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## Appeal Decision

Site visit made on 21 November 2017

**by David Murray BA (Hons) DMS MRTPI**

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

**Decision date: 6<sup>th</sup> December 2017.**

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**Appeal Ref: APP/Q3115/W/17/3181199**

**Nuthatch Farm, Checkendon, Reading, RG8 0SX.**

- 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 and Mrs Griggs against the decision of South Oxfordshire District Council.
  - The application Ref. P17/S1385/FUL, dated 7 April 2017, was refused by notice dated 30 June 2017.
  - The development proposed is the erection of two 4-bedroom houses with garage block and formation of new vehicular access.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the principle of development accords with the provisions of the development plan and national guidance, and the effect on the character and appearance of the area including that of the Chilterns Area of Outstanding Natural Beauty (AONB).

### Reasons

#### *Background*

3. The appeal site is a grassed area, said to be previously an orchard, mostly bounded by hedges and which has a frontage to Uxmore Road. The site generally lies on the fringe of the village of Checkendon, which tends to be linear in form, and all of this area forms part of the Chilterns AONB. The appellants' farmstead, Nuthatch Farm, lies to the north-east of the site and to the south lies Nuthatch Cottage itself and Nos 1-6 Nuthatch Cottages. It is proposed to erect two 4-bedroom houses on the land served off a new access. These properties would have a cottage style form with the accommodation in the roof-space lit mainly by dormer windows.

#### *Planning context and housing land supply*

4. The development plan includes the Council's South Oxfordshire Core Strategy (CS) adopted in 2012 together with saved policies in the South Oxfordshire Local Plan 2011 (LP). The latter plan predates the National Planning Policy Framework (the Framework) but its provisions and policies can be given weight depending on the degree of consistency with the Framework.

5. In terms of housing land supply the Council accepts that at the moment it cannot demonstrate a five year supply of housing sites to meet the assessed need in accordance with paragraph 47 of the Framework. Therefore, paragraph 49 is engaged in this case and policies for the supply of housing should be considered as out-of-date in the application of the 'tilted balance' as applied to the final bullet point of paragraph 14 of the Framework.

*Principle of development*

6. From my reading of CS policies CS1, CSS1 and CSR1 - as part of the strategy in favour of sustainable development, Policy CSR1 generally allows new housing in villages depending on the nature of the village. In smaller villages 'infill' is accepted on sites up to 0.2ha (the equivalent of 5-6 houses). Checkendon is recognised to be a 'smaller village' in LP saved policy H4. In association with the permissive policies to accommodate development there is a presumption against development that intrudes into the countryside, unless there is special justification, or harms valued landscapes.
7. The critical question is whether the proposal amounts to an acceptable form of 'infilling' in the village and in considering this I have applied the guidance set out in paragraph 13.10 of Policy CSR1.
8. From my observations at the site visit it appeared to me that the buildings that form the main complex of Nuthatch Farm lie away from the village. Even though I understand that the Farmhouse has planning permission for further additions, I considered the farmhouse and buildings to be located in an area physically and visually separate from the built-up fabric of the village. Further, as an open and undeveloped area of land, visually the appeal site is read in conjunction with the open field on the northern side of Uxmore Road to the east of the property 'Brockenby'. Taken together, there is a distinct difference in character between the ribbon development forming the linear pattern of the village which finishes at Brockenby/Nuthatch Cottage, and the land further to the east which has the clear character of a countryside landscape.
9. I have also taken account of the presence of the other buildings around the appeal site. In addition to the ones mentioned above, I have also considered the presence of the farm building to the east of the appeal site. This is a pole barn but the impact of the building at the time of my visit was accentuated by farm machinery stored there and the presence of many stacked bales of hay enclosed in plastic wrap. However, the pole barn is not a substantial enclosed building and the other features are of an agricultural nature and the visual impact and prominence of these features will vary over the farming season. I have therefore not placed great weight on the presence of these structures.
10. Overall, as a matter of judgement on the nature of the appeal site itself and its surroundings, as the site would not involve the filling of a small gap in an otherwise built up frontage or involve land that is closely surrounded by buildings, I find that the residential development of the land would not constitute 'infilling' within the context of Policy CSR1 and would conflict with the strategy set out in Policy CSS1.

