
Appeal Decision

Site visit made on 31 July 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 5th September 2017

Appeal Ref: APP/Q3115/W/17/3173144

**Tacit, 47 Shiplake Bottom, Peppard Common, Henley-on-Thames
Oxfordshire RG9 5HH**

- 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 Mr Thomas Kent against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2759/FUL, dated 11 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is described as change of use of woodland to ancillary domestic garden land and retention of turfed ramp.
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Preliminary Matters

1. I have used the description of the proposal from the appeal form and Council's decision notice. It accurately and simply describes the proposed development instead of the much longer description given on the application form.
2. The appellant has questioned whether the site is either ancient woodland or ancient replanted woodland. There is no evidence to indicate that the information contained on the MAGIC resource which designates the land as ancient replanted woodland is incorrect and so I will determine the appeal on this basis.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are the effect on ancient woodland and whether the proposal would conserve and enhance the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site is an area of ancient woodland that adjoins the rear garden of Tacit, 47 Shiplake Bottom. The proposal is to change the use of the area from woodland to garden land and to regularise a grassed access ramp linking the existing garden to the area of woodland.
6. Ancient woodland is of prime ecological and landscape importance. Paragraph 118 of the National Planning Policy Framework (NPPF) advises that 'planning permission should be refused for development resulting in the loss or

deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss'. In this case the benefit of the proposal would be the creation of an extended garden providing additional amenity space for the occupants. I note that the existing garden of the property is small and that the extension would provide some benefit to the occupants. However I am not convinced that this personal gain outweighs the harm to an irreplaceable habitat. Whilst the appellant argues that the area lost would be small, it would nevertheless be a loss and the NPPF considers any loss to be unacceptable.

7. The appellant has tidied up the site and to date there has been no damage to veteran trees within the woodland. Some planting has taken place and the appellant has indicated a willingness to undertake further measures to compensate for the change of use. However, as identified by both the Council and the appellant, it would be difficult to impose conditions that would secure this for the long term, the exception being the removal of permitted development rights.
8. Residential gardens are managed primarily for aesthetic and recreational purposes, as illustrated by the installation of the trampoline. The use and management of the area as a residential garden could therefore result in a deterioration of the irreplaceable biodiversity and habitat value of the site. The appellant questions the ecological value of the site stating that there has been degradation through operation as a commercial plantation. Although the appeal site may have a lower ecological value than ancient woodland and may not be designated in the priority habitat inventory, ancient woodland and ancient replanted woodland receive the same level of protection, as set out in the National Planning Policy Guidance. The domestication of the space and use for recreational purposes would also have a visual impact which would fail to conserve and enhance the natural beauty of the Chilterns AONB.
9. The appellant states that the Woodland Trust Management Plan for the neighbouring Old Copse does not preclude public access. However this is different to changing the ancient woodland to garden land and so I disagree that a garden use is not inconsistent with the management aims of the ancient woodland.
10. Reference has been made to the precedent set by the permissions granted to convert other areas of the ancient woodland to garden land. The permissions however were granted prior to the change in national policy. Irrespective of the scale and the impact on the character and ecology of the individual amendments, the losses serve to illustrate the risk of the piecemeal erosion of ancient woodland which could lead to cumulative harmful impact. That said, approval of this appeal would not necessarily set a precedent as each case is determined on its own merits.
11. The works to install the ramp linking the garden to the woodland have been undertaken. Whilst I do not consider the ramp in itself to be harmful, its function would be to provide easier access to the proposed extended garden. In finding harm to this part of the proposal the need for the ramp is redundant.
12. The proposal would conflict with policies CSB1 and CSEN1 of the South Oxfordshire Core Strategy 2027 which seeks to conserve and enhance biodiversity and protect landscape character and saved policies C6, G2 and C9

of the South Oxfordshire Local Plan 2011 which seek to maintain and enhance biodiversity, protect the districts environmental resources and important landscape features.

Conclusion

13. For the reasons outlined above, and having regard to all other matters raised, the appeal is dismissed

K Ford

INSPECTOR