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## Appeal Decision

Site visit made on 7 July 2020

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 01 December 2020**

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**Appeal Ref: APP/Q3115/W/20/3251959**

**Land off Benson Lane, Ewelme OX10 6HB**

- 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 R Passey (Roy Passey Builders) against the decision of South Oxfordshire District Council.
  - The application Ref P19/S4114/FUL, dated 11 November 2019, was refused by notice dated 9 April 2020.
  - The development proposed is the erection of an office building with access and associated works.
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**This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 28 October 2020.**

### Decision

1. The appeal is allowed and planning permission is granted for the erection of an office building with access and associated works at Land off Benson Lane, Ewelme OX10 6HB in accordance with the terms of the application, Ref P19/S4114/FUL, dated 11 November 2020, subject to the following conditions on attached schedule A.

### Procedural Matter

2. Comments on the current stage of the draft Ewelme Neighbourhood Plan (NP), and weight to be attached to relevant policies, have been considered in the decision.

### Main Issue

3. The main issue is whether an office building in this location would be acceptable, having regard to local and national planning policy.

### Reasons

4. The appeal site comprises a largely rectangular shaped plot which is raised up above a road. It backs onto an adjacent airfield which is part of RAF Benson. To one side, there is a detached dwelling and garage and alongside, the common boundary with this property, there is landscaping. Beyond the other side of the site, there is rough ground with sparser landscaping.
5. Policy CSR2 of South Oxfordshire Core Strategy (CS) 2012 states planning permission will be granted for certain categories of development. This includes small-scale infill schemes in villages, including employment schemes, which

- support the economy of the rural area. CS Policy CSEM4 further indicates planning permission would be granted for certain categories of development.
6. The appeal site is located a considerable distance from Ewelme and Benson, and would be separated by significant undeveloped areas from the centres of these settlements. As such, it would not be infill development in a village under CS Policy CSR2. Under CS Policy CSEM4, none of the categories of permissive development are relevant under the policy and there would be conflict.
  7. Under the South Oxfordshire Local Plan (LP) 2011, Policy G2 states that the district's countryside, settlements and environmental resources will be protected from adverse developments and opportunities sought to enhance the environment whenever they arise. Under LP Policy E5, proposals for business development will not be permitted which conflict with policies protecting the countryside. By reason of the location of the development within the countryside, there would be conflict with such policies. For all these reasons, the proposal would be in conflict with the development plan taken as a whole.
  8. The National Planning Policy Framework (the Framework) states significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. Furthermore, it states that planning decisions should recognise that to meet local business needs in rural areas sites may have to be found adjacent to or beyond existing settlements, and in locations not well served by public transport.
  9. In this regard, the proposal would be for a business in a site beyond existing settlements and it would provide an office for a local construction firm. The firm has lost premises in the local area to housing development and the present office premises are constrained due to their location behind shops in Benson. The development will require investment but it is required to further the business, maintain it and retain the employment provided by it. Furthermore, construction is identified to be the third largest sector of small and medium enterprises in the district under the South Oxfordshire and Vale of White Horse Small and Medium Enterprise Business and Innovation Strategy 2017. Within this strategy, a principal issue is access to new premises, including obtaining planning permission. Such commentary provides support for the proposal.
  10. Despite being in a rural area, there is a footway in front of the site which would help to link up the development, via other footways, to the centre of Ewelme and Benson and a nearby bus stop. As part of the development, dedicated cycling facilities would also be provided. These settlements have services and facilities, such as village shop/café, public house, surgery and recreational ground. Ewelme and RAF Benson benefit from a regular but limited bus service to Wallingford. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Taking this into account, employees of the business would have good opportunities to access sustainable transport in this type of location.
  11. For all these reasons, there are considerable economic and social benefits arising from the proposal.

*Other matters*

12. Emerging Policies EP3 and EP11 of the draft Ewelme NP detail a spatial plan for the parish and support employment development within built-up areas respectively. However, there are no policies for the employment development outside the built-up areas. The draft consultation of the NP expires mid-November and given this, the outcome of the consultation process is not known. The NP is also yet to be examined. For all these reasons, limited weight is given to the NP, a view shared by the Council.
13. The office building would be attractively constructed with a slate roof and oak boards over brick. Both the building and adjacent hard surfaced area would be seen against the background of the airfield associated with RAF Benson, including prominent fencing and defence structures. Over time, landscaping would provide screening of the development. Benson Lane, between Ewelme and Benson, is characterised by clusters of buildings, mainly dwellings, and the addition of building here, in proximity to others, would be in keeping with this pattern of development. For all these reasons, there would be no harm to the character and appearance of the area, a view shared by the Council.
14. The office building would be single storey with an intervening gap between it and the common boundary with the neighbouring dwelling. Consequently, there would be no significant loss of outlook, light or privacy to the occupiers of this neighbouring property.
15. There is significant third party objections regarding highway safety, including vehicles speeding above the area's 30 mph limit. However, the access arrangements to the site have been amended and show visibility splays acceptable to the highways authority, the statutory authority on highway matters. No substantive highway evidence has been submitted to demonstrate that there would be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. Based on the proposed access arrangements and my site visit, there are no cogent and compelling reasons to depart from the highway authority's views.
16. The planning history of the site and the immediately surrounding area indicates refusals of planning permission for various developments. However, every proposal is required to be dealt with on its particular merits. Inevitably proposals will differ from one another and planning policy assessments differ, and therefore, such decisions are of limited value.
17. Significant concerns have been raised about the use of the site for the storage of materials and equipment. The appellant indicates these are delivered directly to sites. Circumstances could change and there remains an expansive area around the building but there is no reason why a planning condition could not be imposed to prevent unsightly storage.
18. The MOD indicate their objections, based on safeguarding around an aerodrome, could be withdrawn, if the proposed pond was replaced with a small vegetated wetland, large trees be removed from the proposed landscaping and that berry or fruit bearing plants be restricted to less than 10% of all planting. There is no reason why such requirements cannot be secured by planning conditions.

### *Development Plan balance*

19. The proposal would be contrary to the development plan. However, there would be significant economic and social benefits arising from the proposal for the reasons indicated. Such material considerations would be of sufficient weight to indicate that the decision should be made other than in accordance with the development plan. For all these reasons, the development would be an acceptable location for a new office and planning permission should be granted.

### **Conditions**

20. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance. In the absence of justification, some pre-commencement clauses for development have been omitted.
21. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, conditions are necessary setting out the requirements for external construction materials, landscaping, tree protection and the prevention of external storage. For the sake of highway safety, conditions are necessary to secure adequate access provision, associated vision splays and construction details of hard surfacing and drainage.
22. To ensure opportunity for sustainable transport, a condition requiring the implementation of cycle storage facilities is necessary. To safeguard the recording of archaeological matters, the implementation of a Written Scheme of Investigation is necessary by condition. To minimise the impact of development on biodiversity, a condition requiring the implementation of an appropriate scheme is necessary.

### **Conclusion**

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

*Jonathon Parsons*

INSPECTOR

## **Schedule A**

- 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: PLEE PL-100A (excluding the pond) and PLEE PL-101A.
- 3) No development shall take place above damp proof course until samples of all external materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place above damp proof course until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The scheme shall exclude large tree species and ensure that berry or fruit bearing plants be kept to less than 10% of the total planting scheme in accordance with letter from Ministry of Defence Safeguarding dated 10 July 2020.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved during the construction of the building.
- 7) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. Following the approval of the Written Scheme of Investigation, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the Written Scheme of Investigation. The programme of work shall include all processing research and analysis necessary to produce an archive and a full report for publication which shall be submitted to the local planning authority.
- 8) Prior to occupation of the building hereby permitted the proposed means of access onto Benson Lane is to be formed and laid out and constructed strictly in accordance with a specification to be submitted to and

- approved in writing by the local planning authority prior to the commencement of development.
- 9) No occupation of the development hereby permitted shall take place until the hard surfaced areas shown on the approved layout plan, and all surface water drainage works have been laid out, constructed and completed in accordance with a specification to be submitted to and approved in writing by the local planning authority prior to the commencement of development.
  - 10) No occupation of the development hereby permitted shall take place until details of the cycle storage facilities have been submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with the approved facilities and retained.
  - 11) No occupation of the development hereby permitted shall take place until a biodiversity mitigation and enhancement scheme (BMES) has been submitted to and approved in writing by the local planning authority. The BMES shall be based on the recommendations made in Section 6 of the supporting Preliminary Ecological Appraisal (Windrush Ecology Ltd, 27/01/2020, Ref: W3580\_rep\_Lans at Lower End, Ewelme\_27-01-20) and the requirements for Ministry of Defence Safeguarding letter dated 10 July 2020. The BMES shall include details of a small vegetated wetland to be created on site, section plans and planting. Thereafter, the development shall be implemented in accordance with the approved BMES.
  - 12) The vision splays shown on the approved plan PLEE-PL-100A shall not be constructed by any object, structure, planting or other material with a height exceeding or growing above 0.6m as measured from the carriageway level.
  - 13) Following the first occupation of the permitted building, there shall be no external storage of construction/building materials, equipment and machinery on the site.