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## Appeal Decision

Site visit made on 23 October 2017

**by D. M. Young BSc (Hons) MA MRTPI MIHE**

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

**Decision date: 13<sup>th</sup> November 2017.**

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**Appeal Ref: APP/Q3115/W/17/3179874**

**Highfield House, Emmer Green Road, Binfield Heath, Henley-On-Thames  
RG9 4NA.**

- 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 & Mrs Darke against the decision of South Oxfordshire District Council.
  - The application Ref P17/S0781/FUL, dated 24 February 2017, was refused by notice dated 16 June 2017.
  - The development proposed is a new 4 bedroom detached house with double garage plus double garage for existing property Highfield house.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. There is no dispute between the parties that the Council is unable to demonstrate a 5 year supply of housing. In such situations paragraphs 47 and 49 of the "*National Planning Policy Framework*" (the Framework) state that the relevant policies for the supply of housing should not be considered up to date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This tilted balance is reflected in Policy CS1 of the "*South Oxfordshire Core Strategy 2011*" (the CS) and will be returned to later in the decision.

### Main Issues

3. The main issues are:
  - (a) whether the development would provide a suitable site for housing, having regard to local and national policies on housing in the countryside;
  - (b) the effect on the character and appearance of the countryside, and
  - (c) the effect on highway safety.

### Reasons

#### *Housing in the countryside*

4. The appeal site comprises a rectangular plot of land within the curtilage of Highfield House, a detached, two-storey dwelling. The site is located within a loose ribbon of development that extends along Emmer Green Road roughly equidistant between Reading and Henley-on-Thames. Despite other dwellings

- nearby, the wider area is lightly settled and unmistakably rural, comprising a patchwork of woodland and agricultural fields demarked by mature hedgerows. The site lies adjacent but outside the Chilterns AONB.
5. The appeal scheme seeks permission for the erection of a detached two-storey dwelling and a shared garage to serve both the existing and proposed property. The dwelling would occupy a central position within the plot with access taken via a new driveway from Emmer Green Road.
  6. Paragraph 11 of the Framework states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The site lies outside the limits of Binfield Heath as defined in the CS and is therefore in the countryside for planning purposes. CS Policy CSR1 which pertains to housing in villages is not therefore relevant in this case. CS Policy CSS1 seeks to direct most new development to the main urban areas and villages in the district. Outside these areas new development will need to relate to very specific needs such as those of the agricultural industry or enhancement of the environment. It is not part of the appellants' case that the proposal accords with the criteria set out in Policy CSS1(v). Consequently, the location of the development would conflict with the spatial strategy of the development plan.
  7. However, as the Council cannot demonstrate a 5 year supply of housing, the fact that the appeal site is outside a settlement boundary is not a determinative factor in this appeal. The issue is rather whether the development would meet the other relevant requirements of the Framework and benefit from the presumption in favour of sustainable development. Section 6 of the Framework sets out government policy in respect of housing in rural areas so that housing provision reflects local needs and represents sustainable development. New isolated homes in the countryside should be avoided except in special circumstances.
  8. The proposed dwelling would be physically divorced from Binfield Heath, itself a small rural village. I therefore consider it would be spatially '*isolated*'. Whilst the term '*isolated*' is not defined by the Framework, I consider that regard should also be had to accessibility to services and facilities given that paragraph 55 seeks to restrict housing in rural areas to locations where housing will enhance or maintain the vitality of rural communities. In this regard, I consider the appeal site to be poorly located. There are no shops, community facilities or bus stops within a reasonable walking distance of the site. The local road network lacks street lighting and pedestrian footways. Accordingly, the site's location is inherently unsuited to walking or cycling, particularly after dark or in bad weather. I noted the proximity of the public footpath which provides a 2km, mainly traffic-free route to Binfield Heath. However, the path is unsurfaced and crosses open countryside and so is unlikely to be a practical alternative to walking on the road. In any event, whilst the limited range of services and facilities in Binfield Heath might provide for some day-to-day essentials, future occupants of the proposed development would still be dependent on longer distance car journeys to access supermarkets, employment areas and the like.
  9. Based on the foregoing, I find that the balance of probability is that for most journeys, for most purposes, in most seasons of the year, the transport mode

of choice, and in most cases necessity, would be the private car. For these reasons, the proposal would conflict with one of the core principles of the Framework which is stated as; '*to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling*'. There would also be conflict with CS Policy CSM1 (v), (viii) in terms of promoting non-car modes of transport.

10. Returning to Section 6 of the Framework, I have found that the development would be isolated. Accordingly, it should only be permitted if one of the special circumstances listed in paragraph 55 is met. The appellant does not argue that the dwelling is for a *rural worker* or would be of *exceptional quality or innovative nature*. Consequently, the dwelling would conflict with local and national policy on housing in the countryside as set out in the Framework and CS Policy CSS1.

#### *Character and appearance*

11. Although views of the development from the wider landscape could be filtered by a landscaping scheme, it would still be apparent from Emmer Green Road and the public footpath from where it would appear as a stark visual intrusion into the open landscape on the edge of the AONB. The residential occupation of the land around the dwelling would inevitably lead to the introduction of car parking, boundary treatments and residential paraphernalia all of which would give the land a domestic appearance. This would completely transform the open character of the land giving the area a more built-up character.
12. I therefore conclude that the appeal scheme would harm the character and appearance of the countryside. It would thus conflict with Policies G2, G4 and D1 of the "*South Oxfordshire Local Plan 2011*" (the LP) and CS Policy CSEN1. Collectively these seek to reinforce local distinctiveness and protect the district's countryside from adverse development.

#### *Highway safety*

13. The proposed access, a simple priority junction, would be positioned close to a bend on Emmer Green Road, an unclassified, unlit, rural lane subject to the national speed limit. At the time of my mid-morning site visit traffic volumes were light and vehicles appeared to travel well below the 60mph limit.
14. When I visited the site I saw that that visibility at the site access would be restricted to the left by the horizontal alignment of the road and overgrown hedges. However, the Highway Authority has failed to provide its own measurements in relation to the access or explain how it arrived at such an excessive visibility splay requirement. I appreciate that 215m has been taken from the "*Design Manual for Roads and Bridges*" (DMRB). However, this document is manifestly out of date and the introduction of the more recent "*Manual for Streets 2*" (MfS2), published by the Chartered Institution of Highways and Transportation in 2010 and endorsed by the Department for Transport should now be the starting point for non-Trunk Road situations.
15. With this in mind, a 215m visibility splay is patently inappropriate in this case bearing in mind the speed and volume of traffic on Emmer Green Road. It might be that the Highway Authority feels that the nature of Emmer Green Road falls outside the scope of MfS2. However, if that is the case then substantive evidence should have been submitted to demonstrate why. As it

stands I have no data in relation to; traffic speeds, volumes, proportion of HGV and bus traffic, accidents or proposed splays. Without these, I simply cannot agree that the use of DMRB is appropriate.

16. The Council has not challenged the appellant's claim that the new access would benefit from splays of 70m. Nonetheless, as no plans are before me showing the claimed splays, I have decided to take a precautionary approach to the matter of highway safety. On that basis and notwithstanding the complete lack of robust evidence from either party, I conclude that it has not been demonstrated that the development would not harm highway safety. Accordingly, the proposal would conflict with Policies H4 and T1 of the LP and paragraph 32 of the Framework all of which seek safe and suitable access.

### **Other Matters**

17. The appellant has drawn my attention to a development in the local area. However, I do not know the circumstances of this case and so I cannot be sure it is comparable to the scheme before me. As such, I have afforded it little weight and assessed the scheme on its own merits.
18. The site is not closely surrounded by other buildings and is not therefore an infill site. Finally, I have noted the appellant's argument that the site is former garden land and can therefore be considered as previously developed land. Whilst that may be so, my decision turns on the main issues above rather than on whether or not the site is previously developed land.

### **Conclusions**

19. The starting point in weighing the various factors is that the principle of housing in the countryside conflicts with an adopted development plan. The development would result in the need to travel by car for basic day-to-day services and facilities which would not support the transition to a low carbon future nor would it be consistent with the Framework's aims to make the fullest use of non-car modes of transport. I have also identified harm to the character and appearance of the countryside and conflict with the LP in that regard. I also have concerns about the suitability of the proposed access arrangements. Collectively these *environmental* considerations carry significant weight.
20. As to whether material considerations indicate that the permission should be allowed, the erection of a single dwelling on a brownfield site would make a modest contribution towards the Council's housing stock and deliver some limited *social* and *economic* benefits consistent with the Framework and the development plan. Nonetheless, given the extent of environmental harm, I find that the adverse impacts of the proposal would significantly and demonstrably out-weigh the benefits such that the scheme would not constitute sustainable development for which there is a presumption in favour.
21. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*D. M. Young*

Inspector