
Appeal Decision

Site visit made on 15 January 2018

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 9th February 2018

Appeal Ref: APP/Q3115/W/17/3180206

Land at Wyfold Lane, Peppard Common, South Oxfordshire, RG9 5LR

- 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 Paul Quinney against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2887/O, dated 22 August 2016, was refused by notice dated 18 January 2017.
 - The development proposed is described as: "Outline application with all matters reserved for the development of land for provision of 7 Custom Build dwellings with associated access, parking provision and ancillary space (re-submission within 12 months of withdrawn application P15/2933/O)."
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved. I have therefore dealt with the appeal on that basis.

Main Issue

3. The main issue is whether the appeal site is a suitable location for housing having particular regard to the effect of the development on the character and appearance of the surrounding area which includes the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

Character and appearance

4. The appeal site is a field enclosed by hedgerow and is largely surrounded by other fields and woodland. Although Peppard Common has no designated settlement boundary the built up limits of the village here are clearly the residential properties around the Wyfold Lane, Chiltern Road Junction. The appeal site is on the opposite side of Wyfold Lane to these properties and extends further along the lane and around a corner which places it in a markedly more rural area to that of the adjacent development referred to above.
5. Accordingly the site sits apart from the built up limits of the village. A residential development in this location would therefore not relate well to the existing pattern of development. I note the appellant's argument that the site

falls within the village boundary due to a former hospital being located there. However, there is no obvious visual evidence of this on the site and as such this does not alter my findings in respect of the built up limits of the village.

6. The location of the appeal site along with its largely undeveloped appearance gives it a tranquil and unspoilt rural character. These are key characteristics associated with the AONB which would be radically diminished by a residential development of seven dwellings. Furthermore, the site's connection to surrounding fields, countryside and AONB means it has value in terms of its contribution to the overall landscape and scenic beauty of the area which would be eroded as a result of the development.
7. Whilst it is agreed that only localised views from Wyfold Lane and nearby Public Rights of Way would be affected this would still amount to harm to the character and appearance of the area and AONB. This harm could not be mitigated through the design of the dwellings nor with landscaping which, in any event, cannot be considered to be a permanent feature. The proposal would therefore conflict with Policies CSR1 and CSEN1 of the South Oxfordshire Core Strategy (2012) and G2, G4 and C4 of the South Oxfordshire Local Plan 2011 all of which seek to protect the natural beauty of the District's landscapes including AONBs.

Overall planning balance

8. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions and at paragraph 49 it states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The main parties agree that the Council cannot demonstrate this.
9. The fourth bullet point of paragraph 14 of the Framework therefore applies. This has two 'limbs'. The first step in applying this bullet point is to consider under the 'second limb' whether there are specific policies in the Framework that indicate that development should be restricted. Footnote 9 of the Framework gives examples of such policies which includes those relating to AONBs.
10. Paragraph 115 of the Framework sets out that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty. I have found harm to the AONB as a result of the proposed development. I therefore find that specific policies in the Framework indicate that the development should be restricted. The 'tilted balance' provisions in the 'first limb' of the fourth bullet point of the Framework paragraph 14 do not therefore apply.
11. I note the appellant's comments that the 'tilted balance' should apply and their reference to an appeal in Wallingford (ref APP/Q3115/W/16/3165351). I have not been provided with full details of this in order to make any meaningful comparisons. However, I do note that the Inspector found no specific harm to the AONB in that appeal, the site being a detractor and detached from the wider AONB. This would likely have altered her approach to the application of para 14 of the Framework. Each case must therefore be considered on its own planning merits.

12. I now move on to the planning balance which must not be confused with the 'tilted balance'. The Council, having had regard to local and national planning policy, have requested payment of a commuted sum of 40% of the sixth and seventh dwellings to go towards affordable housing. The appellant has no objection to making such a contribution and has in fact offered 80% of the value of these plots, well in excess of the Council's requirements. However, there is no legal agreement before me to that effect.
13. In my experience, such a contribution is most often secured by a planning obligation and I consider a legally constituted agreement to be the only secure way to do this. Furthermore, the advice in the Planning Practice Guidance is that a condition for affordable housing can only be used in exceptional circumstances, which, on the evidence before me, does not apply in this case.
14. The above contribution towards affordable housing would be a benefit, albeit a modest one, the weight of which is significantly reduced by the fact that there is nothing before me to secure it. There are also benefits such as that the proposal would make a modest contribution towards local housing supply, create jobs albeit for a temporary period, and support nearby local services. I also note that the proposal is for custom/self-build housing which the Government is actively seeking to increase the supply of.
15. As noted previously, great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty. On balance, therefore, I find that the harm to the character and appearance of the surrounding area and AONB is not outweighed by the benefits. Nor does the fact that 70% of the District is AONB justify the proposal given the harm I have found.

Conclusion

16. My finding in respect of paragraph 14 of the Framework, along with all other material considerations, indicates that planning permission should not be granted.
17. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR