



Appeal Decisions

Hearing held on 13 November 2018

Site visits made on 10 & 14 November 2018

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2018

Appeal A Ref: APP/Q3115/W/18/3198315

Land on West side of Tokers Green Lane (aka The Elms), Tokers Green Lane, Tokers Green RG4 9EB

- 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 Perfectfield Limited against the decision of South Oxfordshire District Council.
 - The application Ref P17/S2021/FUL, dated 30 May 2017, was refused by notice dated 18 October 2017.
 - The development proposed is erection of 4 number four bedroom; 4 number three bedroom, and 2 number two bedroom houses and associated development including revised access, and provision of public footpath and retention and improvement of a wildlife area.
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Appeal B Ref: APP/Q3115/W/18/3198316

Land to the west of Tokers Green Lane (also known as 'The Elms'), Tokers Green Lane, Tokers Green RG4 9EB

- 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 Perfectfield Limited against the decision of South Oxfordshire District Council.
 - The application Ref P17/S2003/FUL, dated 30 May 2017, was refused by notice dated 18 October 2017.
 - The development proposed is erection of: (i) Market housing: 4 number four bedroom; 4 number three bedroom and 1 number two bedroom houses; (ii) Affordable housing: 4 number three bedroom and 1 number two bedroom houses; (iii) associated development including revised access, and provision of public footpath, and (iv) retention and improvement of a wildlife area.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matters

2. The above descriptions of development are taken from the application forms. However, amended plans submitted following the Council's decisions show the omission of the new public footpath through existing woodland. The plans have been the subject of consultation and I have been provided with copies of the representations received. No party would be prejudiced by my determining the appeals based on the revised plans.

3. Completed unilateral undertakings were presented at the hearing. These would secure, amongst other things, 6 affordable dwellings in the case of Appeal B (an additional unit to the number originally proposed) and 4 affordable dwellings in the case of Appeal A. I shall return to this later.

Main Issues

4. The main issues common to both cases are:
 - a) the effect of the proposals on the character and appearance of the area;
 - b) the effect of reducing the physical separation between Tokers Green and Reading on the character and identity of Tokers Green;
 - c) whether future occupiers of the proposed development would have safe access to services and facilities by transport modes other than the private car; and
 - d) whether, having regard to my findings on the above issues, the presumption in favour of sustainable development set out within the National Planning Policy Framework (the Framework) and any benefits arising from the proposed development, there are material considerations sufficient to outweigh any conflict with the Council's distribution strategy for housing.

Reasons

Development plan policy

5. Policy CSS1 of the South Oxfordshire Core Strategy (2012) (SOCS) sets out the overall distribution strategy for the district which focuses major new development at the growth point of Didcot. Development is also directed towards the other towns and a number of larger villages which function as local service centres. The strategy seeks to support other villages in the rest of the District by allowing limited amounts of housing and employment and by the provision and retention of services. Elsewhere, outside of the towns and villages, any change must relate to the very specific needs such as those of the agricultural industry or enhancement of the environment.
6. Tokers Green is categorised as an 'other village' where SOCS Policy CSR1 permits infill sites of up to 0.1 ha. This translates as being equivalent to 2-3 houses. The term infill is defined as 'The filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings'.
7. The appeal site lies to the south of Tokers Green, outside of the built-up part of the settlement and adjoining the District and County boundary with Reading, Berkshire. Although it would be bounded by existing housing in Caversham to the south, the proposed development would be surrounded on three sides by undeveloped land – Mapledurham Golf Course to the west, woodland to the north and an open agricultural landscape beyond Tokers Green Lane to the east. The schemes would be significantly larger than the thresholds set out within Policy CSR1, both in terms of the number of dwellings and the developed land area. As a result, neither proposal would constitute infill within the meaning of the Council's planning policies.

8. Given the above, and in the absence of any provision for new development adjoining the urban area of Reading, the proposals would not accord with development plan policies for the location of housing development.

Character and appearance

9. The proposed development site comprises a field which is immediately to the north of Caversham. It adjoins Tokers Green Lane which leads north from the urban area in the direction of the settlement of Tokers Green. The roadside boundary is hedged along most of its length, but an existing gateway provides an attractive rural vista across the site towards a number of mature oak trees and the woodland known as Colonel's Pit which also forms part of the appeal site. These trees are protected by a tree preservation order (TPO).
10. The site is not covered by any national or local landscape designations and it was argued that it has the attributes of ordinary countryside. The value of the site as part of the landscape is affected by visibility of dwellings in The Grange which reduce any sense of remoteness. Nevertheless, I consider that the site has local importance by contributing positively to the setting of Tokers Green at one of the main approaches into the village.
11. The two appeal schemes would be substantively similar in that they would both take the form of a residential cul-de-sac off Tokers Green Lane. The character of the lane, beyond its junction with Shepherds Lane and Kidmore Road, is resolutely rural. Although the housing of The Grange is glimpsed through the roadside hedging, the impression for lane users travelling northwards is that they have exited the urban area.
12. The scheme layouts would ensure that most of the new buildings are kept away from the lane. Nevertheless, the new access design, with pavements sweeping around both junction radii, would be suburban in appearance and it would facilitate views into an estate type housing development. The proposals would be almost identical in terms of their appearance through the site entrance, with Plots 1 and 2 being particularly prominent. The planting of instant native hedging would help to minimise the adverse impacts of hedge removal to create the visibility splays. However, this does not address my fundamental concern that the housing developments would be visually intrusive and at odds with the character of this rural lane.
13. Unlike large parts of the District, the site is not designated as part of an Area of Outstanding Natural Beauty or Green Belt. The appellant argued that the site is enclosed and any harm to the character and appearance of the area would be limited to a short stretch of Tokers Green Lane. It was put to me that, taken in the context of a district which is being forced to accept the loss of undeveloped land on the edges of settlements, the appeal site is a good choice.
14. The absence of wider landscape impacts is common ground. Nevertheless, the proposals would have a significant adverse effect on the immediate locality and this is sufficient to bring them into conflict with SOCS Policies CSEN1 and CSQ3 and saved Policies G2, G4, C4 and D1 of the South Oxfordshire Local Plan 2011 (SOLP). These policies seek, amongst other things, to protect the countryside and the landscape setting of settlements and to ensure that proposals respect the character of the site and its surroundings. In this regard there is consistency with paragraph 170 of the Framework, that decisions should recognise the intrinsic character and beauty of the countryside.

Impact on character and identity of Tokers Green

15. Tokers Green may function as a suburb of Reading, but it has none of the physical attributes of a suburban area. The distance between the two settlements may only be a matter of a few hundred metres, but Tokers Green has its own distinctive semi-rural character and identity.
16. The proposed developments would both have the effect of reducing the distance between Tokers Green and the urban area. Retention of the woodland area would assist in maintaining the visual separation, preventing the physical coalescence of the settlements and reinforcing the impression of the schemes as a northern extension of Reading. Nevertheless, development of this site in either configuration would cause harm to the countryside setting of the village and reduce the open space between the settlements, thereby eroding the perception of Tokers Green as a separate entity. This factor weighs against both proposals in the overall planning balance.

Accessibility to services and facilities

17. Tokers Green has no facilities of its own but it is located close to Reading, which provides a higher level of services for shopping, health and education than any of the towns in South Oxfordshire. The site is located approximately 3.5 km from the centre of Reading and the mainline railway station. The Council accepted at the hearing that there are good bus services operating from stops in Shepherds Lane and Upper Woodcote Road which are within a reasonable walking distance of the site. However, its concern is that future occupiers of the proposed developments would be reliant upon the private car due to the absence of a footway to link the site into existing pedestrian infrastructure.
18. Tokers Green Lane is lightly trafficked. Nonetheless, based on my experiences of walking the lane, there is a realistic probability that a pedestrian making the journey from the site entrance to the pavements on Shepherds Lane and Kidmore Road (a distance of roughly 170 m) would need to give way to a vehicle at some point. Traffic speeds are fairly low and there is generally space within the carriageway for a car to pass a pedestrian without giving rise to a significant safety risk. In that respect, the lane operates as a shared surface consistent with Quiet Lane principles. This was evidenced during my visits when I saw a small number of people on foot and cyclists. There is no record of any personal injury accidents over the past 15 years.
19. Although they would generate some additional vehicle movements, neither scheme is likely to result in a significant overall increase in traffic along the lane. A new passing bay would be provided adjacent to the site entrance and there would be opportunities for haunch widening and other works within highway land to provide places of refuge for pedestrians. Notwithstanding this, I consider that the characteristics and geometry of the lane would act as a deterrent for some residents, notably those with prams and pushchairs and others with sensory or mobility problems. Furthermore, the route would be unsafe and less attractive for pedestrians after dark. Therefore, in all probability, there would be higher levels of car use than might otherwise be the case were the site to be connected to the urban area with a pavement.
20. I have been referred to Census data which indicates that the percentage of Tokers Green residents using sustainable transport modes for the journey to work is broadly similar to North Western Caversham. However, some of the

residents will have access to pedestrian footways along Rokeby Drive which connect to bus stops via pavements on Upper Woodcote Road. Consequently, a simple comparison of the statistics is not particularly helpful.

21. The development plan accepts the principle of infill developments within Tokers Green without any necessity for pedestrian infrastructure. Two such schemes have been brought to my attention at Chippendale Lodge. The Council did not object to the lack of footways in either case, but each scheme was compliant with the strategy of allowing for proportionate growth in the 'other villages' tier of the hierarchy. In my opinion, larger developments should be directed towards locations with good connections to the existing pavement network.
22. I have taken account of all other evidence presented on this particular matter, including the recent communication from the Government on the approach to be taken to shared space schemes¹ and the appellant's commitment to providing superfast broadband and electric charging points within the appeal schemes. I have also had regard to the argument that the car journeys generated by the developments are likely to be short due to the site's proximity to the urban area. However, my overall finding is that accessibility to services and facilities on foot, including opportunities to use public transport, would be inadequate for the scale of development being proposed. There would be conflict with SOCS Policy CSM1 and saved Policy T1 of the SOLP insofar as these policies seek to ensure that new development provides for sustainable patterns of transport and safe and convenient routes for cyclists and pedestrians.

Other material considerations

23. The appellant did not contest the Council's assertion that it has a 7.6 year housing land supply, using the standard method for calculating local housing need set out within the Planning Practice Guidance. It was argued that the housing land supply position should not be determinative, as the tilted balance set out within paragraph 11(d) of the Framework is already engaged on the basis that the policies which are most important for determining the application are out-of-date.
24. SOCS Policy CSH1 is out-of-date on the grounds that its figures are derived from the now revoked South East Plan. The High Court has also held that SOLP Policies G2 and G4 are out-of-date by virtue of the fact that the mechanism by which sites are to be allocated has been abandoned. It is suggested that SOCS Policies CSS1 and CSR1 should also be deemed out-of-date.
25. Although my attention has been drawn to appeal decisions elsewhere where settlement boundaries have been treated as being out-of-date, there are no such provisions within South Oxfordshire. Policies CSS1 and CSR1 are relatively broad-brush in defining a settlement hierarchy based on a range of criteria such as employment opportunities and available services and facilities. I have seen nothing to persuade me that the evidence base for these policies is out-of-date.
26. It is apparent that the lack of Site Allocations DPD and, for a period of time, the inability of the Council to demonstrate a five-year supply of housing land, has affected the implementation of the distribution strategy. Settlements such as Chinnor have accommodated more development than was originally envisaged. Whilst I do not know the full circumstances of those cases, this

¹ Letter from MHCLG and DfT dated 28th September 2018

does not render Policies CSS1 and CSR1 irrelevant or out-of-date. Local housing need, calculated according to the standard method, is around 15% higher than the housing requirement figure set out in the SOCS, but there is no reason why the overall strategy should not be able to deliver this level of growth – or for that matter any additional housing required to address the unmet needs arising from Oxford City.

27. In my judgement, the policies which are most important for determining the applications, which also include those set out for the first three main issues, are not out-of-date and Framework paragraph 11(d) is not engaged on this basis.
28. Both appeal schemes would provide additional market housing, together with affordable homes² for which there is a demonstrable need across the district. These benefits attract significant weight in the planning balance, despite the Council's apparently healthy supply of housing land.
29. The proposals would assist the local economy by generating employment during the construction phase and additional spending in local businesses once the dwellings are occupied. The Council would gain financially from the New Homes Bonus, Council Tax revenue and Community Infrastructure Levy payments. I have attached these economic benefits modest weight.
30. The unilateral undertakings would secure provision for improvement works to and ongoing maintenance of the existing woodland on the site. This would deliver some biodiversity and landscape gains, albeit the existence of the woodland is safeguarded by the TPO in any event. The benefits to the woodland attract modest weight, but they are offset by the environmental harm in respect of the character and appearance of the lane, the countryside setting of Tokers Green and the carbon emissions arising from private car use.
31. The highway works within Tokers Green Lane would benefit all users and I have attached these some weight. The other provisions within the unilateral undertakings in relation to open space management and district contributions³ are either to service the development itself or mitigatory and are therefore neutral in the planning balance. I have taken the view that the multi-function green infrastructure within the scheme is unlikely to be used by existing residents of the area, due to its divorced location along the lane.
32. Whilst I note that there is agreement on a range of other matters listed in the Statement of Common Ground (para. 4.7), the absence of harm is a neutral factor in the planning balance, neither weighing for nor against the proposals.

Other Matters

33. The appellant's statement makes particular reference to an appeal decision at West Hagbourne. This case was considered in the context of the tilted balance due to the Council being unable to demonstrate a 5 year supply of housing land. The proposal for 4 dwellings was only one unit above what is acceptable in principle under SOCS Policy CSR1. Although residents of that scheme would need to walk along the road to access footways, this would be for a distance of only 50 m and the carriageway is wider with good visibility of oncoming traffic and grass verges for pedestrians to step onto if necessary. The circumstances are therefore materially different to those before me in the current appeals.

² To comply with the requirements of SOCS Policy CSH3

³ Biodiversity off-setting, public art, recycling and refuse and street naming

Planning Balance and Conclusion

34. Both appeal proposals would conflict with the overall strategy of the SOCS and both would have an adverse impact on the character and appearance of the local area, the countryside setting of Tokers Green and the sense of separation between the settlements. Future occupiers of the developments would have inadequate accessibility to services and facilities, and to public transport opportunities, and this would encourage use of the private car. These harms bring the schemes into conflict with the development plan as a whole.
35. The schemes would bring forward a number of benefits, the most important one being the delivery of market and affordable housing. These benefits would be greater for Appeal B due to the number of dwellings being proposed. However, in each case the benefits would not be sufficient to outweigh the conflict with development plan policy.
36. Even if I am wrong on the issue of whether Policies CSS1 and CSR1 are out-of-date, the harms would significantly and demonstrably outweigh the benefits, such that neither proposal would constitute a sustainable form of development.
37. For the reasons given above, and having regard to all other matters raised, including the various appeal decisions presented in evidence, I conclude that the appeals should be dismissed.

Robert Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Douglas Bond	Woolf Bond Planning
Mark Gimingham	i-Transport
Mike Waller	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Emma Bowerman	Planning Officer
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INTERESTED PERSONS:

Rex Butters	Local resident
Sue Biggs	Local resident

DOCUMENTS PROVIDED AT THE HEARING

- 1) Completed unilateral undertakings, one for each appeal
- 2) Statement of compliance with the Community Infrastructure Levy Regulations 2010 as amended, with the following documents appended:
 - a) Community Infrastructure Levy CIL Regulation 123 List (1st April 2016)
 - b) Section 106 Planning Obligations Supplementary Planning Document
- 3) Hedgerow Retained/Removals Plan (Drawing no. SK001 Revision A)
- 4) Proposed Hedgerow Plan (Drawing no. SK002)
- 5) Email confirming that high speed broadband is available in the postcode
- 6) Appeal decision – Land to the East of Benson Lane, Crowmarsh Gifford, Wallingford (PINS Ref. APP/Q3115/W/17/3186858)
- 7) Committee report for planning application at Land East of Benson Lane (P18/S0827/O)
- 8) Secretary of State decision – Southminster Road, Burnham-on-Crouch, Essex (PINS Ref. APP/X1545/W/15/3009772)

- 9) Appeal decision – Land at Stanbury House, Basingstoke Road, Spencers Wood (PINS Ref. APP/X0360/W/15/3097721)
- 10) High Court judgment South Oxfordshire District Council v Secretary of State for Communities and Local Government and Cemex Properties UK Limited [2016] EWHC 1173 (Admin)
- 11) Technical Note – iTransport
- 12) Appeal decision – Land off Peppard Road, Emmer Green (PINS Ref. APP/Q3115/W/17/3185997)
- 13) Plan showing location of the above Peppard Road site for site visit purposes