

Appeal Decision

Site visit made on 16 August 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 11th October 2016

Appeal Ref: APP/Q3115/W/16/3147625

Land north of Beech Lane, Woodcote, Reading RG8 0PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hicks Developments Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P15/S3434/FUL, dated 14 October 2015, was refused by notice dated 7 January 2016.
 - The development proposed is erection of 5 new houses with parking and new access to Beech Lane. (2 x 2 bed, 2 x 4 bed, 1 x 5 bed units). Retention of smaller paddock for continued use for grazing.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Hicks Developments Ltd against South Oxfordshire District Council. This application is the subject of a separate Decision.

Procedural Issue

3. The Council's reasons for refusal included concerns regarding the lack of affordable housing and failure to secure financial contributions to support highway infrastructure improvements. However, these two reasons have been withdrawn during the appeal and as such, I have restricted my reasoning to the main issues outlined below.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area, which lies within the Chilterns Area of Outstanding Natural Beauty; and,
 - whether the proposed development would make suitable and adequate provision for off-street parking.
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Reasons

Policy background and the approach to decision making

5. Paragraph 49 of the National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption of sustainable development and that policies for housing supply should not be considered up to date if Councils are unable to demonstrate a five year housing land supply, as is the case here. In such cases, Paragraph 14 of the Framework states that permission for development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or unless specific policies, for example relating to sites designated as Areas of Outstanding Natural Beauty (AONBs), indicate development should be restricted.
6. The appeal site lies within the Chilterns AONB, and consequently the presumption set out in Paragraph 14 of the Framework applies only after consideration of the effects on the AONB, and where the balance weighs in the scheme's favour. In this context, Paragraph 115 of the Framework requires great weight to be given to conserving landscape and scenic beauty in AONBs, and Policy CSEN1 of the Core Strategy¹ (CS) also gives high priority to the conservation and enhancement of the AONB and states that planning decisions will have regard to its setting. The policy goes on to state that proposals which support the economies and social well-being of the AONBs and their communities will be encouraged, provided they do not conflict with the aims of conservation and enhancement.
7. The appellant has referred me to Policy CSR1 (CS) which allows infill development in addition to development on allocated housing sites. Infill in this case, is defined as the filling of small gaps in otherwise built up frontages, or on other sites closely surrounded by buildings. The appeal site has a road frontage of some 140 metres, and as such does not necessarily constitute a small gap. However, the Inspector for another previous appeal on Beech Lane² (the Conifers) concluded that the policy thresholds of Policy CSR1 (CS) indicate that in Large Villages a small gap must nonetheless allow for developments in excess of six houses. As such, I acknowledge that the appeal site could be considered a suitable infill site in the absence of other material considerations. It does not however, indicate that permission should be granted if the development otherwise fails to meet the criteria set out in Policy CSR1 (CS) as a whole. Consequently, if harm is found in relation to the character and appearance of the AONB, whether the site is or is not an infill site, cannot be a determinative factor in my reasoning.
8. As such, I have determined the application according to the development plan and other material considerations, with an initial focus on the effect on the AONB.

¹ South Oxfordshire Core Strategy 2012

² APP/Q3115/A/2228795

Character and appearance

9. Woodcote is identified as a sustainable Large Village in the CS, and the Woodcote Neighbourhood Plan³ (WNP) has identified future housing sites for 73 dwellings within the village. Although it was initially identified in the Council's Strategic Housing Land Availability Assessment⁴, the site was not chosen for allocation in the WNP, following a public consultation process that recognised the community's wishes to protect open spaces and the AONB. Nor was it identified as a reserve housing site.
10. The appeal site itself is a triangular shaped paddock with its southern boundary abutting Beech Lane, which is a narrow lane running westwards from the centre of Woodcote to an area of woodland, with open countryside beyond. In the vicinity of the appeal site there is an intermittent development pattern with mixed styles of housing. The development would comprise five two-storey dwellings set back from, but parallel with, Beech Lane, and separated from it by an estate road and the existing boundary hedgerow and associated trees. Two oak trees on the Beech Lane frontage have Tree Protection Orders (TPOs).
11. The Council's Landscape Character Assessment⁵ describes the Chiltern escarpment as being visually distinctive, with a mosaic of woodland, scrub and grassland contributing to an intimate and enclosed character. I noted the small scale mosaic of land uses on my visit, observing in particular that there is a gradual diminution of urban influences when moving along Beech Lane towards the west. There is limited traffic and the development pattern becomes looser, with existing development switching from one side of the road to the other. The informality of the established development pattern is reinforced by a diversity of building styles and what appears to be piecemeal development. In addition, there are groups of trees located in the front corners of the appeal site, and to the west of the site woodland extends to the southern side of the road, opposite a line of dwellings. Within some 200 metres, Beech Lane becomes little more than a rural track running through woodland on both sides.
12. The appeal site forms a distinctive gap in the established building pattern. It has an informal and natural road frontage with glimpsed views through. The site's use for equestrian grazing reinforces the informal juxtaposition of development and rural land use that is characteristic of the immediate locality. This pattern contributes to the underlying and distinctive landscape mosaic, and creates a semi-rural character in this section of Beech Lane. Whilst I agree with the appellant that the village does not have a defined edge, the AONB designation washes over the village and includes within it this distinctive patchwork of built form and rural land use.
13. The development of a line of five similar two-storey dwellings would bring an element of urban formality and uniformity to the lane, and would also consolidate the building pattern on the northern side of Beech Lane. Whilst I recognise that a large proportion of the hedgerow would be retained to provide screening, the evidence before me indicates that the lane would require widening along the length of the site boundary, as well as cutting back of the hedgerow to facilitate visibility. The vehicular access would open up views into

³ Woodcote Neighbourhood Plan 2014

⁴ South Oxfordshire District Council Appeal Statement Paragraph 6.7

⁵ South Oxfordshire Landscape Character Assessment 2003

the site, and the development would be visible from the road at this point; this would diminish the prevailing semi-rural character of the locality.

14. In addition, the development would result in an increase in vehicular traffic and other activity, which would have a detrimental effect on the lane's tranquillity. Consequently, although some limited tree and under-storey planting is proposed within the site, this would not mitigate the urbanising effects of consolidation of the development pattern, loss of open space, widening of the lane and increased traffic.
15. Policy H4 of the Local Plan⁶ allows housing on sites where it has not been specifically allocated as long as the character of the area is not adversely affected. The Council's draft Landscape Capacity Assessment⁷ (LCA) considered the housing potential of the site in response to a need to identify further housing land. This study identified the loose settlement edge and rural character of Beech Lane as key landscape characteristics of the appeal site, but suggested that only a reduced area, extending across part of the road frontage, would be potentially suitable for development. It also stated that housing, even in the reduced area identified, would have an adverse impact on the tranquillity and rural character of Beech Lane, and would result in the loss of the characteristic loose edge of the settlement. Furthermore the study concludes that the capacity of the site is constrained by the importance of the small-scale mosaic landscape as a key feature of the AONB. I agree with those concerns and also note that this is a draft document, and not adopted policy.
16. The locality of the appeal site exhibits characteristics which contribute to local distinctiveness within the AONB, which national policy and the development plan seek to protect. The development would have an adverse effect on the small-scale landscape mosaic, semi-rural character and tranquillity of the area. Consequently, it would fail to conserve or enhance the AONB, as prioritised by Policy CSEN1(CS). I give great weight to this as required by Paragraph 115 of the Framework, outlined above.
17. Policy CSEN1 (CS) also states that the district's distinct landscape character and key features will be protected against inappropriate development and where possible enhanced, but where development is appropriate in principle, measures will be sought to integrate it into the landscape character of the area. The appellant's landscape appraisal⁸ concludes that the site is visually contained and that the potential harm to the landscape could be mitigated through additional planting proposed along the south-eastern frontage of the site and the retention of the existing hedgerow along the road. However, I have concluded that development would not be acceptable in principle on this site due to the harmful effects on the AONB identified above. Furthermore, notwithstanding that the site is not prominent in longer views, I concur with the conclusions reached in another appeal⁹ (Goats Gambol) on Beech Lane. Here the Inspector stated that discrete visually self-contained sites are a key characteristic of the AONB and are worthy of protection.

