
Appeal Decision

Site visit made on 22 March 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 28th April 2017

Appeal Ref: APP/Q3115/W/16/3165089

**Bishopwood Camp, Gallowstree Road, Sonning Common, Oxfordshire
RG4 9BT**

- 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 Bennetts Commercials against the decision of South Oxfordshire District Council.
 - The application Ref P16/S1110/O, dated 31 March 2016, was refused by notice dated 22 June 2016.
 - The development proposed is the erection of two dwellings and garages, with new vehicular access (outline application with all matters reserved except access).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area and in particular whether it would conserve or enhance the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (AONB);
 - b) whether the proposed dwellings would be in an inaccessible location reliant on the private car contrary to the Council's spatial strategy; and
 - c) the likely effect of the development on TPO trees, in particular the Oak tree at the access point to Plot 1¹.

Reasons

Character and Appearance

3. The appeal site is an approximately rectangular 0.688ha piece of land in the open countryside in the Chilterns AONB roughly equidistant between the northern part of Sonning Common and Gallowstree Common. It was used in the war as an army camp according to local people and a boarding school according to the appellant but its use was abandoned before the AONB's designation in 1965, in the 1950s according to the appellant. Although some of the structures associated with that use remain on the site there are no buildings. Until much of the site was recently cleared by the appellant it was

¹ Referenced as T1 in the appellant's Arboricultural Impact Assessment by Lockhart Garratt dated November 2016

heavily wooded and overgrown and there are still many trees on the site, especially near the road frontage. Due to the long ago abandonment of the former army camp/school use I disagree with the appellant that the site comprises previously developed land.

4. Running diagonally through the site is public footpath Sonning Common 1, which proceeds eastwards to link up with the northern end of Woodlands Road in Sonning Common. To the north east is Old Copse, an area of ancient woodland. Immediately to the south of the site are sports pitches and tennis courts and to the west a large children's nursery, Bishopswood Day Nursery. To the north is open countryside including a large area of woodland known as New Copse.
5. Despite the low key remnants of the wartime structures the site has a rural character very similar to the adjacent woods. Although the proposal for two dwellings could and would as set out on the illustrative layout plan retain many of the still standing trees it would clearly introduce substantial built development and the domestic curtilages of dwellings into the AONB, which would not conserve or enhance its landscape or scenic beauty. I understand that the plans and elevations of the proposed dwellings are merely illustrative. But they would not have been submitted unless the applicant was happy for them to indicate its intentions regarding the size and design of the dwellings.
6. The development would also introduce, in addition to the children's nursery and pavilion buildings adjacent, further development into the countryside gap between Sonning Common and Gallowstree Common. I consider this gap to play an important role in preserving the open countryside character of this part of the AONB. The fact that there is already development in the form of the Bishopswood Day Nursery adjacent is a further reason to protect the openness of this part of the countryside, not a reason to provide more inappropriate built development in the AONB. I agree with the Council that special attention should be paid to creating strong landscape edges to settlements including Sonning Common to reduce such urbanising influences on open countryside within the AONB.
7. For these reasons I conclude that the proposed dwellings would significantly harm the character and appearance of the area and fail to conserve or enhance the landscape and scenic beauty of the Chilterns AONB, a requirement to which I give great weight as set out in paragraph 115 of the National Planning Policy Framework (NPPF).
8. The appellant argues that the Council's planning policies that restrict such housing development are out-of-date because the Council does not have a 5 year housing land supply (5YHLS). Whilst this is so, the second strand of the fourth bullet point of NPPF paragraph 14 applies because NPPF paragraph 115 is one of the policies mentioned in Footnote 9, in other words it is one of the policies that specifically indicate development should be restricted. Whilst I agree with the appellant that restricted does not necessarily mean refused, for the reasons given above the proposal in this case is unacceptable.
9. Just because relevant policies for the supply of housing are out-of-date does not mean they should be given no weight. Policies CSS1 and CSR1 of the

South Oxfordshire Core Strategy (SOCS) are such policies and essentially set out the Council's spatial strategy for the distribution of housing. Such policies have less weight than if the Council had a 5YHLS. But the CSS1 strategy of focussing major new development in Didcot, and then sequentially in Henley, Thame and Wallingford followed by the larger and then other villages is sound because it accords with the NPPF. Likewise the CSR1 requirements for new development in villages including infill development. The proposal would clearly fail to comply with these Policies in the development plan.

10. Policy CSEN1 requires high priority to be given to conservation and enhancement of the Chilterns AONB, in accordance with national policy, and I consequently accord full weight to this Policy. For the above reasons the proposal would not do so. Similarly 'saved' Policies G2 and D1 of the South Oxfordshire Local Plan 2011 require the character of existing landscape and the countryside to be protected although I give little weight to Policy G4 because it has been superseded by the more measured protection of the countryside given in paragraph 17 of the NPPF. Nonetheless, for the above reasons the proposal would not comply with Policies G2 and D1.
11. In addition to the above conflict with the development plan and NPPF, the proposal would also conflict with the Council's statutory duty to conserve and enhance the natural beauty of the AONB under Section 85 of the Countryside and Rights of Way Act 2000.

Location

12. The majority of services and facilities in Sonning Common are situated over 1km away to the south east as measured along the public footpath. But this footpath leads through the woods and was very muddy when I walked through it – and likely to be for much of the year. It is also unlit and would not be a realistic route for the occupiers of the dwellings to access village facilities on a regular basis.
13. There is a pub about 400m to the northeast along Gallowstree Road but there is no footway and the road is unlit. I noticed that vehicles also travel quite fast along it because it is relatively straight. Accessing most of the village's facilities via this route would be a walk of well over 1km, which is unrealistic given these circumstances. For these reasons I consider that occupants of the proposed dwellings would not be likely to walk along the road into Sonning Common and it would be too far to walk the other way into Gallowstree Common.
14. The appellant says that there is a half hourly bus service that connects Sonning Common to Reading but I have seen no evidence that this bus travels along Gallowstree Road and I saw no bus stops in the vicinity of the site.
15. For these reasons I conclude that the proposed dwellings would be in an inaccessible location reliant on the private car contrary to the Council's spatial strategy, which encourages such development to be located in places where occupants can avail themselves of sustainable transport modes. SOCS Policy CSM1 encourages the use of such sustainable transport modes and as such the proposal would fail to comply with it.

Trees

16. Since layout is a reserved matter the impact on the remaining trees on the site, now subject to a tree preservation order², would be a consideration in any reserved matters application, with the exception of T1, a large Oak tree situated at the northwest corner of the site.
17. The Council maintains that this tree would be adversely affected because the development would be likely to involve excavation in order to ensure that the access is level. However, this access already exists and from my observations it appears that no levelling would be necessary that would be likely to adversely affect the health of this tree, which I agree should be retained due to its amenity value.
18. For this reason I consider that the development would be unlikely to harm this Oak tree and that SOCS Policy CSEN1 and 'saved' LP Policy C9, which require such important landscape features to be protected, would not be breached. The impact on other protected trees would be assessed at reserved matters stage.

Conclusion

19. Notwithstanding the lack of likely impact on TPO trees, for the above reasons the proposed development would be socially and environmentally unsustainable because it would fail to comply with the Council's spatial strategy and would be inaccessible by sustainable transport modes. There would be some minor social benefits in terms of providing two new dwellings in a District that cannot demonstrate a 5YHLS and economic benefits in terms of construction, related spin off jobs and economic benefits in terms of local expenditure by the dwellings' occupiers. But these would not outweigh the substantial harms identified. By the criteria set out in NPPF paragraphs 6-8 the development would be unsustainable overall.
20. For these reasons I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR

² TPO Ref 17SO7 dated 15 March 2017