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# Appeal Decision

**by James Taylor BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 August 2019**

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**Appeal Ref: APP/Q3115/W/19/3228537**

**North Barn, Chaucer Court, Ewelme, Wallingford OX10 6HP**

- 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 Neil and Margaret Blake against the decision of South Oxfordshire District Council.
  - The application Ref P18/S2451/FUL, dated 29 June 2018, was refused by notice dated 20 November 2018.
  - The development proposed is the erection of a new detached single storey dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - i) the effect on the character and appearance of the area including the Chilterns Area of Outstanding Natural Beauty and Ewelme Conservation Area, and
  - ii) the principle of development in locational terms,
  - iii) accessibility to services with particular regard to the use of the private motor vehicle.

## Reasons

### *Character and appearance*

3. The proposal is for a single storey dwelling sited behind the existing field barn. The appeal site is a sensitive one being located within open countryside, part of the designated Chilterns Area of Outstanding Natural Beauty (AONB) and adjacent to the Ewelme Conservation Area (CA).
4. Due to the simple rectangular form and depth of the building the proposal's roof would have a notable height, mass, bulk and scale. Whilst the fully hipped form of the roof would mitigate its bulk to some degree, it would not entirely address it. Moreover, it would contribute towards a domestic character and appearance to the building. The form, height, mass, bulk and scale of the roof would be at odds with the immediate context where buildings have gabled roofs, proportionate to the floors below. Furthermore, especially on the nearby single storey buildings, their depth is modest. Consequently, roofs do not need large spans and therefore have well-proportioned roof forms.

5. Furthermore, the fenestration pattern and porch details would be unsympathetic and contribute to a proposal of a domestic character and appearance. Whilst the use of a brick plinth, timber cladding and clay tiles would be in keeping with the immediate traditional rural building palette of materials, it does not sufficiently mitigate this.
6. On this side of the bridleway there is limited development, the most notable exception being The Hyde, a large and detached dwelling. However, this is some way from the site and intervening rural style buildings and boundary features mean that the appeal site does not relate well to this. Adjacent to the appeal site the existing development includes modest outbuildings and barn conversions of a typically rural character and appearance. Like the appeal site, the land to the north, east and west is open. From my observations on site, I consider that the significance of the CA at this point derives from the open rural context, the village edge and its agricultural connections. Furthermore, the open character positively contributes to the setting of the CA and the landscape of the AONB. This landscape of national significance is, in part, characterised by its rolling open fields.
7. The introduction of the built form at this point would be at odds with the existing open rural character. Furthermore, the domestic character and appearance of the proposal would appear incongruous in this context. I note the appellants' assertion that the proposal would generate a 'soft edge' in accordance with the Chilterns Buildings Design Guide (prepared February 2010) (CBDG). However, I find little in the design to support this assertion given my findings in regard to its domestic form and design. Moreover, I find that the existing arrangements offer the 'soft edge' promoted by the CBDG. Therefore, to achieve a new 'soft edge' could only be considered as a preservation of the character and appearance, rather than an enhancement.
8. In addition, I have also had regard to the appellants' comments regarding evidence of a 'former significant homestead' from the late nineteenth and early twentieth century at the site. However, I afford this limited weight, given that it no longer forms a part of the appearance of the area and I have little information regarding its character, detailing, and how it may have related to the significance of the CA and landscape value of the AONB. Moreover, based on the evidence provided it was sited to the south east of the proposal before me and occupied a loose U-shaped footprint with more narrow buildings. This difference in footprint would inevitably have resulted in a difference in elevation details. Therefore, I do not consider that the proposal would likely replicate the 'homestead'.
9. Given the proximity of a number of public and permissive rights of way the site is prominent within the public realm and forms a part of the landscape and CA setting. Whilst it is appreciated that the existing planting mitigates its prominence to some degree, the proposal would remain visible, and for the reasons set out previously it would appear incongruous. Even with additional planting on land within the appellants' control, and which may be secured through conditions, the impact could not be entirely mitigated. Moreover, such mitigation should not be regarded as permanent and landscaping should not be used to hide development that is otherwise unacceptable.
10. Therefore, I consider that the proposals would cause harm to the character and appearance of the area, the AONB and the CA. Although I consider that the

harm to the CA would be less than substantial, great weight ought to be attached to any such harm. The public benefits of the scheme, including the provision of additional housing do not outweigh the harm that I have found.

11. For the reasons set out above I find that the proposals due to their siting, scale, mass, form and design would appear incongruous. The proposals would not relate positively to their context, enhance local distinctiveness, or protect the countryside. Therefore, the proposals would cause harm to the character and appearance of the area, the landscape qualities of the AONB and less than substantial harm to the CA as a designated heritage asset. As such, the proposal would not accord with Policies CS1, CSQ3, CSEN1 and CSEN3 of the adopted December 2012 South Oxfordshire Core Strategy (CS), and 'saved' Policies D1 C4, G2, G4 and CON7 of the South Oxfordshire Local Plan 2011 - 'strike-through version' (LP), which amongst other aims seek to protect and enhance character and appearance.

