



Appeal Decision

Site Visit made on 4 May 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2021

Appeal Ref: APP/Q3115/W/20/3262520

Thames Poultry Farm House, Bolney Lane, Harpsden Woods, Henley-on-Thames RG9 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Bryant against the decision of South Oxfordshire District Council.
 - The application Ref P19/S1858/O, dated 6 June 2019, was refused by notice dated 26 June 2020.
 - The development proposed is described as, "The erection 3 detached dwellings, with scale, layout and means of access to be determined at this stage: and landscaping and external appearance to be determined at reserved matters stage."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown above is taken from the planning application form. It differs from that shown on the decision notice which identifies the proposed development as, 'Outline application for erection of 3 detached dwellings, with scale, layout and means of access to be determined at this stage: and landscaping and external appearance to be determined at reserved matters stage (access and layout revised to take account of protected trees as shown on amended plans and arboricultural information received 27th September 2019 and additional driveway information received 22nd May 2020)'. I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms. It does not fundamentally alter the development which is the subject of this appeal.
3. Subsequent to the issuing of the Council's decision notice, the South Oxfordshire Local Plan 2011-2035 was adopted (adopted December 2020) (Local Plan). The new Local Plan superseded both the South Oxfordshire Local Plan 2011 and the South Oxfordshire Core Strategy. It is clear from the main parties' representations that they have had sight of the relevant policies of the new Local Plan, and I have had regard to those policies in my consideration and determination of the appeal.
4. This appeal relates to an outline application, with scale, layout and access to be determined at this stage. Landscaping and appearance are to be determined at reserved matters stage. Some of the submitted plans show landscaping and appearance details, which are reserved for future consideration, and therefore I have considered the parts of those plans that relate to landscaping and appearance details solely on the basis that they have been submitted for illustrative purposes.

Main Issue

5. The main issue is whether the proposed development would provide a suitable location for new residential development, having regard to the accessibility of services and facilities and the character and appearance of the area.

Reasons

6. The appeal site comprises a detached two-storey dwelling and a garage set in a fairly large plot. Properties in the immediate vicinity are mostly sporadically located, with low density development present nearby, and the site is accessed via an unmade vehicular track / bridleway.
7. Policy H16 of the Local Plan provides that (amongst other things) within Smaller Villages (such as Lower Shiplake) development should be limited to infill. Infill development is defined in paragraph 2 of Policy H16 as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. It is common ground that the proposal does not meet the first limb of the definition of infill development given in paragraph 2 of Policy H16.
8. The site is situated beyond the edge of the currently built-up area, in a transitional location that is more rural in character. As such, it is more akin to the countryside than a built-up area, such as a settlement. In my view, due to the distance of the site from the centre of Lower Shiplake and the noticeable change in character from the built-up village setting of Lower Shiplake to the developed countryside beyond the A4155, it is currently not reasonable to consider the site as being within Lower Shiplake.
9. Therefore, as the proposal, for an outline application for the erection of 3 detached dwellings, would not fill a small gap in an otherwise continuous built-up frontage, and as the site is not located within a settlement, the proposal would conflict with the relevant provisions of Policy H16 (described above).
10. An outline planning permission was granted for up to 95 dwellings and associated public open space and landscaping at Thames Farm, which adjoins the appeal site¹, with the reserved matters for 95 dwellings being approved subsequently². I observed that the Thames Farm plot is currently a construction site and therefore it is reasonable to presume that the permission will be built out in due course.
11. As noted by the Inspector in that appeal, that development, once complete, will result in a fundamental and profound change in the character of Thames Farm. In this respect, I have considered the locational characteristics of the local area and the changing context 'on the ground' as required by *Wood*³ and *Tate*⁴. Nevertheless, whilst the orientation and topography of the appeal site means that it has a visual connection with Thames Farm, it is clear from the landscaping proposals approved under the reserved matters application that the Thames Farm development will be bounded by a considerable amount of hedging and trees, including along Bolney Lane.