*Effect on character and appearance*

11. In assessing this effect I considered the context of the site from around Uxmore Road and from the byway (Judges Road) that lies to the north east of

Nuthatch Farm. I have also had regard to the various details of existing and proposed ground heights and roof levels submitted with the application and the Landscape Character Appraisal (LCA) submitted with the application. Generally, I note that the site lies within a landscape defined as 'Chilterns Plateau and Valleys' and more specifically as a 'wooded dip slope'. From my observation on site I consider that the appeal site contributes to the landscape of the AONB in a positive way and the land does not have the appearance of previously developed land as the appellants suggest. Also at the onset, I acknowledge that the design of the two new dwellings put forward is broadly characteristic of the local built form within Checkendon and the concerns I describe below relate to the impact of the development on the site rather than the detailed design of the proposal.

12. Because of the topography of the land, the meander in Uxmore Road and the existing vegetation that surrounds the site, I agree that public views of the site and the proposed development would be limited to the immediate environs of the site when viewed from this road. In the views from much of Judges Road, I find that the proposed houses would be unlikely to be discernible in the landscape because of the vegetation and depending on the degree of agricultural activity taking place within and around the nearby pole barn.
13. The LCA concludes that the proposal, on completion, would result in localised minor adverse effects mostly because of the change of use of part of the site and the creation of the new access and visibility splays, but considers that this harm will be mitigated by the positive effects of retaining and enhancing the hedges around the site. However, in my view this assessment underplays the fundamental change that would be made to the basic character of the appeal site. While the new dwellings will be partly screened by existing vegetation, the form of the land will be changed substantially from an open grassed area that contributes to the landscape setting of the village to become part of the village itself, and an extension of the developed area.
14. I have also taken account of the other local examples of development within Checkendon and Stoke Row which have been brought to my attention and I looked at most of these, where visible from the public realm, at my site visit. However, in the main it appeared to me that these development schemes generally fell within the spirit of 'infilling' within the villages and consolidated their basic linear form, and did not involve a physical extension beyond the established limits, as I have concluded would be the result of the appeal scheme. I therefore do not regard these schemes as comparative or that they have set some precedent that the appeal scheme should take advantage of.
15. Overall, I find that the proposal would result in an encroachment of development beyond the established pattern of the village and be a visual and physical intrusion into the surrounding principally undeveloped area of countryside and this would be significantly harmful to the special landscape qualities of this part of the AONB. This harm renders the proposal to conflict with Policy CSEN1 in respect of the protection of the special character of this area.

#### *Planning balance*

16. Bringing together the conclusions I have reached on the main issues, I have found that the proposal does not involve 'infilling' as defined in policy CSR1 and the proposal would conflict with the overall strategy set out in Policy CSS1.

Further, the residential development of the site would result in the loss of an undeveloped area of land which contributes to the rural setting of the village within the AONB and to the character of this valued landscape, contrary to the provisions of Policy CSEN1. The proposal therefore conflicts with the development plan.

17. However, the development needs to be considered in the context that the Council cannot demonstrate a five year supply of housing sites and policies for housing supply are to be treated as out-of-date. Further, I recognise that the proposal would make a modest contribution to increasing housing supply. Nevertheless, the policies mentioned above also deal with countryside and landscape protection and the Framework has a core principle that recognises the intrinsic character and beauty of the countryside and also states that great weight should be given to conserving the landscape and natural beauty of the AONB.
18. In carrying out the planning balance as set out in paragraph 14 of the Framework, footnote 9 indicates that account should be taken of the specific policies in the Framework which indicate that development should be restricted, including policies in respect of the AONB. Overall, the proposal would conflict with the environmental role of sustainable development and I find that the development would not accord with the Framework when this is read as a whole.
19. I conclude that the adverse effects of the proposal would significantly and demonstrably outweigh the benefits in the context of paragraph 14. Further, the material considerations which apply in this case do not outweigh the conflict with the development plan that I have identified, and this indicates that planning permission should not be granted.

### **Conclusion**

20. For the reasons given above I conclude that the appeal should be dismissed.

*David Murray*

INSPECTOR