
Appeal Decision

Site visit made on 10 January 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 18 January 2017

Appeal Ref: APP/Q3115/W/16/3160618

**Land adjacent to Woodside Cottages and opposite Oldfield House,
Horsepond Road, Gallowstree Common, Reading, Oxon RG4 9BX**

- 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 Mr Jensen Langford against the decision of South Oxfordshire District Council.
 - The application Ref P/16/S1371/O, dated 8 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is one, new dwelling house.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline with all detailed matters reserved for later consideration; I have considered the appeal on the same basis. An illustrative layout, which was revised to show the location of the access point, was also submitted. I have also considered this plan on that basis.

Main Issue

3. The main issue is the effect on the character and appearance of the area being within the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site lies on northwest side of Horsepond Road and currently forms southwest part of an open area of land. There is a dispute between the main parties as to the lawful use of this land, but this is not for determination as part of this planning appeal. To the northeast of the overall open area is Woodside Lane, an unmade track forming part of the public rights of way network, leading to a small number of dwellings. Beyond Woodside Lane is open countryside.
 5. To the south is an area of land with two ponds upon it and to the south of that is Hearn's Lane, another unmade track forming part of the public rights of way network also leading to a small number of dwellings. The main area of Gallowstree Common lies to the south and west. Opposite the appeal site on Horsepond Road is the extensive area around Oldfield House, a dwelling set
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some distance back from the road. The boundary of the open area to Horsepond Road is made up of a somewhat unkempt high hedgerow.

6. Although there are dwellings to the south, northwest and east the dispersed and low-density nature of dwellings gave the impression of this being a rural area and the high quality of the landscape is evident through its designation as being within the AONB.
7. The main parties do not dispute that the overall area of land lies within the settlement of Gallowstree Common. In one sense it does not matter whether the site lies within or without the settlement as the Council confirms it is unable to demonstrate a five year supply of housing land. Therefore, in line with paragraph 49 of the National Planning Policy Framework (the Framework) relevant policies for the supply of housing should not be considered up-to-date. This includes policies restricting the location of housing and would also include Policy CSR1 of the South Oxfordshire Core Strategy, adopted 2012 (the SOCS) which permits infilling in smaller villages, such as Gallowstree Common, subject to certain criteria.
8. Paragraph 14 of the Framework indicates that where development policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted. Footnote 9 gives examples of such policies and these include those relating to AONBs. Paragraph 115 of the Framework indicates that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status in relation to landscape and scenic beauty. Therefore, if the proposal were to fail to conserve landscape and scenic beauty the weighted presumption set out in paragraph 14 of the Framework would not apply.
9. Whatever the precise planning status of the appeal site or the weight to be given to development plan policies, the appeal site appears as part of the undeveloped land on the edge of the village. In visual terms it joins with the undeveloped land to the northeast and the open countryside beyond Woodside Lane and beneficially provides the part of the rural setting of the village. The introduction of a dwelling on the appeal site through the building, access and associated hardstandings, along with the normal domestic paraphernalia, would harmfully urbanise the area detracting from the landscape and scenic beauty of the AONB.
10. Although the hedgerow to Horsepond Road would partially screen the development from the road, any dwelling would still be clearly seen through the entrance, and in any event, that a development cannot be seen is not, of itself, a good reason to grant planning permission as this could be repeated too often.
11. Although Policy CSR1 of the SOCS is out of date and thus of limited weight, in line with paragraph 215 of the Framework, it allows for infill housing in villages on sites of up to 0.2 ha. It is indicated that this should be equivalent to five to six houses. Infill development is defined in the supporting text to this policy as the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings.

12. As I have already found the appeal site is not within an otherwise built-up frontage in that it forms visually part of a larger area of open land to the northeast. In addition, it is not closely surrounded by buildings as all the nearby buildings are some distance away and the land to the northeast is undeveloped. While the appeal site is 0.2 ha in size this area is not defined on the ground as the overall area extends further to the northeast and is a larger area.
13. The Council has referred to a number of policies it considers this proposal would be contrary to. Included within these is Policy G4 of the South Oxfordshire Local Plan 2011 (the SOLP) which indicates the need to protect the countryside for its own sake. As the site lies within the settlement of Gallowstree Common this is not applicable to this proposal. It also refers to Policy CSS1 of the SOCS which sets the overall strategy for development in South Oxfordshire. This allows limited amounts of housing in 'other villages'. This proposal would comply with this, but I give great weight to the requirement to protect the AONB and significant weight to the more detailed policies set out below.
14. As such the proposal would be harmful the character and appearance of the area being within the AONB detracting from landscape and scenic beauty. It would therefore be contrary to Policies CSS1, CSEN1 and CSR1 of the SOCS, which state that high priority will be given to conservation and enhancement of AONBs, and as set out above. It would also be contrary to Policies C4, G2 and D1 of the SOLP which state that development which would damage the attractive landscape setting of the settlements of the district will not be permitted, that the district's countryside and settlements will be protected from adverse developments, and the proposal would not respect the character of the existing landscape. It would also be contrary to paragraph 115 of the Framework in that it would not conserve landscape and scenic beauty in the AONB.

Other matters

15. As part of the processing of the appeal the Planning Inspectorate screened the proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) as not being "EIA development" as it was considered not have a significant effect, positive or negative, on the environment given the location of the site within a sensitive area (the AONB). I agree with this assessment. However, this does not mean that any effect of the development is not significant within normal planning criteria; they are different judgements.
16. The appellant has indicated that the proposal would be undertaken on a self-build basis and that it would be constructed to high environmental standards. Under the Self-build and Custom Housebuilding Act 2015 the Council is required to keep a self-build and custom housebuilding register. The national Planning Practice Guidance makes it clear¹ that the purpose of the register is to provide information on the demand for these types of housing as part of the authority's evidence base. This forms part of the planned development for the area as set out in paragraph 50 of the Framework. Just because a proposal would be a self-build scheme would not make a scheme that was otherwise in an unacceptable location acceptable.

¹ Reference ID: 57-003-20160401

17. Similarly, while ensuring that a proposal met high environmental standards the proposal is not being promoted under one of the special circumstances set out in paragraph 55 of the Framework which permit individual houses in the countryside because of the exceptional quality or innovative nature of the design. I therefore cannot give the proposal positive weight under this provision. The benefit of delivering a single house within the overall context of the shortfall of housing in the District is not significant and does not outweigh the harm I have found.
18. The appellant has also referred to the emerging South Oxfordshire Local Plan 2031, but this is only at a very early stage in the process towards adoption and therefore, in line with paragraph 216 of the Framework, can only be given very limited weight.
19. The appellant has referred to similar proposals being permitted elsewhere, but as I do not have full details of these applications or the considerations applicable at the time of those decisions I am unable to give them any significant weight. In any event, each application should be considered on its own individual merits.

Conclusion

20. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR