The Planning Inspectorate

Appeal Decisions

Inquiry Held on 2 & 3 April 2019, 24 to 27 September 2019, and 4 & 6 December 2019.

Site visit made on 5 December 2019

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeals A and B Refs: APP/Q3115/C/18/3215490 & 3215491
Land at Holly House, Harpsden Bottom, Harpsden, Henley-on-Thames RG9 4HR (formerly known as Little Hill Cottage)

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr David Snowden MBE (Appeal A) and Mrs Jessica Snowden (Appeal B) against an enforcement notice issued by South Oxfordshire District Council.
- The enforcement notice was issued on 18 September 2018.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of various buildings and laying of hardstanding areas in the approximate locations shown edged blue and hatched orange respectively on the "Topographical Survey" annexed to the notice.
- The requirements of the notice are:
  (i) Demolish or otherwise take down the buildings referred to in paragraph 3 of the notice.
  (ii) Dig up the hardstanding areas referred to in paragraph 3 of the notice.
  (iii) Remove from the Land all materials resulting from the works required by (i) and (ii) above.
  (iv) Reinstate areas disturbed by the works required by (i), (ii) and (iii) above by the filling and grading of disturbed areas using clean fill only commensurate with the natural levels and fall of immediately adjoining lands and by the sowing of grass seed.
- The period for compliance with the requirements is eighteen (18) months.
- The appeals are proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.

Appeal C Ref: APP/Q3115/W/18/3210681
Little Hill Cottage, Harpsden Bottom, Harpsden RG9 4HR

- 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 D Snowden MBE against the decision of South Oxfordshire District Council.
- The application Ref P17/S4037/FUL, dated 7 November 2017, was refused by notice dated 12 March 2018.
- The development proposed is described as the erection of a detached replacement dwelling, underground store and outbuilding, together with alterations to access driveway and landscaping (amendment to permission P15/S3359/FUL) (Retrospective).

Appeal D Ref: APP/Q3115/W/18/3210682
Little Hill Cottage, Harpsden Bottom, Harpsden RG9 4HR

- 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 D Snowden MBE against the decision of South Oxfordshire District Council.
- The application Ref P18/S1724/FUL, dated 18 May 2018, was refused by notice dated 28 August 2018.
- The development proposed is described as the erection of detached replacement dwelling and outbuilding (with modifications to the as-built development), removal of underground store with re-grading and landscaping, together with access driveway (amendment to permission P15/S3359/FUL) (Retrospective).

Summary Decisions: Appeals A and B are dismissed and the enforcement notice is upheld as corrected and varied. Appeal C is dismissed. Appeal D is dismissed.

Application for costs

1. At the Inquiry an application for costs was made by Harpsden Parish Council and neighbouring residents against Mr David Snowden MBE and Mrs Jessica Snowden. This application is the subject of a separate Decision.

Preliminary and procedural matters

2. These appeals primarily relate to three structures, or proposed modifications to/combinations of those three structures, erected on land at Holly House in Harpsden, specifically: a dwelling, an outbuilding and an underground store.

3. On 28 January 2019, the Pegasus Group was granted Rule 6 party status to act on behalf of Harpsden Parish Council and neighbouring residents.

4. The Inquiry sat for a total of eight days, over three separate sessions. After the lunch break on Day 1, a joint request was made by the two main parties and the Rule 6 party for a short adjournment. That was followed by a further adjournment for the remainder of that day. Upon resumption of the Inquiry on Day 2, a joint request was made for the appeals to be held in abeyance whilst discussions took place with a view to arriving at an amended scheme. In the interest of securing through negotiation a scheme that was acceptable to all parties concerned, I agreed to that request. It was arranged that, if necessary, the Inquiry would resume on Tuesday 24 September 2019.

5. Planning permission was granted for a replacement dwelling on 23 August 2019 under reference P19/S1395/FUL (the 2019 permission). The appeals were not withdrawn following the grant of that permission and the Inquiry resumed as arranged on Tuesday 24 September 2019. In the event, those four sitting days did not prove to be sufficient to complete the evidence. The Inquiry therefore resumed for two additional days in early December to hear the evidence of the Rule 6 party and closing submissions, closing on Friday 6 December 2019.

6. The 2019 permission included the alteration of the dwelling as built and the erection of a new outbuilding, following the removal of the outbuilding as constructed and the underground store. The permission was granted subject to a Unilateral Obligation dated 19 August 2019 made under section 106 of the 1990 Act that required, amongst other things, the development thereby approved to be implemented and completed within one calendar year of the permission being granted. The requirements of the Unilateral Obligation were subsequently encapsulated within a Planning Obligation dated 23 December

2019, also made under section 106 of the 1990 Act and which in addition takes account of any planning permission that might be granted pursuant to these appeals.

7. By entering into these planning obligations, the appellants committed themselves to various potential scenarios whereby, should the appeals not succeed, they would be required either to complete all the works specified in planning permission P19/S1395/FUL or amend/demolish the buildings as constructed within one calendar year. That is a period considerably shorter than the eighteen months initially sought through the appeals on ground (g) in Appeals A & B. It followed that the appeals on ground (g) then became otiose, and they were withdrawn at the Inquiry.

8. Although the two appeals under section 78 were submitted first, they were subsequently conjoined with the appeals under section 174. As is the normal convention, the appeals under section 174 then become the lead appeals. The witnesses referred in their written evidence to the section 78 appeals as Appeal 1 and Appeal 2, and to the section 174 appeals as Appeal 3 and Appeal 4. In the interest of convenience and consistency, I was content to adopt that numbering for the purposes of the Inquiry but will revert to alphabetic references for the purposes of my Decision, as set out in the header above. For clarification, I will refer to the two section 174 appeals as Appeals B and C. The first section 78 appeal (application Ref: Ref P17/S4037/FUL) I will refer to as Appeal C, and I will refer to the second section 78 appeal (application Ref: P18/S1724/FUL) as Appeal D.

9. The appeals relate to a dwelling now known as Holly House but which replaced a dwelling known as Little Hill Cottage. The two planning applications subject to Appeals C and D were submitted and determined under the address of Little Hill Cottage, notwithstanding that the replacement building now known as Holly House was in situ by that time. There is, however, no dispute that the applications relate to what is now known as Holly House and in later documents the property came to be referred to as "Holly House (formerly Little Hill Cottage)". For that reason, I see no reason to amend the address stated on the Decision notices for the two planning applications subject to Appeals C and D.

10. The development plan for the area includes the South Oxfordshire Local Plan (Local Plan), adopted in January 2006. At the time of the Inquiry sessions held in April and September 2019, the Council was actively involved in preparing its emerging Local Plan 2034. The Council intended that, once adopted, this emerging plan would replace the current Local Plan. By that time (i.e. as of September 2019), the emerging plan had been subject to public consultation and had been submitted for examination.

11. Although not cited in the reasons for issuing the enforcement notice or in the reasons for refusal of planning applications P17/S4037/FUL and P18/S1724/FUL, Policy H18 of the emerging plan relates to replacement dwellings outside of the settlement boundaries. That policy heralds a departure from the direction of travel adopted in the Local Plan, insofar as Policy H18 removed the requirement that replacement dwellings should not be material greater in volume than the existing dwelling.

12. On 3 October 2019, the Council's Cabinet voted to withdraw the emerging Local Plan. Shortly afterwards, on 9 October 2019, the Ministry of Housing,

Communities & Local Government directed the Council to take no further action on the emerging plan, including withdrawing it. That holding direction is still in force and the emerging plan has no effect at this time. Accordingly, I have attached no weight to policies in the emerging plan, including Policy H18.

The enforcement notice

13. The allegation at paragraph 3 of the notice refers, amongst other things, to the erection of 'various buildings', shown edged blue on the annexed topographical survey. There is no doubt that these 'various buildings' include the main dwelling known as Holly House, the outbuilding and the underground store, these being specifically edged in blue on the topographical survey. The hardstanding is hatched orange on the topographical survey and therefore differently to/separately from the buildings edged in blue.

14. However, there are two other buildings located to the north of the main dwelling, specifically a summer house and log store. There is also a building immediately to the south-east of the main dwelling that, I now understand, was erected after the notice was issued. In addition, there are a number of other structures on the land, including stairs, retaining walls and entrance gates. These other buildings and structures are not shown edged blue on the plan attached to the notice and therefore are not caught by the notice. I drew this to the attention of the parties in a Pre-Inquiry Note.

15. At the Inquiry, the Council confirmed that the notice is primarily intended to attack the main dwelling, the outbuilding and the underground store (together, that is, with the hardstanding). It was confirmed that the notice was not intended to catch the summer house or the log store, both of which the Council considered would be appropriate in relation to the ongoing residential use of site.

16. Nevertheless, the Council did consider that the retaining walls were constructed as part of the same building operation as the buildings and hardstanding in order to facilitate their construction. The Council also pointed out that these retaining walls are within the area hatched orange on the plan attached to the notice and would in any event have to be removed in order to comply with requirement (iv) of the notice. Similarly, the Council indicated that the steps on either side of the underground store should be included within the notice. Given that the requirements of the notice necessitate the removal of these structures in any event, I accept that both the retaining walls and the two sets of stairs should be included in the breach of planning control alleged in the notice. The appellants had no objection this.

17. This just leaves the entrance gates toward the western end of the site. On close examination of the plan attached to the notice, these gates do not appear to fall within the area hatched orange on the plan attached to the notice. Neither are they edged in blue on that plan. It follows the notice as drafted does not require the removal of these entrance gates. Although reference was made to these gates throughout the Inquiry, this was generally in the context of other issues. I therefore consider that to include the entrance gates in the breach of planning control alleged in the notice at this stage would cause injustice to the appellants, such that it is not open to me to correct and/or vary the notice in that respect.

18. Having regard to the above, in the interests of clarity I consider that the notice should specifically refer to the individual elements identified above, specifically: the dwelling; the outbuilding; the underground store; the hardstanding; the retaining walls; and the steps either side of the underground store. This applies both to the breach of planning control alleged in paragraph 3 of the notice and the requirements to comply with it in paragraph 5. In doing so, it is convenient to divide these elements into buildings shown edged in blue on the plan attached to the notice and structures within the area hatched orange on that plan. I am satisfied that the notice can be corrected and varied in that respect without causing injustice. The deemed planning application will therefore be for the matters constituting the breach of planning control as corrected.

19. The land to which the notice relates, as shown edged in red on the plan attached to the notice, includes land within the ownership of the occupiers of Holly House and the occupiers of the house immediately to the north, known as "Little Hill". The notice was correctly served on the owners of Little Hill and I am satisfied that there are no procedural defects with the notice in this respect. It follows that the notice bites in terms of the land owned by the occupiers of Little Hill.

20. The owners of Little Hill are understandably concerned that the notice requires them to carry out works on land not in their ownership or control but in the ownership of the appellant, and vice-versa. The solicitor acting on behalf of the owners of Little Hill therefore proposed amending the notice such that responsibility to comply with the requirements of the notice only relates to the land in their respective ownerships. I consider that this would be appropriate and am satisfied that I can vary the notice in this respect without causing injustice. In a position statement dated 4 December 2019 submitted by the same solicitor it was confirmed that the appellants had agreed in principle to acquire the land subject to the notice that was in his client's ownership. I have not been advised subsequently that this transaction has been completed and I will therefore vary the notice in line with the proposed amendment.

Appeals A and B: the appeals on ground (a) and the deemed planning applications; Appeal C and Appeal D

21. The appeal on ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The Council has stated two substantive reasons for issuing the enforcement notice, from which the following main issues are raised:

- the effect of the development on the character and appearance of the site and its surroundings, and
- the effect of the development on the landscape quality of the site and its surroundings.

22. The reasons for refusal of the two planning applications subject to Appeals C and D raise the same main issues.

23. However, before turning to the first of these main issues, it is convenient to first consider the principle of residential development on this site, including what volumetric increase in the dwelling may be considered acceptable.

Principle of residential development on the appeal site

24. In July 2015, planning permission was granted to the current appellant (Mr D Snowden MBE) for the removal of extensions to Little Hill Cottage as it then stood, together with extensions and alterations to the two-storey house, new garage and outbuilding (Council Ref: P15/S0506/FUL). The conditions precedent imposed on that permission were discharged by the Council in a letter dated 5 October 2015. On 3 December 2015, the Council granted conditional planning permission for the demolition of the existing house and the erection of a new two-storey house and outbuilding (Council Ref: P15/S3359/FUL).

25. The appeal site is outside of any town or village. Policy H12 of the South Oxfordshire Local Plan (Local Plan) indicates that replacement dwellings outside the built-up limits of settlements will be permitted subject to five criteria set out in the policy itself. These criteria include where the residential use has not been abandoned (criteria (i) and the building is not of architectural interest (criteria (ii)). It was common ground at the Inquiry that a replacement dwelling on this site would be in accordance with both of these criteria.

26. Criterion (iii) of Policy H12 requires that a proposed replacement dwelling is not materially greater in volume than the existing dwelling, taking into account permitted development rights. The test set out in this criterion is whether the replacement dwelling is "materially greater" than the existing dwelling. The supporting text to that policy indicates that 'not materially greater' means, in addition to any unused permitted development rights, an increase of up to but no more than 10% in volume. That is subject to a clearly worded caveat that this increase in volume may be acceptable provided that criterion (iv) is met in terms of there being no greater impact on the character and appearance of the surrounding area.

27. Based upon the figures set out in the Comparison Table in the Statements of Common Ground produced in September 2019, the percentage increase of Holly House as built compared to the existing dwelling is in the order of 150%. That represents an increase of some 13.6% over the dwelling approved under P15/S3359/FUL. Expressed another way, that increase on its own exceeds the definition of "materially greater" in the supporting text to Policy H12, even without taking into account any increase in volume over and above the existing dwelling. The percentage increase of Holly House as proposed to be modified in Appeal D is in the order of 140% compared to the existing dwelling and an increase of some 13.6% over the dwelling approved under P15/S3359/FUL.

28. Just to arrive at the above figures required the appellants' planning witness, Mr Collinge, to attempt some mathematical gymnastics with permitted development allowances for the existing dwelling. I do not propose to test the accuracy of those calculations or the assumptions that underpin them. In the context of criteria (iii) of Policy H12, even accepting the above figures as the appellants' 'best case scenario', to consider percentage increases in volume of this magnitude to comply with that test is simply straining the interpretation of "materially greater" beyond that which it is capable to bearing. I therefore conclude that the dwelling, either as built or as proposed to be modified, does not comply with criterion (iii) of Policy H12.

29. In reaching that conclusion, I recognise that the Council has treated the interpretation of Policy H12 with some flexibility in other cases in the District. I acknowledge that in some of the examples drawn to my attention by the appellants the Council has accepted percentage increases in volume considerably in excess of the 10% referred to in the supporting text of that policy. But analysis of the planning officer reports for those applications provides some explanations as to why the Council had applied Policy H12 with flexibility in those cases. For example, in some cases the existing dwelling was very small and in others discreet siting and design resulted in the proposal having little overall impact on the surrounding area. Neither of those factors apply in this case. Moreover, in relation to one of the cases cited by the appellants – a property known as "Marigay" – the application was actually refused by the Council as being contrary to policies that included H12 and subsequently dismissed on appeal.

30. It is a fundamental principle of planning control that each case must be treated on its own merits. In none of the applications drawn to my attention were the site circumstances identical to the current appeal site and in each case different material considerations applied. For that reason, those cases can be distinguished from the development subject to these appeals. I therefore attach very little weight to the other cases advanced by the appellants.

31. The correct interpretation of Policy H12 was a matter of dispute at the Inquiry. There is, to my mind, an inherent tension within the policy insofar as a replacement dwelling that was materially greater in volume than the existing dwelling could potentially have no greater impact overall on the character and appearance of the site and surrounding area. For example, better design and less intrusive siting could be decisive factors in that. Indeed, this appears to have the conclusion arrived at by the Council in some of the other cases drawn to my attention by the appellants.

32. Nevertheless, the construction of the policy is such that there is no "or" in between each criterion but there is an "and" between the last two. This leads me to the view that the proper interpretation of Policy H12 as drafted is that a development must comply with each and every criteria in the policy in order to accord with it. For that reason, I do not accept Mr Collinge's assertion that criteria (iii) of this policy does not really matter: on the contrary, compliance with criterion (iii) is essential to complying with the policy as a whole.

33. Given, then, that I have found that criterion (iii) has not been complied with, it is not strictly necessary for me to consider the development against the remaining criteria in order to arrive at the conclusion that the dwelling as constructed and as proposed to be modified does not comply with Policy H12. Nevertheless, I go back to the point that a replacement dwelling that was materially greater in volume than the existing dwelling could potentially have no greater impact overall on the character and appearance of the site and surrounding area. An assessment against the remaining criteria of Policy H12 is therefore not only relevant to the overall planning balance, it is also relevant to the question as to whether planning permission could be granted for any part of the matters stated as constituting the breach of planning control alleged in the notice. It is convenient to assess compliance with these remaining criteria in the context of the two main issues identified above.

Character and appearance of the site and its surroundings

34. The appeal site is located at the base of a dry valley, some 0.5 kilometres east of Harpsden and on the north side of a road that runs the length of the valley floor. This road appears to be unnamed but was generally referred to at the Inquiry as Harpsden Way, a name that I will adopt here.

35. The appeal site forms part of group of dwellings on the valley floor that includes the Old Rectory and Old Rectory Cottage. Although not on the valley floor, by reason of its visual association with the appeal site I include the dwelling known as Little Hill in that group. In that context, I am mindful that the appeal site has been occupied by a residential dwelling since at least 1949 and possibly as early as 1913. There was, therefore, a dwelling on this site for many years prior to the erection of Holly House. The presence of a dwelling on this site has been a suburban influence on the landscape character over that time. In more recent times, this suburbanising influence would have been increased through the construction of a tennis court surrounded by a wire mesh fence, a swimming pool and various outbuildings.

36. Given the long-term presence of a dwelling and associated structures, it is reasonable to describe the appeal site *itself* as being residential in character and exerting a suburban influence on its surroundings. However, in my view, that does not mean that the area immediately surrounding the appeal site should be regarded as in any way being suburban. To my mind, the character of the area surrounding the appeal site is mostly influenced by the paddocks, open fields and the areas of woodland that are visible in all directions. The golf course, whilst a suburban influence in the wider valley, does not significantly intrude into views from the appeal site. Other sites nearby, notably Little Hill, The Old Rectory and Old Rectory Cottage, exercise a suburban influence on the appeal site and surroundings but do not, in my view, undermine the prevailing rural character of the area surrounding the appeal site. I therefore consider that the area surrounding the appeal site has a generally rural character, but with some suburbanising influences.

37. It is this character against which I have assessed the impact of the development alleged in the notice and proposed in the two planning applications. The development alleged in the notice has three main elements: the dwelling, the outbuilding and the underground store. These same elements, or a combination of them, also form the development proposed in the planning applications. It is convenient to consider this main issue in respect of these three elements initially before going on to consider the other elements and then the impact of the development as a whole on character and appearance of the site and its surroundings.

The dwelling – Appeals A & B

38. The replacement dwelling approved under planning permission P15/S3359/FUL was a part two-storey, part single-storey building, including accommodation within some of the roof spaces. The layout of the building was in effect a C-plan, with a crown roof over the main elements. There was considerable articulation within the principal elevations, including a combination of single-storey elements with pitched roofs above, feature windows and dormer windows partly set within the first floor and the roof. The external materials included a mixture of render and brickwork. The proposed replacement building retained the same alignment as Little Hill

Cottage, being set with the front elevations and south side elevation at an angle to Harpsden Way.

39. The dwelling as constructed retains the overall C-plan of that approved but on a different alignment. The south elevation of the building is now parallel with Harpsden Way, with the front elevation (including the main entrance) facing directly towards the garden. The building as constructed does retain some of the features of that approved: for example, dormers that transcend the eaves line and a single-storey element with a pitched roof over. There are, however, some significant changes compared with the dwelling approved under planning permission P15/S3359/FUL.

40. In addition to the 150% increase in volume, the footprint of the building has been increased by some 55% compared with that approved under planning permission P15/S3359/FUL. Furthermore, the building as constructed is largely, albeit not entirely, two-storey. For those reasons, the dwelling as built has a commensurately greater presence on the site than the (previously) existing Little Hill Cottage.

41. The roof form of the building has changed compared with that approved, and now has a pitched roof with a central ridge over all sections of the C-plan. The ridged roof is well balanced in relation the front elevation, and is consistent with the Chilterns Building Design Guide. However, the reversion to a ridged roof has resulted in an increase in the maximum height of the building by some 0.6 m, again increases the presence of the building on the site. The use of clay tiles is consistent with the Chilterns Building Design Guide.

42. The articulation in the principal elevations is much reduced. The feature windows are no longer present, albeit there are French doors opening onto a terrace on the less-visible northern elevation. The single storey elements, whilst still present, are much reduced in their extent. As a result, the principal elevations have lost much of their visual interest and appear somewhat monolithic.

43. The mixture of render and brickwork for external finishes has been replaced by elevations that are wholly finished in brickwork. That is contrary to the advice in the Chilterns Building Design Guide, which advises the use of different materials on the front and side elevations. I acknowledge that the bricks used are reclaimed with a good texture and are of high quality, but the benefit in that respect is offset by the employment of stretcher bonding, the use of which is specifically cautioned against in the Chilterns Building Design Guide.

44. The building also includes brick detailing in the form of string courses and shallow header arches above the ground floor windows. Those features are, in principle, consistent with the Chilterns Building Design Guide. However, those features are constructed in the same bricks as the remainder of the elevations and provide little contrast. Other forms of detailing include detailing of the eaves, the retention of chimneys and good quality rainwater goods, but these details are limited in relation to the elevations as a whole. Consequently, in practice, neither the brick detailing or the other detailing assist greatly in breaking up the expanse of the largely unarticulated elevations.

45. The building as constructed features a number of dormer windows. The Chilterns Building Design Guide indicates that traditionally dormer windows in the Chilterns were usually gabled, small, restricted in number and sited low down on the roof. The three dormers on the front elevation feature gable ends, are relatively small and break the eaves line. As such, these dormers are consistent with the Chilterns Building Design Guide.

46. The other elevations feature a number of dormer windows, all of which have hipped roofs. The Chilterns Building Design Guide suggests that, if dormers are to be used at all, they should be gabled and restricted in number. The form of the dormers on these elevations is not consistent with the Chilterns Building Design Guide. Moreover, proliferation of dormers on these elevations, combined with the three dormers on the front elevation, is contrary to the advice in that guidance.

47. The combination of the increase in volume, footprint and height results in a building that is visually intrusive on this plot. This increase in overall dimensions is exacerbated by the monolithic appearance of the building resulting from the uniform use of brickwork as the external material and the lack of articulation in the principal elevations. The detailing, whilst generally consistent with the Chilterns Building Design Guide, is not sufficient to break up the mass of the building or to soften its monolithic appearance.

48. All of the above is further exacerbated by the alignment of the building being effectively parallel with the highway. As constructed, the distance of the south elevation of Holly House to the highway varies from a minimum of some 6.4 metres at the south-east corner to a maximum of some 7.7 metres at the south-west corner. By comparison, the replacement dwelling approved under planning permission P15/S3359/FUL was proposed to be sited a minimum of some 5.1 metres from the highway at the south-east corner. The distance from the highway then increased to some 10.8 metres at the south-west corner.

49. Consequently, although approximately one metre closer to the highway at the south-east corner, the dwelling as approved under planning permission P15/S3359/FUL then splayed away from the highway to a distance effectively double that at its closest point. In my view, this would have reduced the visual impact of the building when viewed from Harpsden Way. As constructed, the south elevation of Holly House presents an abrupt mass of built development that, due its proximity to the highway, is visually dominant and overbearing when viewed from Harpsden Way.

50. In a written statement dated 19 January 2019, the appellant, Mr David Snowden MBE, explains that unstable ground conditions made it necessary to rotate the footprint of the dwelling to enable the foundations to be laid on virgin ground. That statement is not corroborated by technical evidence from a qualified civil engineer. I am therefore not convinced that an engineering solution could not have been found to enable the dwelling to be constructed on its approved alignment. In any event, whatever the reason may have been, that does not alter the implications of the alignment of the dwelling as constructed and upon which I must make my assessment.

51. I remain mindful that there has been a dwelling on this site for many years prior to the erection of Holly House, and that the character of the site itself may be regarded as being residential. Nevertheless, for the reasons stated

above, I consider that the dwelling as constructed is harmful to the appearance of the site. Furthermore, by reason of its poor design, bulk and height, Holly House as constructed is out of keeping with the rural character of the surrounding area generated by small paddocks opposite the site and Lucy's Copse beyond, from which it is clearly visible.

The dwelling – Appeal C

52. The dwelling proposed under planning application P17/S4037/FUL is identical to that as constructed. It follows that my conclusions in relation to this development are the same as those above.

The dwelling – Appeal D

53. The dwelling proposed under planning application P18/S1724/FUL included some modifications to the dwelling as constructed. These modifications primarily comprised the removal of the balcony on the north elevation, with associated changes to that elevation. It was also proposed to change of the roof form of three dormers on the front elevation from gabled to hipped. There was a commensurate reduction in the volume of the dwelling of 56m³ in comparison with the dwelling as built.

54. The removal on the balcony would have made little difference to the overall mass and bulk of the dwelling. In particular, that modification to the north elevation would have had no effect on the visual intrusion and dominance resulting from the re-aligned south elevation. The proposed change of the dormers from gabled to hipped would have resulted in a marginal reduction on the apparent bulk of the building. Against that slight benefit, the change from gabled to hipped would have been contrary to the Chilterns Building Design Guide.

55. Given that the dwelling proposed under planning application P18/S1724/FUL was identical to Holly House as built in all other respects, I consider that for essentially the same reasons it would have been harmful to the appearance of the site and out of keeping with the rural character of the surrounding area.

56. It follows the above that, either as built or as proposed to be modified, this is not a situation where the replacement dwelling being of materially greater volume than the existing dwelling has no greater impact overall on the character and appearance of the site and surrounding area. On the contrary, by reason of its bulk, height and siting, together with some aspects of its detailing, the dwelling is visually intrusive and harmful in those respects.

The outbuilding – Appeals A & B

57. The outbuilding approved as part of planning permission P15/S3359/FUL was located in the north-east corner of the site. It was shown as an L-shaped structure with the longer axis parallel with the western boundary. The proposed outbuilding had a footprint of some 100m² and a pitched roof with gable ends, with an eaves height of 2.3m and a maximum ridge height of 5.6m. The design was traditional, with external materials being a mixture of timber and render, and incorporated decorative features appropriate to an ancillary building.

58. As built, the outbuilding retains the overall L-shape layout but is greater in both footprint and volume than that approved under planning permission

P15/S3359/FUL: footprint had increased to 114 m². The ridge height has increased to 6.3m and the eaves height has increased to 3.2m. Construction of the outbuilding had not been completed at the time of my site visit, and the external finish and fenestration were not in place. Nevertheless, the mass and bulk of the outbuilding is clearly evident and I am not convinced that the application of the external finish will conceal that to any significant extent.

59. The outbuilding as built is closer to the western boundary of the site than that approved. The mass and bulk of the outbuilding is therefore apparent from the public footpath (Footpath No.242/8) that adjoins that boundary from where the outbuilding is, in my view overbearing and intrusive to users of that footpath.

60. The corollary of moving the outbuilding closer to the boundary is that the space for landscaping between the outbuilding and boundary has been much reduced. The landscaping expert witness for the appellant, Mrs Brockhurst, was confident that there is sufficient space for landscaping to be planted and to take hold. However, I prefer the evidence of Mr Radmall and Mrs Pfleger, on behalf of the Council and Harpsden Parish Council respectively, who expressed reservations about the prospect of landscaping taking hold in limited space available and then thriving in the reduced light available.

61. I am also mindful that this boundary adjoins the public footpath. Neither the Definitive Map nor Statement for Footpath No.242/8 record the width of the footpath. I therefore cannot discount the possibility that any meaningful landscaping on land within the appellant's ownership could overhang the public footpath and then required to be removed or cut back as an obstruction to that footpath. This reinforces my concern about the effectiveness of any landscaping between the outbuilding and the western boundary. In any event, it is not prudent to rely upon landscaping to mitigate the mass and bulk of a building, given that such landscaping may fall back or die over time.

62. The Council take the view that the outbuilding is, by reason of its size, design and layout, tantamount to a separate dwelling. I am inclined to agree. As part of my site visit, I was able to view inside the outbuilding, including the first floor. Although not fully fitted out or furnished, it was evident that the space and head-height is sufficient to provide habitable accommodation. That much is also apparent from outside the building.

63. The height and proportions of the outbuilding are more akin to those associated with a dwelling than an ancillary structure. Indeed, the footprint of the outbuilding to Holly House is larger than the footprint of the dwelling known as Old Rectory Cottage. In that context, by reason of its size and proximity to the boundary, the outbuilding visually dominates Old Rectory Cottage. This is particularly apparent in views from Footpath No.242/8 as it continues to the south of Harpsden Way, rising up the valley side to Lucy's Copse. Although to some extent filtered by the trees on either side of that footpath, from there the outbuilding and Old Rectory Cottage are viewed adjacent to each other, such that the comparison in mass and bulk is immediately apparent.

64. I fully recognise that the appellant intends to use the space provided by the outbuilding for a home gymnasium and for office space, and requires sufficient floor to ceiling height for that purpose. Nevertheless, in terms of its effect on the character and appearance of the site and surroundings, the

outbuilding has the appearance of a separate dwelling. Furthermore, by reason of is size and design, it does not project the appearance of an outbuilding ancillary and subordinate to the main dwelling. In that respect, the outbuilding as constructed does not accord with the South Oxfordshire Design Guide, which specifically indicates that the size and scale of any outbuilding should not compete with the main dwelling (being mindful, too, that Holly House as built is considerably larger than the dwelling it replaced).

65. Having regard to all the above, I consider that the outbuilding as constructed unacceptably harms the character and appearance of the appeal site and its surroundings.

The outbuilding – Appeal C

66. The outbuilding proposed under planning application P17/S4037/FUL is identical to that as constructed in terms of its position, footprint, eaves height and ridge height. The only difference is the proposed replacement of the gable ends with Dutch gables. That minor modification would not be sufficient to overcome the harmful impact of the outbuilding on the character and appearance of the appeal site and its surroundings.

The outbuilding – Appeal D

67. The outbuilding proposed under planning application P18/S1724/FUL reverts to gable ends to the roof but proposes a reduction in the ridge and eaves height by some 0.6 metres. No change is proposed to the footprint or the position of the outbuilding in relation to the western boundary.

68. The proposed reduction in the height of roof results in a structure that is more akin to the outbuilding approved under planning permission P15/S3359/FUL in that respect. This is assisted to some extent by the use of windows and other features that are more consistent with an ancillary building. Nonetheless, the footprint proposed remains larger than that approved under that permission. As a consequence, the proposed outbuilding would still not appear ancillary and subordinate to the main dwelling.

69. Furthermore, the proximity of the proposed outbuilding to the boundary would still not allow for meaningful landscaping. Moreover, notwithstanding the reduction in height, the combination of the footprint and proximity to the boundary would still result in the proposed outbuilding visually dominating Old Rectory Cottage.

The underground store – Appeals A & B and Appeal C only

70. The underground store did not form any part of planning permission P15/S3359/FUL but, as Mr Snowden explains in his written statement, arose as a permanent use of space initially excavated and used for the purpose of parking vehicles and the storage of building materials during construction of the main dwelling and outbuilding. Although described as an underground store in the description of development for planning application P17/S4037/FUL and referred to as such throughout the Inquiry, in my view that term is somewhat of a misnomer in this case.

71. The structure protrudes significantly out of the surrounding ground and presents a vertical face of some 16 metres in length and 2.1 metres in height, within which are three garage-door sized openings and a window. The

structure therefore exhibits a strong visual presence at ground level when viewed from within the site and, to a lesser extent, is also visible in views from the highway through the boundary planting. Moreover, the construction of this underground store has fundamentally altered the fall of the land and therefore removed one of the natural features of the site.

72. The combination of these factors results in a structure that is harmful the character and appearance of the site and surroundings. The proposed installation of garage doors to the three openings would not overcome that harm.

Hardstanding - Appeals A & B, and Appeal C

73. The amount of hardstanding as constructed significantly exceeds that approved under planning permission P15/S3359/FUL. As constructed, some 49% of the site is covered with either buildings or hardstanding, compared with some 32% as approved under planning permission P15/S3359/FUL. This results in a significant hardening in the appearance of the site, at the expense of an opportunity for soft landscaping. Although the site itself may be considered to have been residential in character before the development took place, this significant increase in the overall area of the site covered in buildings or hardstanding is nonetheless excessive and harmful to that character.

Hardstanding - Appeal D

74. As proposed to be modified under planning application P18/S1724/FUL, some 36% of the site would be covered with either buildings or hardstanding. This would be more akin to the 32% as approved under planning permission P15/S3359/FUL but nevertheless still represents an increase over that approved. I am also mindful that the hardstanding proposed in this application would be viewed in conjunction with the main dwelling and outbuilding largely as constructed, rather than those approved under planning permission P15/S3359/FUL. For that reason, I am not convinced that the reduction in hardstanding would be sufficient to overcome the harm resulting from the coverage of buildings and hardstanding on the site.

Retaining walls and steps – all Appeals

75. The retaining walls are an engineering operation that alters the natural fall of the land. To that extent, they are harmful to the character and appearance of the site. I am also mindful that the retaining walls facilitate other elements of the unauthorised development which are harmful to the character and appearance of the site. The steps on either side of the underground add to the suburbanisation of the site and for that reason are also harmful.

Development as a whole

76. I have found that each of the individual elements of the breach of planning control - the dwelling, the outbuilding, the underground store, the hardstanding, the retaining walls and the steps either side of the underground store – unacceptably harms the character and appearance of the appeal site and its surroundings in its own right. Other than where one or more of these elements is completely removed, the modifications proposed in Appeals C and D do not overcome that harm.

77. I am mindful, however, that these buildings and structures are generally viewed in conjunction. Although the appeal site before the erection of these buildings and structures could reasonably be regarded as being residential in character and appearance, by reason of the bulk and design of the dwelling, that residential character did not unduly impact on its immediate surroundings. The tennis court, swimming pool and other outbuildings would have been viewed in the context of a site that contained a large number of trees and relatively limited hardstanding. The suburban influence of the site at that time was therefore restrained.

78. The erection of the buildings and structures as built, together with the extensive area of hardstanding, has unacceptably intensified the residential character and appearance of the site. In this respect, context is everything. Although residential in character and appearance, the site is viewed in the context of a surrounding character that is largely rural. The introduction of in intense residential character resulting from these structures in inappropriate in and harmful to not only to the character and appearance of the appeal site itself, but also to its surroundings. The removal of the underground store and the reduction on hardstanding proposed in Appeal D are not sufficient to alter my conclusion in that regard. Neither would the Alternative Landscape Proposals submitted when the Inquiry resumed in September.

Conclusion on this main issue

79. For the reasons given above, I conclude that the development as constructed and as proposed to be modified in Appeals C and D unacceptably harms the character and appearance of the site and its surroundings. I therefore conclude that the developments as constructed (Appeals A & B) and proposed to be modified are and would be contrary to Policy CSQ3 of the South Oxfordshire Core Strategy which, amongst other things, indicates that planning permission will be granted for development that is of a high design quality and which respects the character of the site and surroundings.

80. The developments as constructed and proposed to be modified are also, and would also be, contrary to criteria (iii), (iv) and (v) of Policy H12 of the Local Plan. These criteria require that the overall impact of a replacement dwellings on the character and appearance of the area is no greater than the existing dwelling, and that the siting, design and materials are in keeping with the locality.

81. The development as constructed and as proposed to be modified in Appeals C and D are also, and would also be, contrary to Policy H13 of the Local Plan. This policy requires, amongst other things, that the scale and design of an ancillary building is in keeping with the character of the dwelling and the site, and would not be tantamount to the creation of a separate dwelling.

82. The Council has cited policies G2, G4 and D1 of the Local Plan in the reasons for issuing the notice and refusing planning permission. I have taken those policies taken into account. However, on my reading, Policies H12 and H13 of the Local Plan are the most relevant to this main issue.

83. In addition to being contrary to the Local Plan, the development as constructed and as proposed to be modified in Appeals C and D is and would be contrary to Policy DQS1 of Joint Henley and Harpsden Neighbourhood

Development Plan. This policy requires that all new development should be sensitive and make a positive contribution to the local character of the area.

84. Finally, for the reasons set out above, the development as constructed and as proposed to be modified fails to accord with the South Oxfordshire Design Guide and the Chilterns Building Design Guide. It would also fail to accord with the importance placed on good design in the National Planning Policy Framework (Framework).

Landscape quality of the site and its surroundings

85. In views from beyond the immediate surroundings of the site, the buildings as constructed tend to be viewed together. I shall therefore consider the effect of these structures on the wider landscape primarily in terms of their cumulative impact. I was invited to experience the landscape within which the appeal site sits as a linear journey from Hunts Green to Harpsden. I propose to adopt that approach as the structure for my consideration here.

86. The appeal site and surroundings are within Landscape Character Area 10: Chilterns Plateau with Valleys, as set out in the South Oxfordshire Landscape Character Assessment (SOLCA, November 2017). Within that, the greater part of the valley is identified as landscape character type 16: Semi-Enclosed Dipslope, albeit the adjoining landscape character type to the south is Amenity Landscape (the golf course). The part of valley in which the appeal site is located exhibits many, but not all, of the characteristics of the Semi-Enclosed Dipslope landscape character type, as identified in the SOLCA. These include its "loose mosaic" of woods, hedgerows and trees, as well as "visual containment with moderate to low inter-visibility". Another characteristic of the Semi-Enclosed Dipslope landscape character type identified in the SOLCA is that it has a "generally rural and unspoilt character but with some suburbanising influences".

87. The boundary of the Chilterns Area of Outstanding Natural Beauty (AONB) runs north/south through the site, such that eastern third is outside the AONB but the western two-thirds are within it. The whole of Holly House as constructed in outside of the AONB. The AONB encompasses the land to the north and west of the appeal site, taking in the residential properties of Little Hill, The Old Rectory and Old Rectory Cottage. The AONB also extends to the south of the appeal site, including the golf course and Lucy's Copse.

88. The boundary of the AONB as it passes through the appeal site is not marked by any geographical or other features, and there is a high degree of inter-visibility between land within the AONB and land outside of it. For that reason, I adopt the view expressed by Mr Radmall that the valley as a whole remains a recognisably characteristic example of a Chiltern dipslope valley, with its concave slopes, hanging woods and historic, valley-floor settlement. Consequently, whilst the highest level of protection may cease at the boundary of the AONB, the prevailing character does not.

89. My assessment of this main issue is founded on the policies in the development plan. The test in criteria (iv) of Policy H12 is that the overall impact of the proposed dwelling on the character and appearance of the site and the surrounding area should not be greater than the existing dwelling. I will therefore adopt Little Hill Cottage as it existed immediately prior to its demolition as the baseline against which any impact must be assessed and

not, as the appellant claimed, the 2019 permission. Similarly, in relation to the outbuilding and underground store, the equivalent test in Policy H13 is whether the ancillary building is in keeping with the character of the dwelling and the site and with the appearance of the surrounding area. It is logical that my assessment must be made against Little Hill Cottage as it existed immediately prior to its demolition, rather than Holly House as built.

90. I have been provided with a number of photomontages to assist in my assessment. However, whilst I found the photomontages helpful visualisations during the Inquiry sessions, I have not relied upon them in the assessment that follows here, preferring instead to rely upon the drawings and photographs provided as part of Mr Collinge's evidence and my site visit(s). In particular, I am concerned that the photomontages of the site before Little Hill Cottage was demolished may not accurately reflect the extent of tree cover on the site at that time.

91. Starting at Hunts Green, the collection of buildings there include a number of dwellings with outbuildings and barns. Within this group, the two-storey dwellings are typically set back from the highway with the single-storey outbuildings close to it. At the time of my site visit, one of the barns was in the process of being converted to residential. Nevertheless, the overall character remains rural albeit with some but with some suburbanising influences. This is entirely consistent with the Semi-Enclosed Dipslope landscape character type.

92. One of the buildings in this group, Hunts Green House, features a parking area to the rear that has been cut into the ground. Facing onto that parking area is a garage with planning permission also having been granted for underground parking. I recognise that there are similarities between this arrangement and the underground store at Holly House. Nonetheless, the key difference is the extent to which the parking area at Hunts Green House is visible in the landscape. This parking area is set well back into the site and my site visit established that public views of the parking area at Hunts Green House are difficult to obtain and partial views are only really possible by deviating from the footpath that adjoins the southern boundary of the site. This may be distinguished form the underground store at Holly House which, as detailed below, is more visible in public views.

93. The stretch of Harspden Way between Hunts Green and The Old Rectory is enclosed by trees and shrubs, with only occasional glimpses possible of the fields and paddocks beyond. This creates a sense of enclosure, heightened by the land rising more steeply at this point. Consequently, this section of the road is visually contained with low inter-visibility with the surrounding landscape. Again, this is entirely consistent with the Semi-Enclosed Dipslope landscape character type.

94. To the east of Hunts Green, and on the south side of Harpsden Way, is a detached dwelling known as Yew Tree Cottage. When travelling east from Hunts Green, it is from the gap provided by the vehicular entrance to this property that the dwelling and outbuilding on the appeal site first come into view across the paddocks on the south side of the road. Even at that distance, those buildings are obvious intrusions into the rural landscape visible beyond.

95. This visual containment continues as The Old Rectory is approached. This is a substantial building, with a number of outbuildings and set in formal grounds. The Old Rectory itself sits well back from Harpsden Way. From ground level, views of The Old Rectory are limited due to the presence of a high boundary hedge along Harpsden Way and the outbuildings close the gated entrance. In those views that are possible, primarily from the gated entrance, The Old Rectory is viewed from some distance and against a backdrop of trees with rising ground beyond. As a result, from ground level the presence of The Old Rectory adds visual interest to the street scene but is not visually intrusive.

96. By contrast, when viewed from ground level at the vehicular entrance to The Old Rectory, the dwelling and outbuilding on the appeal site unacceptably intrude into this generally unspoilt rural landscape. In views from that position, by reason of its size, appearance and proximity to the road, the main dwelling appears incongruous in association with the small paddocks on the south side of Harpsden Way. By reason of its size, the outbuilding is a visually intrusive structure in its own right but also dominates Old Rectory Cottages in the foreground. Cumulatively, the size and appearance of main dwelling and the outbuilding as constructed significantly and unacceptably detract from the surrounding rural landscape when viewed from this position. The alterations to those structures proposed in Appeals C and D would not overcome that harm.

97. Immediately to the east of The Old Rectory, and on the same side of Harpsden Way, is Old Rectory Cottage. This detached residential dwelling sits back from the road, behind a stone wall and front garden. The dwelling is positioned longitudinally on its plot, such that the front elevation facing onto Harpsden way is relatively narrow. This, together with the set back from the road, means that the building sits comfortably in its surroundings and is not unduly prominent. Again, when viewed from the highway outside Old Rectory Cottage, the limited visual impact of that dwelling may be distinguished from the visual intrusion resulting from Holly House and the outbuilding on the appeal site.

98. The land to the south of Harpsden Way is largely open. Some of the land comprises fields and small paddocks, but much of the south side the valley is occupied by Henley Golf Club. Set within this man-made landscape is a substantial area of woodland, known as Lucy's Copse. That area of woodland is the predominant feature when viewed from Harpsden Way and its strong visual presence dilutes the man-made appearance of the gold course.

99. In the immediate vicinity of the appeal site, the valley floor closest to the road comprises a series of small paddocks associated with equestrian use. Beyond these paddocks is a section of the golf course and beyond that is Lucy's Copse. Consequently, from ground level, the golf course forms only a small part of the view in the vicinity of the appeal site. The other features in the landscape, the small paddocks in the foreground and Lucy's Copse above, make a greater contribution to that view and the overall landscape character in the vicinity of the appeal site.

100. The bulk, mass and appearance of Holly House and the outbuilding are wholly out of keeping with the largely rural character of the landscape to the south of Harspden Way. It is also from this position that the underground store exerts a suburban influence on the surrounding rural landscape in terms of views

through the boundary vegetation and the entrance gates when open. This adds to the harm caused by the main dwelling and the outbuilding. Neither the modifications to those structures proposed in Appeals C and D, nor the omission of the underground store in Appeal D, would overcome that harm.

101. Public footpath No.242/8 continues up the south side of the valley from close to the appeal site and up to Lucy's Copse. That footpath crosses the golf course and when walking the footpath the presence of the gold course takes on progressively more prominence in the landscape. In views from that footpath, particularly from higher up the valley side, the buildings on the appeals site are seen in association with The Old Rectory, Old Rectory Cottages and Little Hill. The appellants suggest that the presence of these dwellings results in the character of a settled valley landscape and provides justification for the buildings on the appeal site.

102. I do not agree. I recognise that the size of The Old Rectory becomes apparent in views from higher up the valley side, and the extent of the outbuildings and formal grounds associated with that dwelling can be appreciated from that vantage point. There is also, I noted, an engineering feature with what appears to be a vertical face at the rear of the main building that is visible from this position but which is not apparent from ground level. Nevertheless, The Old Rectory with its traditional design and associated outbuildings sits comfortably on the substantial plot.

103. Similarly, in views from the south valley side Little Hill is seen as a substantial dwelling sitting comfortably within its sizeable plot. The more modest dwelling of Old Rectory Cottage also sits comfortably within its plot. Consequently, whilst all three of those dwellings exercise a suburban influence on the landscape, in none of them is that suburban influence harmful to that wider landscape, which remains consistent with the Semi-Enclosed Dipslope landscape character type.

104. By contrast, in views from the south valley side, the dwelling, the outbuilding and the underground store occupy a significant proportion of the site. In particular, the vertical face of the underground store takes on more prominence in these views and adds appreciably to the suburban character of the appeal site. As a result, those buildings do not sit comfortably on the plot. The extensive area of hardstanding exacerbates the harshness of the built form in those views in a way that the better proportioned use of hardstanding of adjoining plots does not. For all these reasons, the appeal site can be distinguished from the adjoining plots in terms of its harmful impact on the wider landscape.

105. The most relevant comparison is, of course, to the existing dwelling (i.e Little Hill Cottage as it stood immediately prior to demolition). In making that comparison, I have the presence of the tennis court, swimming pool and other ancillary buildings very much in mind. I am also mindful of the appearance of the dwelling at that time, with its white render finish and contrasting blue-painted shutters. Even so, the lesser bulk and variation in height of the existing building would in my view have had considerably less impact on the character and appearance of the site and the surrounding area than does the dwelling as built/proposed to be modified.

106. To the north of the appeal site, the land rises towards Gillott's Lane and Drawback Hill. The dwelling known as Little Hill is clearly visible on the valley

side above the appeal site but, again, sits comfortably on its plot and is not unduly intrusive in the landscape.

107. To the east of the appeal site, much of the valley side and floor between Harpsden and the appeal site is wooded. The corollary is that, when approaching from the east, views of Holly House are not obtained until rounding the bend in the road quite close to it. Consequently, the transition from visually confined wooded landscape to built form is abrupt. As a result, the mass and bulk of Holly House is particularly obvious and intrusive in that transition of views. In this regard, I note that the views from this position are generally towards the AONB, such that Holly House is viewed in the context of the AONB beyond and to the south.

108. This is in stark contrast with the existing dwelling. As shown on the drawings and photographs in the appendices to Mr Collinge's evidence, the east elevation was part two-storey, part single-storey. Moreover, the dwelling was sited at an angle to Harspden Way. In my judgement, when approaching from the east, the overall impact of the dwelling as built/proposed to be modified is significantly greater than Little Hill Cottage would have been.

109. There are a number of residential dwellings that front onto Gillott's Lane, some of which are relatively substantial. However, the presence of these trees reduces the extent to which the dwellings on the valley side are visible from the vicinity of the appeal site. Even where these dwelling are visible, such as the junction of Gillott's Lane and Harpsden Way, they are viewed at a distance and generally against a backdrop of trees. As a result, they are not unduly intrusive in the rural landscape.

110. The settlement of Harpsden comprises a cluster of buildings located on both sides of Harpsden Way. The majority of the buildings in this cluster front onto the road with the front elevations close to highway. However, the proximity of the buildings to the highway is a particular characteristic of this settlement. Moreover, the wooded area on the valley floor creates a degree of separation between the appeal site and this cluster of buildings, such that the proximity of the buildings to the road in this group provides no justification for the siting and orientation of Holly House as constructed.

Conclusion on this main issue

111. For the reasons given above, I conclude that the development as constructed and as proposed to be modified in Appeals C and D has or would have a greater overall impact on the character and appearance of the site and the surrounding area than the existing dwelling. Therefore, it is or would be contrary to criteria (iv) of Policy H12. Furthermore, I conclude that this greater overall impact unacceptably harms the landscape quality of the site and its surroundings, such that the developments as constructed and proposed to be modified are and would be contrary to Policy CSEN1 of the South Oxfordshire Core Strategy. That policy indicates, amongst other things, that planning permission will be granted for development that is of a high design quality and which respects the character of the site and surroundings.

112. I also conclude that the development as constructed and as proposed to be modified in Appeals C and D fails to conserve or enhance the landscape and scenic beauty of the AONB. In accordance with paragraph 172 of the Framework, that is a material consideration to which I attach great weight.

Other considerations

113. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. I have found that the breach of planning control subject to Appeal A & B and the developments proposed in Appeals C and D fail to accord with the development plan. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.

The 2019 Permission

114. Upon resumption of the Inquiry in September, the main focus of the appellants' argument became that the 2019 permission represented the benchmark of acceptability against which the appeal schemes should be measured. In that respect, I acknowledge that the scheme was granted planning permission as being policy-compliant, including with Policy H12. There was, however, one consideration taken into account in reaching that position that is not applicable to my consideration now: Policy H18 of the emerging local plan. It is evident that from the Delegated Report that the direction of travel in relation to the Council's policy for replacement dwellings influenced the approach taken to the application of Policy H12 of the Local Plan in the consideration of that proposal. It is not possible to know how much of a factor that was in the eventual outcome, but it remains one material difference between the 2019 permission and the development as built and/or proposed to be modified.

115. In cross-examination, Mr Radmall accepted the proposition put to him that the main dwelling as built is not materially different from the 2019 permission. Similarly, Mrs Pfleger described the differences as being "not significant". I take a different view.

116. I recognise that the overall volume of the dwelling proposed in the 2019 permission is broadly similar to that as constructed/proposed to be modified. Consequently, in many respects, the mass and bulk of the dwelling in the 2019 scheme, together with the principal elevations, are not dissimilar to the dwelling as constructed. I also recognise that the 2019 permission shares some of the elements of the development as constructed and as proposed to be modified under Appeals C and D. In some respects, such as the gabled ends to the dormers, it may be considered to be more bulky in appearance. The proximity of the main dwelling to Harpsden Way remains unchanged, as does its orientation to the highway. All of these factors, and others, point to the 2019 permission providing justification for development as constructed and/or as proposed to be modified.

117. Nevertheless, there were some key differences. Principal amongst these was the relocation of the main entrance to the house from facing the garden to facing onto Harpsden Way. That, together with the revised design of the dormers, is more consistent with the Chilterns Building Design Guide. To my mind, these constitute material differences to the dwelling as built/proposed to be modified in Appeals C and D.

118. More importantly, the 2019 permission is a package of many improvements that, taken together, culminate in a significant improvement over the 'as built' situation. The Council's planning witness, Mr Cramp, made it clear in giving his evidence to the Inquiry that it was the package as a whole that persuaded the Council to grant permission for that scheme. In addition to changes to the design of the dwelling, the outbuilding would be smaller and moved away from the boundary with Old Rectory Cottage. It would no longer be tantamount to a separate dwelling. The underground store would be removed and the natural fall of the land restored. The area of hardstanding would be reduced and a comprehensive landscaping scheme put in place.

119. Consequently, in these respects, the 2019 permission would be materially different to the development as built and/or proposed to be modified. Indeed, in my view, as result of these material differences, the 2019 permission would have a notably lesser impact in relation to both of the main issues identified above than the development as built or as proposed to be modified in Appeals C and D. It follows that, if the 2019 permission is taken as the benchmark of acceptability, then the development as built and proposed to be modified in Appeals C and D fall short of reaching that benchmark. For that reason, I attach only limited weight to the 2019 permission as a material consideration.

Previous condition of the appeal site

120. It is evident from the photographic evidence that Little Hill Cottage was, as it stood immediately before demolition, in a somewhat dilapidated condition. It is also evident that the white-painted rough render finish, blue painted shutters and other details were not consistent with the Chilterns Building Design Guide. Furthermore, the photographic evidence shows that the site was used for the dumping of domestic and commercial waste, such that the site had an untidy appearance. It is also likely that the site was used for various anti-social activities.

121. The removal of the above are material benefits that support the redevelopment of the site for residential purposes. They are, however, all benefits that would have accrued equally from the redevelopment of the site with a dwelling that complied with the development plan and the Chilterns Building Design Guide. Indeed, the implementation of planning permission P15/S3359/FUL would have secured those same benefits. I therefore attach very limited weight to the benefits resulting from the construction of Holly House as built in those respects.

The fallback positions

122. There is no dispute that the dwelling as built is not in accordance with the permission granted under reference P15/S3359/FUL. This leads me to the view that planning permission P15/S3359/FUL was not implemented and has now lapsed. Moreover, even if a new planning permission was granted for exactly the same scheme as approved under planning permission P15/S3359/FUL, it is likely that Holly House as built would have to be completely demolished in order for that permission to be implemented. It is in my view highly unlikely that any such permission would be implemented, not least because one of the reasons why the appellants deviated from the approved scheme is stated as being that poor ground conditions prevented the erection of a building on the alignment originally approved. For these

reasons, I consider that planning permission P15/S3359/FUL no longer constitutes a valid fallback position.

123. As well as being a material consideration in its own right, the 2019 permission also represents a potential fallback position. That permission was subject to a Unilateral Obligation that required, amongst other things, the development thereby approved to be implemented and completed within one calendar year of the permission being granted. The requirements of the Unilateral Obligation were subsequently encapsulated within the Planning Obligation dated 23 December 2019. It follows that the grant of this planning permission is a fallback position to which I must attach great weight, not least because the requirement to implement that permission resulting from planning obligations ensures that there is more than a real prospect that the fallback position would be implemented. Indeed, the Planning Obligation requires that the 2019 permission must not only be implemented but must be completed.

124. The 2019 permission is not a fallback position in the conventional sense insofar as the outcome (completion of that permission) would not be less desirable than the development as constructed or as proposed to be modified under Appeals C and D. For the reasons stated above, in every aspect completion of the 2019 permission would be preferable to the development as constructed or as proposed to be modified under Appeals C and D.

125. The 2019 permission was, in effect, a trade-off between the bulk of the dwelling as constructed with some elevational changes against a smaller outbuilding set away from the boundary to provide greater potential for landscaping across the site. That trade-off could not be achieved with the outbuilding in the position as constructed/proposed to be modified, or with the underground store in place. The 2019 permission therefore does not provide justification for the development as built or as proposed to be modified. It is the whole package that provided by the 2019 permission that must be considered, not just the individual elements. For that reason, and notwithstanding that there is more than a real prospect of the 2019 being implemented, I attach only limited weight to the fallback position provided by that permission.

Third party representations

126. A not inconsiderable number of representations have been received in support of the development as constructed and as proposed to be modified. The majority of these representations are from people who pass the site on a regular basis and are briefly stated. Nevertheless, the consistent theme that emerges from these representations is that the dwelling as now existing and the site as a whole is considered to represent a significant improvement over the previous dwelling on the site and the condition of the land at that time. A number of the representations also comment that the underground store is barely noticeable. Some praise the architectural details of the dwelling and consider that it blends well into the local surroundings.

127. There are, however, also objections to the development. The Chiltern Society comment that, whereas the previous dwelling was very un-intrusive, the replacement dwelling totally dominates the surroundings and has a great effect on the AONB. The occupiers of nearby properties describe the dwelling, variously, as being ugly and offensive. In addition to the main dwelling, those

occupiers object to underground store and to the size of the outbuilding. I also note that in one representation the outbuilding is clearly perceived as being a two-storey house which purports to be a garage.

128. There is, therefore, a diverse range of opinions expressed in the representations that have been received, both in support of and objection to the development. The objections are fewer in number than the representations in support but tend to be expressed in more detail with a greater knowledge of the site and surroundings. I have taken all these representations into account but, when taken in the round, it seems to me that the balance of opinion weighs neither in support of or against the developments subject to these appeals.

129. In addition to these representations, The Chilterns Conservation Board (CCB) responded to a consultation on the enforcement appeals. In a written representation dated 10 January 2019, the CCB describes the special qualities of the Chilterns AONB, as set out in the AONB Management Plan, as a "landscape of many hidden quarters, of enclosures and surprise views, of dark beech woods and open downland". In its view, the breach of planning control subject to these appeals is harmful to those special qualities by the introduction of much higher development along the western boundary (i.e the outbuilding), excavated car ports that are out of context and a new dwelling that is much greater in scale than that permitted in 2015. The CCB concludes by requesting that great weight is given to the duty to conserve and enhance the special qualities of the AONB as set out in the Framework and in section 85 of the Countryside and Rights of Way Act 2000 (the 2000 Act).

130. I also note that the CCB mistakenly identifies the outbuilding as a 'subsidiary dwelling'. Whilst clearly an error in that respect, this tends to support the view that the outbuilding is, or has the appearance of being, tantamount to a dwelling.

131. The CCB consultation response goes into considerably more detail than the brief summary that I have outlined above. Having regard to the detail in that consultation response, and to the duty imposed upon the CCB by the 2000 Act, I attach considerable weight to the views expressed by the CCB.

Intentional Unauthorised Development

132. In a written statement dated 19 January 2019, the appellant, Mr David Snowden MBE, sets out the circumstances that led to the construction of the development alleged in the notice. These circumstances included the aforementioned poor ground conditions and problems with the original roof design, both exacerbated by the fact that the architect was not available due to ill health.

133. I have no reason to doubt that these difficulties were the proximal cause of the changes from the approved scheme. The difficulty I have with the appellant's explanation is the difference in his behaviour when confronted with these problems compared to the period leading up to the grant of planning permission P15/S3359/FUL. Following his purchase of the property in October 2014, the appellant engaged with the planning process extensively, including seeking pre-application advice from the Council and the submission of planning and related applications to establish his baseline position. It is evident that the appellant felt it necessary to engage the services of

professional planning agents to advise and represent him in that process, and then acted on that advice.

134. The corollary is that the appellant must have initially been aware of the complexities of the planning system before embarking on the development, at least to the extent of recognising the benefit of instructing professional planning agents to advise him. The appellant would then have gained further understanding of the planning process through his pre-application experience. For example, the Council's responses to that pre-application approach included that the proposed development was too bulky and that the garage was too large. The appellant cannot have failed to appreciate from the Council's response to the pre-application engagement that his proposals were not straightforward in planning terms. At the very least, the pre-application advice must have alerted Mr Snowden to the fact that floorspace and volume were important considerations in relation to this site.

135. Nevertheless, Mr Snowden embarked upon a development that differed from that approved in several key respects, including: the footprint was rotated through several degrees; the crown roof was changed to a ridged roof; changes were made to the elevations; the outbuilding was larger and in a different position; the underground store was constructed (this forming no part of the development granted planning permission); and trees required to be retained were felled. These were not minor changes: they were changes that would have required deliberate thought and careful consideration before being implemented, not least on the basis of the financial costs involved. Moreover, none of these changes resulted in a building smaller than that approved: all of the changes resulted in buildings that were larger than approved, contrary to the clear advice given in the Council's pre-application response.

136. I have great difficulty in reconciling the cautious and prudent approach adopted by the appellant throughout the pre-application period with his decision to unilaterally amend the scheme when confronted with the problems during the construction phase. Furthermore, the problems associated with the main dwelling do not explain the re-positioning of the outbuilding, the construction of the underground store or the felling of trees. Neither do they explain the encroachment of the development onto land in the ownership of the owners of Little Hill.

137. In his written statement, Mr Snowden explains that the changes made were due to his inexperience in the management of construction projects, exacerbated by the non-availability of his architect. It is again difficult to reconcile this statement with, for example, his obvious understanding of a complex situation regarding differences in ground level encountered during construction of the outbuilding. Mr Snowden did not appear at the Inquiry and therefore he did not avail himself of the opportunity to explain his actions in more detail and to have his evidence tested through cross-examination. On the basis of his written statement, I am not persuaded that Mr Snowden's actions in carrying out the development were solely the result of inexperience in project management: to my mind, the evidence points to a series of deliberate decisions and actions carried out in full knowledge that they were not in accordance planning permission P15/S3359/FUL.

138. It follows from the above that the Written Ministerial Statement in relation to intentional unauthorised development is engaged and is a material consideration that I must take into account. As the Council points out, this case illustrates exactly the situation the Written Ministerial Statement was aimed at. There has been no opportunity to limit or mitigate the harm that has taken place from this development. It has generated multiple planning applications for retrospective permission, a lengthy public inquiry with all the associated costs to the public purse and has caused the local community to question the efficacy of the planning system. For these reasons, I attach significant weight to the intentional unauthorised development that has taken place.

Conditions

139. I have considered whether the imposition of suitably worded conditions could overcome the harm that I have identified above. In particular, I have considered whether a suitable landscaping scheme could soften the appearance of the development sufficient to overcome the visual intrusion on the surrounding area and the AONB. I have also considered whether the buildings could be altered to make their appearance acceptable: for example, requiring the installation of timber doors to the openings in the underground store. Whilst conditions to that effect would reduce the impact of the development, they would not do so to the extent necessary to overcome the harm resulting from that development.

Human Rights

140. The enforcement notice as drafted would result in the loss of the appellants' home and, in other circumstances, I would have carried out a proportionality assessment having regard to the Human Rights Act 1998 (HRA). However, in this case, the granting of the 2019 permission and the attendant Planning Obligation ensures that there is now no prospect of the appellants' losing their home. No point in relation to the HRA was taken at the Inquiry and am satisfied that this is not a matter that I need to take into account.

The overall planning balance

141. I have found that the development as constructed and as proposed to be modified in Appeal C and D is contrary to the development plan. In particular, the replacement dwelling is contrary to criteria (iii), (iv) and (v) of Policy H12 of the Local Plan, and the outbuilding contrary to Policy H13.

142. In terms of material considerations that weigh against granting planning permission for the development, I attach great weight to the failure of the development to conserve or enhance the landscape and scenic beauty of the Chilterns AONB. I attach considerable weight to the views expressed by the CCB in that respect. I attach significant weight to the Written Ministerial Statement in relation to intentional unauthorised development.

143. Against that, I attach limited weight to the 2019 permission, both as a material consideration in its own right and as fallback position. I attach only very limited weight to the benefits resulting from the construction of Holly House in relation to the previous condition of the site.

144. I acknowledge the level of support for the development in third party representations. However, that support is countered by objections to the development and outweighed by the CCB consultation response.

145. In weighing the overall balance, I consider that the material considerations in favour of the development are not of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.

Appeals A and B: could planning permission be granted for any part of the matters stated in the notice as constituting a breach of planning control?

146. Up until this point, I have been considering the breach of planning control alleged in the notice in its entirety. Section 177(1)(a) of the 1990 Act provides that, on determination of an appeal under Section 174, the Secretary of State may grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole *or any part of those matters* or in relation to any part of the land to which the notice relates (my emphasis). Applying the wording of Section 177(1)(a) to this case, it is incumbent upon me to consider whether I could grant planning permission for any part of the matters constituting a breach of planning control alleged in the notice.

147. I have already individually assessed each part of the matters stated in the notice as constituting the breach of planning control in the notice – the main dwelling, the outbuilding, the underground store and the hardstanding. I have found that each of these individual elements is harmful to the character and appearance of the site and its surroundings in its own right. My conclusion on those respects is not altered by the demolition/removal of the other matters, or the fact that any one individual part of the matters would then be seen in the context of less overall built development on the site.

148. I therefore conclude that granting planning permission for any part of matters constituting a breach of planning control alleged in the notice would not accord with the development plan. I have not been made aware of any material considerations in favour of the development of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. Accordingly, I am not minded to grant planning permission for any of these elements, either individually or in any combination. In reaching that view, I have again considered whether the imposition of suitably worded conditions could overcome that harm but conclude that they could not.

Conclusion on Appeals A and B: the appeals on ground (a) and the deemed planning applications; Appeal C and Appeal D

149. Having regard to the above, I conclude that planning permission ought not to be granted for breach of planning control which may be constituted by the matters stated in the notice. Accordingly, the appeals on ground (a) fail. I also conclude that planning permission should not be granted for the development subject to Appeals C and D as proposed to be corrected.

Appeals A and B: the appeals on ground (f)

150. The appeal on ground (f) is that the requirements of the notice exceed what is necessary. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. Section 173(4) of the Town and Country Planning Act 1990 sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are, in summary, (a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. In this case, the requirements of notice include the demolition of the dwelling, outbuilding and underground store, and the reinstatement of the area disturbed by the works by the filling and grading commensurate with the natural levels and fall immediately adjoining lands. The purpose of the notice must therefore be to remedy the breach.

151. I held a round-table discussion on ground (f) towards the end of the Inquiry, and I am grateful to the advocates for their contribution to that discussion. I have already found that granting planning permission for any part of the matters that constitute the breach of planning control would not be appropriate. On that basis, the only option open to me on this ground of appeal would be to grant planning permission under ground (a) for the dwelling granted under the 2019 permission in isolation, insofar as this would include part of the dwelling as built.

152. I acknowledge that granting planning permission for the dwelling approved by the 2019 permission would remedy the breach of planning control in that respect and would in part achieve the purpose of the notice. My difficulty, however, is that this would only remedy one aspect of the breach of planning control that has taken place. It would not remedy the breach of planning control in relation to the outbuilding, the underground store, the retaining walls/steps or the hardstanding. It would not remedy the breach of planning control as a whole and would therefore constitute 'under-enforcement'.

153. Furthermore, even if I were to consider that 'under-enforcement' to be acceptable, granting planning permission for the dwelling approved by the 2019 permission would have significant implications for the appellants should I pursue that option.

154. Beyond the immediate surrounds of the dwelling, the remaining part of the site is within the AONB. Within an AONB, permitted development rights for outbuildings under are Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 are much reduced. Consequently, even if I did not remove permitted development rights, it would not be possible for the appellants to erect an outbuilding equivalent to that granted by the 2019 permission without first obtaining express planning permission.

155. The Planning Obligation dated 23 December 2019 compels the appellants to implement and complete any planning permission arising from these appeals within one calendar year. The corollary is that the appellants would then have to complete the development for the dwelling without any associated garage/outbuilding and could not construct a garage/outbuilding until that development was complete. This would include groundworks and preliminary landscaping across the whole site.

156. Consequently, if I were to grant planning permission for that dwelling in isolation, the appellants would be in a worse position than if they implemented the 2019 permission. Implementing that planning permission would also incur greater costs and cause more disruption to the appellants.

157. The only option open to me on this ground of appeal would therefore incur greater costs and cause more disruption to the appellants, and put them in a worse position, than if they implemented the 2019 permission. Neither of those options are viable and likely to be implemented. I therefore conclude that the requirements of the notice do not exceed what is necessary to remedy the breach of planning control that has taken place.

158. Accordingly, the appeals on ground (f) fail.

Conclusion

159. For the reasons given above, I conclude that Appeals A and B should not succeed. I shall uphold the enforcement notice with corrections and a variation, and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act. For essentially the same reasons, I also conclude that Appeals C and D should be dismissed.

Formal Decisions

Appeals A and B: APP/Q3115/C/18/3215490 & 3215491

160. It is directed that the notice is corrected by:

- deleting paragraph 3 of the notice as drafted, and replacing it with: "Without planning permission, the erection of a dwelling, an outbuilding and an underground store, as shown edged in blue on the "Topographical Survey" annexed to the notice, and the laying of hardstanding, the construction of retaining walls and the construction of two sets of steps within that part of the site hatched orange on the annexed "Topographical Survey."

161. It is directed that the notice is varied by:

- In the heading to paragraph 5 of the notice and before the words there "WHAT YOU ARE RQEUIRED TO DO", insert the words "INSOFAR AS IT RELATES TO LAND IN YOUR OWNERSHIP OR CONTROL,"

- deleting paragraph (i) of the notice as drafted, and replacing it with: "Demolish or otherwise take down the dwelling, outbuilding and underground store referred to paragraph 3 above"

- deleting paragraph (ii) of the notice as drafted, and replacing it with: "Dig up the hardstanding referred to in paragraph 3 above, and demolish or otherwise take down/remove the retaining walls and two sets of steps within that part of the site hatched orange on the annexed "Topographical Survey."

162. Subject to those corrections and variations, the appeals are dismissed and the enforcement notice is upheld.

Appeal C: APP/Q3115/W/18/3210681

163. The appeal is dismissed.

Appeal D: APP/Q3115/W/18/3210682

164. The appeal is dismissed.

Paul Freer
INSPECTOR

APPEARANCES

On behalf of the Appellants:

Mr Sasha White	of Queens Counsel

and:

Mr Matthew Fraser	of Counsel

They called:

Mrs Clare Brockhurst BSc (Hons), Dip LA, FLI	Tyler Grange LLP/Leyton Place Ltd
Dr Nicholas Doggett FSA, MCIFA, IHBC	Asset Heritage Consulting
Mr Jake Collinge BSc (Hons) Dip TP MRTPI	Jake Collinge Planning Consultancy

On behalf of the Local Planning Authority:

Mr Cain Ormondroyd	of Counsel

He called:

Mr Peter Radmall M.A., B.Phil CMLI	
Mr Robert Cramp Dip URP	Principal Planning Officer (Enforcement)

On behalf of Harpsden Parish Council and neighbouring residents:

Ms Rosie Scott of Counsel

She called:

Mrs Kerry Pfleger BSc (Hons) MSC MRTPI Pegasus Group

Interested persons

Mr Simon Dimmick of Blandy & Blandy Solicitors (on behalf of the occupiers of Little Hill)

DOCUMENTS

1/ Statement of Common Ground Appeal 1

2// Statement of Common Ground Appeal 2

3/ Landscape Statement of Common Ground

4/ Harpsden Parish Council – Meeting Minutes

5/ Holly House – volume comparison table

6/ Note on representations on the Emerging Local Plan 2034

7/ Extracts from applications where Policy H12 was considered

8/ Extracts from the South Oxfordshire Landscape Character Assessment

9/ Suggested conditions

10/ Amendment to the enforcement notice proposed by Blandy & Blandy Solicitors on behalf of the occupiers of Little Hill

11/ Opening submissions on behalf of the Appellants

12/ Opening submissions on behalf of the local planning authority

13/ Opening submissions on behalf of Harpsden Parish Council and Neighbouring Residents

14/ Adjournment Agreement

15/ Holly House – volume comparison table (updated)

16/ Hardstanding comparison table

17/ Supplementary Note by Peter Radmall

18/ Updated Statements of Common Ground

19/ Updated Landscape Statement of Common Ground

20/ Substitute page 9 for the Proof of Evidence of Mr Cramp

21/ Supplementary Appendix to the Proof of Evidence of Mrs Pfleger

22/ Re-opening submissions on behalf of the Appellants

23/ Re- opening submissions on behalf of the Local Planning Authority

24/ Re- opening submissions on behalf of Harpsden Parish Council and Neighbouring Residents

25/ Consultation response from the Chilterns Conservation Board

26/ Details of applications referred to at Appendix 22 to the Proof of Evidence of Mr Collinge and at Appendix 28 to the Proof of Evidence of Mr Cramp

27/ Suggested conditions (updated)

28/ Appellant's Note for the roundtable discussion on grounds (f) ang (g)

29/ Draft Planning Obligation in relation to planning application P17/S4037/FUL

30/ Draft Planning Obligation in relation to planning application P18/S1724/FUL

31/ Documents relating to the proposed withdrawal of the emerging South Oxfordshire Local Plan

32/ Position statement dated 4 December 2019 on behalf of the occupiers of Little Hill

33/ Closing submissions on behalf of Harpsden Parish Council and Neighbouring Residents

34/ Closing submissions on behalf of the local planning authority

35/ Closing submissions on behalf of the Appellants

36/ Costs application on behalf of Harpsden Parish Council and Neighbouring Residents

37/ Appellant's response to costs application

38/ Executed Planning Obligation dated 23 December 2019 (submitted after the close of the Inquiry, as agreed)