
Appeal Decision

Site visit made on 9 January 2018

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/Q3115/W/17/3179446

Land to the west of Ridgeways, New Road, Shiplake, Henley-on-Thames

- 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 Jon Hickton, North Oak Homes against the decision of South Oxfordshire District Council.
 - The application Ref P16/S3778/O, dated 10 November 2016, was refused by notice dated 5 April 2017.
 - The development proposed is outline planning application for up to 4 dwellings, with all matters reserved except access.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Jon Hickton, North Oak Homes against South Oxfordshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline and the application form makes it clear that only access is being sought at this stage. The submitted layout drawing indicates that it is for illustrative purposes and I have considered it accordingly.
4. During the course of the planning application the proposal was amended reducing the number of units from up to 7 dwellings to up to 4 dwellings. The Council determined the planning application on the basis of the reduced number of dwellings and I have considered the appeal proposal accordingly.
5. During the course of the appeal I sought the comments from both main parties in respect of the High Court Judgment *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited and Granville Developments Limited* [2017] EWHC 2743 (Admin). The comments received have been taken into account in my consideration of the appeal proposal.

Main Issue

6. The main issue in this case is whether or not new housing in this location is acceptable, having regard to the development plan and national planning policies, and the scheme's effect on the character and appearance of the area.

Reasons

Housing in this Location

7. The appeal site is roughly square in shape, is 0.9 hectares in area and is bordered by mature landscaping, including a number of trees protected by a Tree Preservation Order. The new dwellings would be accessed from New Road, an unmade up road, through an existing field gate which would be altered to provide a 6 metre radii with visibility splays in both directions.
8. Whilst adjoining the boundary of the built-up area of Lower Shiplake, which is identified as a smaller village within the South Oxfordshire Core Strategy (CS), there is no dispute between the parties that the appeal site is located within the countryside for planning policy purposes.
9. The proposal for market housing outside of the built-up area of Lower Shiplake, where no specific need has been demonstrated to justify a countryside location or that a local need exists for the dwellings, conflicts with the aims of CS Policies CSS1 and CSR1. The principle of new housing in this location as proposed is not therefore acceptable.

Character and Appearance

10. The appeal site makes an important contribution to the attractive rural, landscape setting of Lower Shiplake, particularly when viewed from New Road which I am told is a popular recreational route for walkers, horse riding and cyclists. Although the appeal site is largely enclosed by mature landscaping, which would limit the visual appearance of the development in medium and long term views, I am concerned that its development with up to 4 dwellings would have a direct and permanent effect on the appearance of the site itself and on its immediate surroundings.
11. Although layout and scale are not before me at this stage, I have concerns that the provision of up to 4 dwellings upon the site would not respect the spacious qualities of nearby development in New Road. The provision of a single access onto New Road to serve the dwellings proposed would not reflect the established character and appearance of this part of New Road, which is characterised by individual dwellings served by a single access onto the road. The single point of access and driveways beyond, would be likely to have a significant urbanising effect upon this attractive rural area. There would be a high probability that the proposal would not reinforce local distinctiveness in this regard.
12. In light of the above, I find that the proposal would be harmful to the character and appearance of the area. The scheme would conflict with the local distinctiveness aims of Policy D1 of the South Oxfordshire Local Plan 2011 (LP), the protection of the environment and landscape character aims of LP Policies G2 and C4 and CS Policy CSEN1, and the protection of the countryside for its own sake aims of LP Policy G4. These policies are broadly consistent with the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development (paragraph 56) and that planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings .. (paragraph 58).

13. I therefore conclude that new housing in this location is not justified and would be harmful to the character and appearance of the area, in conflict with development plan policies.

Other Matters

14. However, there is no dispute between the main parties that the Council cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the Framework makes it clear that relevant policies for the supply of housing should not be considered up to date. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 advises that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
15. The Framework at paragraph 7 indicates that there are three dimensions to sustainable development: economic, social and environmental.
16. The new dwellings would be located close to existing residential development in New Road and Baskerville Lane. They would be developed close to the services and facilities that Lower Shiplake offers. In this regard they would be in a sustainable location. They would not be isolated in the terms set out in paragraph 55 of the Framework, and the High Court Judgment referenced above.
17. There is no doubt that the provision of new housing on the site would make a contribution to the local economy in terms of creating employment. The intended future occupiers would be likely to support the services and facilities within Lower Shiplake and nearby towns and villages. Such matters amount to economic benefits, but the contribution that 4 new dwellings would make to the local economy has not been quantified and would not be likely to be significant. Such matters carry moderate weight in the proposal's favour. I however attach limited weight to the assertion made by the appellant that improvements to infrastructure from the site to the village centre would be provided if necessary, as a detailed scheme is not before me.
18. The social role of sustainability includes supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with accessible local services. The provision of up to 4 dwellings upon the site would make a contribution, albeit modest, to the Council's shortfall of housing sites. Given the number of dwellings proposed, this matter carries moderate weight in my consideration of the proposal.
19. The appellant has calculated that the appeal site is approximately 280 metres from the centre of Lower Shiplake. I consider that the services and facilities that the village offers would be accessible to the intended future occupiers of the new dwellings, who may choose to walk or cycle to them, rather than drive. Such matters amount to social and environmental benefits in favour of the proposal and carry moderate weight. I acknowledge that the appellant considers that the scheme would result in a high quality built environment, but such matters are not before at this stage.

20. The environmental role of sustainability also includes contributing to protecting and enhancing our natural, built and historic environment. Given my findings above in respect of the scheme's effect upon the character and appearance of the area, I find that there would be conflict with the environmental role of sustainability. The natural and built environment of the locality would not be preserved or enhanced by the proposal, indeed harm would be caused to these features. This harm would be permanent and significant. The urbanising effect of the scheme would significantly detract from the attractive rural qualities of the area.
21. I note the appellant's suggestion that remediation work would be undertaken to the site, however this carries neutral weight in my consideration of the proposal, as such work would be unlikely to be necessary if the site was to remain in its current use.

Planning Balance

21. I have identified that the proposal would deliver moderate social, economic and environmental benefits through the delivery of up to 4 dwellings in an area, which is, at this stage, unable to demonstrate a five-year supply of housing land. However the proposal would have a significant urbanising effect upon this attractive rural area and would not respect the landscape setting of the village which results in harm to the environmental role of sustainability. The Framework makes it clear at paragraph 8 that the roles of the three dimensions of sustainable development are mutually dependent and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
22. Given my findings above, the harm that would be caused to the character and appearance of the area would be significant, and I conclude that it demonstrably outweighs the benefits that the scheme would provide taken as a whole. The proposal would therefore not comprise sustainable development for which the Framework indicates there is a presumption in favour.

Conclusion

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

RC Kirby

INSPECTOR