of the village limits southwards would be ribbon development which would harm the countryside.

7. The highway authority considers that the access would be unsafe because of the restricted visibility in both directions along the road frontage. Improving the visibility would mean opening up the site to view by cutting back the hedge. The road is narrow and winding, and the lack of footways would mean that pedestrians would be at risk from increased traffic movements from the development.

8. The appeal site is situated on a winding lane without footways on the southern side of Fritwell. As this is an outline application, it is not possible to be certain whether the proposal would preserve or enhance the character or appearance of the Conservation Area, or fail to do so and therefore be contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Although the village sewage works is opposite, the nearest residential development on the far side of the road is some distance away to the north. I therefore consider that the site does lie outside the logical limits of the present built up area of Fritwell, so that its development would be unrelated to existing dwellings. The proposal would therefore be in conflict with the policies to retain the pleasant rural character of this locality, to which the present use of the land for allotments contributes. I note that another site being developed for housing elsewhere in the village is also located on the edge of the built up area; however, that land was allocated for development in the previous local plan and it appears to be outside the Conservation Area.

10. Moreover, that site is situated on the Fewcott Road, where the highway alignment is straighter and the width of the street is much more suitable for additional vehicular and pedestrian traffic than is the road at the appeal site. By contrast, pedestrians passing or living on the appeal site would have little warning of on-coming vehicles, although I accept that the horizontal alignment of the road means that traffic cannot travel very fast past the site.

11. I agree that the appeal site is well screened now, but it would be necessary to remove part of the hedge, and trim other parts back to meet the highway authority's requirements, which would open up the site to views from outside, and therefore be detrimental to the rural character of the area. No other material considerations have been put forward which, under the provisions of Section 54A of the Town and Country Planning Act 1990, would indicate that planning permission should be granted. I have considered all the other matters raised, but find them insufficient to outweigh the considerations which have led me to my decision.

12. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

*Jean Brushfield*

Mrs Jean Brushfield LLB PhD FRICS FCI Arb  
Inspector