⁶ South Oxfordshire Local Plan 2011

⁷ Landscape Capacity Assessment for Sites on the Edge of the Larger Villages in South Oxfordshire, Draft August 2015

⁸ Landscape Appraisal, Bradford Smith. October 2015

⁹ APP/Q3115/A/14/2223330

18. Finally, the development would also fail to respond positively to and respect the character of the site and its surroundings, enhancing local distinctiveness as required by Policy CSQ3 (CS) and Policy D1 (LP). The Council has also cited Policies G2 and C4 (LP) and Policies D1 and H10 (WNP). However, these have similar aims to the policies I have specifically considered and consequently are not determinative. The harm I have identified to the character and appearance of the area, and specifically to the AONB, needs to be balanced against the benefits of the scheme, and these are now considered.
19. The appellant has drawn my attention to the economic, social and environmental benefits to be derived from the development. I appreciate that that there would be short-term benefits from the construction works and the contribution future occupiers would make to the local economy. However, in the context of the housing sites already identified for Woodcote, this development would make a very limited contribution and I am not aware of any particular economic gain associated with this development that would not arise from the development of the allocated sites.
20. Similarly, there is nothing in the evidence before me which indicates that the development would contribute to the social vitality of the village any more than development on the allocated sites.
21. The ecological survey¹⁰ notes that the private gardens might have greater biodiversity than the improved grassland currently used for grazing. However, irrespective of the particular plant species that might be used in the gardens, the gardens' level of usage would potentially create a greater level of disturbance to local fauna than is currently the case for the appeal site's use as a paddock. I also note that the landscape strategy plan¹¹ recommends the removal or pruning of the western boundary hedge identified as ecologically valuable in the survey. Consequently, I give the suggested ecological benefits of the scheme little weight.
22. I appreciate that the development would provide five additional dwellings in an area which does not have a five year housing land supply, as well as some associated economic and social benefits. However, this limited benefit would not outweigh the harm to the AONB identified above.

Parking demand

23. The development would provide 16 parking bays, which would be compliant with the requirements of the highway authority¹² (OCC) although Policy 8 (WNP) states that proposals for new homes in Woodcote should provide for one space for each proposed bedroom unless otherwise justified having regard to site-specific circumstances. As such, the development would have a deficit of one space. However, the parking areas of the development would be partially screened from Beech Lane and even were the shortfall to lead to a limited amount of on-street parking, the consequences would be minimal for the protection of local character and road safety.
24. Consequently, although there would be a minor deficiency in the provision of off-street parking contrary to Policy T8 (WNP), as outlined above, I do not

¹⁰ PJC Ecology, June 2015

¹¹ 556-LA-01 Rev B

¹² Oxfordshire County Council

consider this sufficiently harmful to warrant dismissal of the appeal, were it my only concern.

Other matters

25. With regard to the proposal at the Conifers, which was allowed at appeal, one dwelling only was proposed. In addition, the evidence before me indicates that the relevant frontage length was considerably less than is the case here and the Inspector stated that the site's character was quite different from the countryside around the village. A third party has also drawn attention to the development of Goats Gambol, which was dismissed at appeal. Although the appellant argues that this site is not comparable, my conclusions broadly mirror those of that Inspector with regard to the contribution that site made to local character. Whilst I recognise some similarities in these appeals, each application or appeal must be considered on its own merits, and neither scheme would significantly alter my conclusions in respect of the main issues I have identified in the present case.
26. The appellant has drawn attention to other sites allocated for housing on the edge of Woodcote, but although I concur that some of these are very visible, the evidence before me indicates that they are not located on quiet lanes with little through traffic, as would be the case here. Insofar as there may be similarities, the fact remains that those sites are allocated for development, whereas the appeal site is not, and so different policy considerations apply. I have determined this appeal by reference to relevant policy and other material considerations.

Conclusion

27. Consequently, for reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and Core Strategy and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR