



Appeal Decision

Site visit made on 2 October 2019

by S Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/Q3115/W/19/3229352

Land adjacent to The Tower House, Reading Road, Lower Shiplake, Berkshire RG9 3JN

- 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 Steve Hicks (Hicks Developments Ltd) against the decision of South Oxfordshire District Council.
 - The application Ref P18/S4323/FUL, dated 21 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is the erection of 2 new detached houses with garages and access to Reading Road.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 new detached houses with garages and access to Reading Road at land adjacent to The Tower House, Reading Road, Lower Shiplake, Berkshire RG9 3JN, in accordance with the terms of the application Ref P18/S4323, dated 21 December 2018, subject to the conditions set out in schedule 1.

Preliminary Matter

2. The appellant submitted a revised site layout plan 2417-10 which shows the re-siting of plot 1 and the proposed footpath along the frontage of the site. I have had regard to this plan in my decision.

Main Issues

3. These are i) whether the proposal is in an acceptable location having regard to the adopted settlement strategy; ii) the effect of the proposed development on the landscape character and appearance of the area, and iii) the effect of the proposal on highway safety with particular regard to pedestrian access to and from the site.

Reasons –

Location of appeal site

4. The appeal site measures 0.5 hectares (ha) and is an unmanaged small-scale field enclosed by mature tree and hedge vegetation on three sides and situated on the edge of the built-up area of Lower Shiplake. It has a long and open frontage to the A4155 Reading Road on its western boundary. The site shares a boundary with The Tower House to the north and directly to the east the

appeal site borders residential properties in Baskerville Lane. Undeveloped countryside with mature landscaped boundaries sits to the south and farmland is opposite the site. There is no defined settlement boundary for Lower Shiplake.

5. Policy CSS1 of the South Oxfordshire Core Strategy 2012 (CS) sets out a settlement strategy to focus development in larger settlements and to allow limited amounts of housing, employment and services to support villages. Lower Shiplake is identified as a smaller village, where CS Policy CSR1 allows opportunities for new housing where the proposal represents infill development on sites of up to 0.2 hectares in size and indicates that this would be equivalent to 5-6 dwellings.
6. The supporting text to CS Policy CSR1 defines infill development as '*the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings*'. The site is on the edge of the settlement, and it is my view that the appeal site does not accord with the requirements of this policy. The site exceeds the size limit and, by sharing a boundary with residential development on just two sides, to the side and rear, it can neither be defined as a "built-up frontage" or "closely surrounded by buildings".
7. On this matter, I conclude that the proposed development would conflict with the settlement Policies CSS1 and CSR1 of the CS which allow for limited amounts of housing to support smaller villages in the district outside the areas designated for growth.

Landscape character and appearance

8. While extensive areas within the district are designated as being within the Area of Outstanding Natural Beauty or Green Belt, this does not include the village of Lower Shiplake or surrounding land which carries no special landscape designation.
9. The site, which is on a lower level, has an open frontage to the A4155 and is largely enclosed to the rear and sides with mature tree and hedge lined boundaries. These boundaries, which contain some trees protected by a Tree Preservation Order, are an important landscape feature of the site and make a positive contribution to the local character and appearance. They also form a natural barrier and protect the site from extended views.
10. The replacement of the field with built development would have a moderately negative effect on the site and its immediate surroundings. However, there is an evident strong urban influence close to the site at Baskerville Lane and there are also large detached properties dispersed along Reading Road immediately around the settlement edge leading to the appeal site.
11. Given the urban influences close by and the main A4155 to the front of the site, development of the site would not significantly detract from the wider character and appearance of the landscape and any negative effect would be limited and very localised.
12. The site is not a valued landscape and I consider that in the absence of wider landscape impacts, the proposed development would respect the landscape character and appearance of this location. The proposal is consistent with Policy CSEN1 of the CS and saved Policies G2, G4, C4 and D1 of the South

Oxfordshire Local Plan (LP). These policies seek, amongst other things, to protect the countryside and the landscape setting of settlements and to ensure that proposals respect the character of the site and its surroundings. In this regard there is consistency with the Framework's advice to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and protection of valued landscapes.

Accessibility to services and facilities

13. The appellant, as part of the appeal process, proposed that the scheme incorporated the continuation of a footway on highway land across the frontage to The Tower House. This would provide a continuous safe walking route required to reach the bus stop and other facilities within the village and would allow for future occupants not to be reliant on the private car.
14. Concerns have been expressed regarding the access to the site being on a dangerous and accident prone part of the A4155 where the speed limit has recently changed from 30mph to 40mph. However, the Highways Authority raised no objection to the access which benefits from an extant consent and, in the light of no evidence of road traffic incidents or further evidence to the contrary, I have no reason to consider differently. Furthermore, the level of traffic generated by the proposal would unlikely be substantial in terms of its impact upon the local highway network.
15. Plan referenced 2417-10 was submitted as part of the appeal documents and I have been referred to a response from the Highway Authority officer who confirmed, in an email dated 5 April 2019, that a Grampian Condition securing the implementation of the footway prior to the implementation of any permission would satisfactorily overcome the objection set out in the Council's reason for refusal (2). I also acknowledge the Highway Authority statement, dated 2 September 2019, which maintains its objection to the scheme concerning the lack of footway and offering suggested conditions, should the proposal be approved.
16. I have no reason to disagree with the appellant that a footway could be provided to ensure safe and convenient access to link to the existing footway. This would enable future occupiers of the site to be less reliant on the private car, offering them improved access to alternative methods of transport and facilities and services provided for within the village. I shall consider later whether planning conditions can be imposed to require the footway. Accordingly, subject to the imposition of suitably worded conditions, the proposal would accord with CSM1 of the CS and Policies G3 and T1 of the LP.

Other Considerations

17. Following the written ministerial statement (WMS) of 12 September 2018 in relation to the Oxfordshire Housing and Growth Deal, the council need only demonstrate a three year housing land supply. It is undisputed that the council can demonstrate a 3-year supply of housing land. Considering this Para. 11d of the NPPF is not engaged and, having regard to s38(6) of the Planning and Compulsory Purchase Act 2004, the development should be determined in accordance with the development plan unless material considerations dictate otherwise.

18. A recent appeal decision¹ on land which shares a boundary with and is directly to the south of the appeal site, granted planning permission for an 'extra care' development for up to 65 units comprising of apartments and cottages. Although only granted in outline, this development, once completed, would render the subject appeal site a gap between a built-up frontage and also surrounded on three sides by development, with the site frontage remaining open to the main A4155. Furthermore, the appeal site would no longer form part of the visual separation between the settlements and would more likely be perceived as an extension to the built form of Lower Shiplake. However, there would remain a technical conflict with CS Policy CSR1 regarding the size of the site.
19. Although the granting of planning permission does not necessarily mean that the site will be developed, I have seen nothing to suggest the recent appeal decision site will not be delivered. The recent appeal decision is a relevant factor in the determination of the subject appeal and I have given it significant weight in my considerations as detailed below.

Planning Balance

20. Planning law requires that applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise.
21. The proposed development would conflict with CS Policies CSS1 and CSR1. On the other hand, the proposal would respect the landscape character and appearance of this location. The proposal would comply with CS Policy CSEN1 and LP Policies G2, G4, C4 and D1. Additionally, subject to the imposition of suitably worded conditions, which I will come to later, the proposal would accord with CS Policies CSM1 and LP Policies G3 and T1, because a suitable footway could be provided. In favour of the proposal, I attach substantial weight to the recent appeal decision for the development of the land immediately to the south of this appeal site for reasons given above. In light of my findings on the second and third main issues above, and the recent appeal decision for the development of the land immediately to the south of the appeal site, I attach limited weight to the technical conflict with CS Policy CSR1.

Other Matters

22. The Council's Forestry Officer had no objection to the proposed development on arboricultural grounds. However, a slight change in the site layout was suggested to increase the amount of separation between plot 1 and a tree on the boundary with Tower House. It was suggested that, by moving plot 1 due south west by a minimum of 1 metre, this would improve the long-term relationship between the dwelling and tree and allow space for the erection of scaffolding, removing the need to prune the tree back. The revised site layout plan (2417.10) shows the adjustment in the siting of plot 1 to allow for the increased separation. The adjustment has not been subject to consultation, however, based on the evidence before me, I consider that the minor amendment to the scheme would not prejudice any parties with an interest in the site.

¹ APP/Q3115/W/19/3220425 Land to the east of Reading Road, Lower Shiplake

23. I have been directed to appeal decisions at Emmer Green² and Tokers Green³ by the Council. Emmer Green is described as a site not within or related to any village and the site at Tokers Green is described as surrounded on three sides by undeveloped land. In this sense, it would appear that these proposals are not directly comparable to the current appeal proposal. Furthermore, as I do not have the full details of the cases, I have no understanding of the circumstances which led to the end decisions. In any event, the appeal before me must be decided on its own site-specific merits.
24. Concerns were raised that wildlife habitats would be destroyed. However, the habitats on site were found to be of a relatively low ecological value, being common and widespread. No evidence of any protected species was noted on site and the Council is satisfied there can be a net gain in biodiversity resource on site in accordance with a detailed Biodiversity Mitigation and Enhancement Strategy based on the findings and recommendations made in the Preliminary Ecological Appraisal, which formed part of the planning application.
25. The proposal would likely have a degree of impact upon local infrastructure and GP surgeries and possibly local schools, although given the scale of the proposal, the effect would not be significant. Furthermore, I have no evidence to consider these matters as problematic. I note comments concerning the neighbourhood plan for the area, however, this plan is in its infancy and as such, I afford it no weight.

Conditions

26. A list of suggested conditions has been provided by the Council and agreed with the appellant in their final comments. I shall consider whether the conditions would be acceptable.
27. Condition 1 is a standard time limit condition while condition 2 details the development approved and the plans on which the decision is based to ensure clarity. Condition 3 requires the approval of materials which is necessary to safeguard the character and appearance of the area. Conditions 4 to 8 require works to ensure the safe and efficient operation of the development and the highway. Condition 9 is suggested by the Council to ensure the development would be reasonably served with alternative options to the private car and provide safe pedestrian access for future occupants. I have, imposed this condition in an amended form as suggested by the appellant. The condition is deemed to be precise and necessary. Conditions 10 and 11 require necessary details to be included and a scheme of landscaping to enhance the setting and protect and retain trees to ensure the development is undertaken in accordance with the proposals as assessed.
28. Conditions 12 and 13 are required to ensure the development incorporates suitable drainage measures. Conditions 14 and 15 are required to safeguard the recording and inspection of matters of archaeological importance on the site as required by the County Archaeologist. Condition 16 is required to minimise the impact of the development on, and secure net-gains for, biodiversity. Minor textual changes to those in the schedule have been made to ensure the conditions are precise and enforceable.

² APP/Q3115/W/17/3185997

³ APP/Q3115/W/18/3198315 & 3198316

Conclusion

29. Overall, I find that, while the grant of a planning permission would technically conflict with CS Policies CSS1 and CSR1, the development would, subject to conditions, comply with the development plan as a whole and there are no other considerations that outweigh this finding.
30. For the reason above and taking into account other matters raised, I conclude that the appeal should be allowed subject to the conditions set out in schedule 1.

S Hanson

INSPECTOR

Schedule 1 – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2417-05 Location Plan; 2417-02 Plot 1 plans and elevations; 2417-03 Plot 2 plans and elevations; 2417-06 Garages Plot 1s and 2; 2417-10 Site layout plan.
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external walls and roofs hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The buildings shall not be occupied until a means of access for vehicles onto A4155 Reading Road is formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken. The access shall be retained thereafter.
- 5) No shrubs, trees or other vegetation shall be allowed to grow above 0.9 metres in height within the sight lines for the access as specified by the local highway authority as referred to in condition 4.
- 6) The buildings shall not be occupied until the parking and turning areas shown on drawing no. 2417-10 have been constructed, drained and surfaced to be compliant with sustainable drainage (SuDS) principles, and shall thereafter be kept available at all times for the parking of vehicles.
- 7) The garages hereby permitted shall always be kept available for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 8) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The approved CTMP shall be implemented prior to any works being carried out on site and shall be adhered to throughout the construction period for the development.
- 9) No development shall take place until a footway linking the site to the existing footway has been provided, as shown on drawing no. 2417-10, or as otherwise in accordance with a scheme to be submitted and agreed in writing with the local planning authority. The details approved shall be implemented.
- 10) No development shall commence until details for a scheme of landscaping, including the planting of live trees and shrubs, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out prior to the first occupation of the development and thereafter be maintained in accordance with the

approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the local planning authority, shall be planted and properly maintained in a position or positions first approved in writing by the local planning authority.

- 11) Prior to the commencement of the development an updated tree protection plan should be submitted to and approved by the local planning authority. The approved measures shall be in place prior to any on site works and thereafter retained in situ for the duration of development.
- 12) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 13) No building hereby permitted shall be occupied until a full foul water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the size, position and construction of the drainage scheme, all coupled with calculations to evidence this.
- 14) The developer shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a written scheme of investigation that has first been approved in writing by the local planning authority.
- 15) Following the approval of the Written Scheme of Investigation (WSI), no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the local planning authority, as agreed in the WSI,

including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

- 16) Prior to the commencement of the development hereby approved, including any site clearance, a proportionate and detailed Biodiversity Mitigation and Enhancement Strategy (BMES), based on the findings and recommendations made in the supporting Preliminary Ecological Appraisal (The Ecology Partnership, August 2018) shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with those approved details. For the avoidance of doubt, the BMES shall include the findings of an updated badger survey (no older than 6 months), specification and position of faunal enhancements and details of the planting proposals on site (to be cross-referenced with any landscaping plans).