#### *Principle of development*

12. Policy CSS1 of the CS sets out the overall strategy for housing delivery in the district. It takes a hierarchical approach which includes at point (iv) supporting other villages by allowing limited amounts of housing. Furthermore, Policy CSR1 relates to housing in villages such as Ewelme setting out that they may be delivered through infill and rural exceptions subject to other environmental protections including AONB designations.
13. Furthermore, the supporting text of Policy CSR1 defines infill 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'. For the reasons set out previously the appeal site cannot be considered to have the characteristics of an infill plot. It is not part of a built-up frontage, nor is it closely surrounded by buildings. Therefore, this proposal is not considered to be infill development. Furthermore, for the reasons set out previously I find harm to other environmental protections including AONB designations. As such, the proposal would not benefit from this part of Policy CSR1.
14. The appellants indicate that the council cannot demonstrate a 5-year housing land supply. This appears to stem from pre-application advice provided by the council some time ago. However, the appellants provide no evidence to support this assertion at the appeal stage. The council's most up to date position is set out within their Housing Land Supply Statement for South Oxfordshire District Council dated June 2019. This sets out that they can demonstrate a housing land supply in excess of their minimum requirements. Therefore, based on the evidence before me I conclude that the Council has a suitable supply of land for housing and that the 'tilted balance' set out in Paragraph 11 of the Framework is not engaged in this case.
15. Therefore, for the reasons set out above, I conclude that the principle of development in locational terms is not acceptable and would not accord with Policies CS1, CSS1 and CSR1 of the CS, which amongst other aims seek to protect the countryside.
16. My attention has been drawn to 'saved' Policy H4 of the LP. However, this relates to housing within built up areas, which I have found is not the case here. As such it is of limited relevance in this instance.

### *Accessibility to services*

17. The proposal would make use of the existing access to the public highway via a shared track and bridleway. Whilst generally flat, this has no pedestrian facilities and is mostly of a compacted gravel surface. Where it connects to the public highway, and as it extends into the village, there are limited footpaths and street lights. Services and facilities within the village are quite limited, but typical of a rural village such as Ewelme. Wider facilities are available at nearby larger settlements including Wallingford and can be accessed by limited public bus services.
18. I have little evidence to indicate that the options of walking or cycling would be unsafe. They are reasonable options for access to the village's services and facilities when considered in the context of limited growth to support the community. I do not consider that a further dwelling, with associated additional trips, would prejudice walking or cycling as safe and convenient options.
19. For access to the wider services and facilities of the local area, I consider that in many cases it would be inevitable that there will be reliance on the private motor vehicle. This is because of the distances involved, the lack of public transport services and convenience. However, this would be a common issue with many proposals within rural areas.
20. 'Saved' Policy T1 of the LP is quite clear that its requirements are to be applied 'as may be appropriate'. That is an assessment for the decision-maker. In the context of a rural village with limited services and facilities I consider it appropriate to have pragmatic expectations for new development to provide safe and convenient access, including for those with mobility issues.
21. In conclusion, as typical within rural areas, I consider that the proposal would be reliant on the private motor vehicle for a significant proportion of trips to access services and facilities. The environmental impacts of this weigh against the scheme, although, such effects would be modest when associated with one dwelling. I find this modest effect is outweighed by the social and economic benefits from an additional home supporting local services. Overall, in regard to accessibility to services and the reliance on the private motor vehicle, I find a neutral impact and I conclude that the proposal would not be contrary to the objectives of Policy CS1 and CSQ3 of the CS, or 'saved' Policy T1 of the LP, which amongst other aims seek development that can be accessed safely and conveniently.

### ***Other matters***

22. The appellants set out that the bungalow is intended to create 'downsizer' accommodation and free up a large family home. The need for providing a choice of housing and the creation of new homes in villages to help support rural communities is important. But we have a plan-led system and the CS makes allowance for limited amounts of housing through rural exception sites and infill at Ewelme.
23. I note the intention to provide accommodation for disabled living, and the appellants' desire to stay within their community. I understand that one of the future occupiers has been wheel chair dependant for the past 3 years. Planning Practice Guidance (Paragraph: 08 Reference ID: 21b-008-20140306) sets out that planning is concerned with land use in the public interest. Additionally, I

note the dwelling would form a part of the village's housing stock beyond the potential future occupiers' needs, providing a modest benefit. As such I afford modest weight to these considerations in the planning balance.

24. I have also had regard to the enhanced levels of sustainability proposed both during the construction and the operation phases of the scheme. I afford this modest weight in support of the proposals as it supports sustainable development objectives.
25. However, I have little evidence to indicate in what way the proposed market dwelling may be considered 'affordable' in general terms. In any case this does not overcome the harm I have identified on the main issues.
26. My attention has been drawn to some developments as setting a precedent for allowing the scheme. I do not have full details of these cases and the potential parallels with the proposals subject to this appeal. From what information is provided the parallels appear limited. Moreover, each case must be assessed on its own merits, which is what I have done with this proposal.

### **Conclusion**

27. The appeal scheme would be contrary to the development plan and material considerations do not indicate planning permission should be forthcoming despite this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

*James Taylor*

INSPECTOR