¹ Appeal reference: APP/Q3115/W/16/3161733

² Local Planning Authority reference: P19/S0245/RM

³ *Julian Wood v SSCLG* [2015] EWCA Civ 195

⁴ *R (Tate) v Northumberland CC* [2018] EWCA Civ 1519

12. In particular, a five-metre deep landscape buffer is intended to separate the appeal site from the Thames Farm development, which would create a clear and robust boundary between the denser form of development due to be built there and the looser-knit forms of development further west. The appellants have asserted that there is no guarantee that the landscaping will be maintained to perform its function as a buffer, but considering the very extensive and comprehensive nature of that buffer, it is reasonable to conclude that it will persist for some time.
13. Even though increased noise and additional lighting at night will likely be in evidence from the appeal site, the Thames Farm development will be virtually enclosed by the buffer and the planting along Bolney Lane, with the activity within it being largely screened from the appeal site and Bolney Lane. I also note that the principal access points into that development will be from the A4155, not from Bolney Lane, which further highlights the lack of connection that there will be between the Thames Farm development and the appeal site and Bolney Lane. As such, whilst the appeal site may have previously been part of the larger Thames Farm site, it is no longer, and in my view it will not become 'part-and-parcel' of the upcoming Thames Farm development and it will not be, in effect, an extension to it.
14. Additional developments in the local area have also been referenced, including at Wyevale Garden Centre (for a scheme comprising 40 residential units including a mix of houses and flats, alongside an area reserved for employment use)⁵, and at a redundant barn on Bolney Lane close to the A4155 (for 4 town houses and the provision of a separate garage / car port)⁶. These developments will add to the urbanisation of the local area, but considering the largely enclosed nature of the Thames Farm development, the appeal site will not be seen as part of Lower Shiplake.
15. As the appeal site will not be within a settlement following the completion of any or all of the developments referred to, the proposal would still conflict with Policy H16. I have considered the appellants' points regarding whether the appeal site will be closely surrounded by buildings subsequent to the completion of the Thames Farm development. However, even if the site will be closely surrounded by buildings, as I have found that the site will not be within a settlement, the conflict with Policy H16 remains.
16. Turning to the accessibility of the appeal site to services and facilities, currently access to the appeal site is from a non-tarmac unadopted public bridleway, which is several minutes' walk away from the A4155. Although informal passing places exist along the bridleway and I accept that Bolney Lane is lightly-trafficked, its rural character is not especially conducive for day-to-day pedestrian use. I observed that this path has no footway and no streetlighting, meaning that it would be particularly uninviting to use at night time. Its gravelled nature means that it would likely be more difficult to navigate for persons in wheelchairs and for parents with pushchairs. It would be necessary for pedestrians to use the bridleway in order to access bus services.
17. Taking all this into account, it is likely that the future occupiers of the new dwellings would choose to travel to nearby services and facilities by car, instead of walking, cycling, or by bus. As such, the appeal site is not in a

⁵ Local Planning Authority reference: P18/S0951/O

⁶ Local Planning Authority reference: P17/3119/FUL

location which would promote sustainable transport, as required by section 9 of the Framework⁷.

18. The appellants have highlighted a pedestrian route through the upcoming Thames Farm development, from Bolney Lane, to the A4155. Be that as it may, there would still be a fair stretch of the bridleway to walk to get to that new route. Furthermore, as it is not clear when that new route will be implemented, I can only give this factor limited weight. Mention has been made of the future occupiers of the new dwellings at the appeal site maintaining the upkeep of Bolney Lane, but few details have been provided to demonstrate that such upkeep would result in a more pedestrian-friendly route, rather than solely maintenance of the bridleway.
19. The appellants' Transport Statement⁸ confirms that the planning consent for 4 residential units at a redundant barn on Bolney Lane, close to the A4155, requires the resurfacing of the bridleway from that site access to the A4155. However, this only relates to a fairly short section of Bolney Lane, near to the A4155. The appellants have referred to remedial works to Bolney Lane, but no mention has been made of works which would make the bridleway more pedestrian-friendly, apart from some pedestrian passing bays as part of the Thames Farm scheme. It is not clear when either of these improvements will be implemented, but even when they are implemented, a significant proportion of the bridleway will remain as an unmade track, meaning that it would still not assist in promoting sustainable transport.
20. I note that, as part of the Thames Farm scheme, an improvement is planned to the footpath which runs from the A4155 diagonally across fields to Northfield Avenue. This will improve the accessibility of the site to Lower Shiplake, but it would not resolve the concerns which I have identified with respect to the quality of Bolney Lane in the immediate vicinity of the appeal site. Therefore, although schools and amenities are able to be reached within a reasonable time by car, the proposal would provide a limited number of dwellings in a location that is poorly accessible to services and facilities by sustainable modes of transport.
21. Turning to matters of character and appearance, as mentioned above, the appeal site is situated within a loose-knit collection of dwellings in Harpsden Woods. These dwellings are mostly set in substantial grounds and are dispersed from each other. The proposal would result in 4 dwellings on site, which would entail a significant degree of urbanisation. It would involve the encroachment of built form into this area of developed countryside.
22. The far greater number of comings and goings to the appeal site, including from vehicles, would highlight the degree of urbanisation and the uplift in density caused by the concentration of residential development that would arise through the proposal. As such, the site's lower density, which is a key part of its contribution to the character of the area, would be materially undermined. In my view, the resulting 4 dwellings on a plot of this size would not constitute small-scale development, with the density proposed being too intensive to be considered as a mere interface between the Thames Farm development and the developed countryside beyond.

⁷ National Planning Policy Framework 2019

⁸ Transport Statement R01 (Markides Associates) (2019)

23. Moreover, the proposal would not maintain a spacious relationship with Wild Wood, considering the likely amounts of domestic paraphernalia that would accrue through the addition of 3 new dwellings, and that the dwelling for plot 3 would be positioned close to Wild Wood.
24. The appeal site is not within the Chilterns Area of Outstanding Natural Beauty and the proposal would have a minimal effect on the wider landscape, but the harmful impact on the character and appearance of the area, identified above, would still be evident. Mention has been made of the landscaping credentials of the proposal, and whilst this matter is reserved for future consideration, I have no concerns based on the illustrative details before me. However, landscaping would not resolve the issues with respect to urbanisation that I have identified. I have considered the AECOM report⁹ provided by the appellants, and the assessment of the appeal site within it, but as that report relates to residential development in general, rather than to the specifics of the appeal proposal, it does not alter my findings.
25. Therefore, I find that the proposed development would not provide a suitable location for new residential development, having regard to the accessibility of services and facilities and the character and appearance of the area. It would conflict with Policies STRAT1, H1 and H16 of the Local Plan which collectively provide that (amongst other things) infill development should be located within settlements. It would also conflict with Policy ENV1 of the Local Plan which provides that (amongst other things) South Oxfordshire's countryside and rural areas will be protected against harmful development.
26. The proposal would conflict with Policy H4 of the Neighbourhood Plan¹⁰ which only supports infill housing developments within Henley and Harpsden. The proposal would also conflict with paragraph 127 of the Framework, which provides that planning decisions should ensure that developments are sympathetic to local character.

Other Matters / Planning Balance

27. I have found above that the proposal would conflict with an up-to-date development plan. In this respect I am mindful of the Framework's requirement that the planning system should be genuinely plan-led. In such situations, the Framework advises that planning permission should not usually be granted. However, it is necessary to consider whether other material considerations indicate that the plan should not be followed.
28. Several interested parties (including a number of local residents) have expressed their support for the proposal, and I have carefully considered all of the numerous points raised. Nevertheless, on the main issue I have found that the proposal would not provide a suitable location for new residential development, and this would remain the case notwithstanding the views of interested parties.
29. The existing house would be retained by the proposal, as would a large area of garden to its rear. However, as this would retain the status quo in that respect, this is a neutral matter, which does not weigh in favour of the proposal, as are the lack of technical objections to the proposal.

⁹ Joint Henley and Harpsden Neighbourhood Plan Site Options and Assessment Report (AECOM) (2020)

¹⁰ Joint Henley and Harpsden Neighbourhood Development Plan 2012 – 2027 (Final Submission Version)

30. The appellants have asserted that the proposal would assist in addressing climate change and reducing the need to travel. However, as I have found on the main issue that the appeal site is not in a location which supports sustainable transport options, I do not agree that these benefits would occur.
31. The proposal would create 3 new dwellings, which would contribute to the Government's objective of significantly boosting the supply of homes. However, I note that the Council does not have a shortfall in terms of housing land supply, meaning that the presumption in favour of sustainable development, detailed in the Framework, is not engaged. As the quantum of housing would be limited, I have given this matter limited weight.
32. Taken as a whole, all the other matters identified above can only be given limited weight. Thus, I consider that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan that I have found.

Conclusion

33. For the reasons given above I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR