



Appeal Decision

Site Visit made on 16 August 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2021

Appeal Ref: APP/Q3115/W/21/3275536

Ponylands, Ladder Hill, Wheatley OX33 1HY

- 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 Paul Dallimore against the decision of South Oxfordshire District Council.
 - The application Ref P21/S0004/FUL, dated 22 December 2020, was refused by notice dated 25 February 2021.
 - The development proposed is Removal of Existing Outbuildings and Erection of Detached Dwelling with Access, Parking and Associated Works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties to this appeal have had the opportunity to comment upon any relevance of this to the outcome of the appeal.
3. Since the determination of the planning application that is now the subject of this appeal, the Wheatley Neighbourhood Plan 2019-2034 (the Neighbourhood Plan) was made (May 2021). Both main parties have had the opportunity to make observations as regards any relevance of this to the outcome of the appeal.

Main Issues

4. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect upon the openness of the Green Belt;
 - The effect upon the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

5. The Framework specifies that the construction of new buildings in the Green Belt shall be regarded as inappropriate development unless one of several stated exceptions apply. One such exception is limited infilling in villages. The main parties dispute whether the site is located within the built-up area of the village of Wheatley and thus whether the site is eligible to contain limited infill development in accordance with the Framework's Green Belt provisions.
6. The main body of the village is inset from the Green Belt and the relevant Green Belt boundary abuts the appeal site's northern side. I accept that this boundary is not specifically intended to define the extent of Wheatley's built-up area. Indeed, whilst it is reasonable to presume that the boundary was drawn in recognition of the differing attributes offered by the lands situated to either side, the issue of whether or not the site is situated within a village is a matter of planning judgement to be informed by the particular site circumstances as experienced on the ground.
7. The site is comprised of a rectangular parcel of grassed land that I observed to contain a small field shelter/store at its western end. The site is well-planted to its side boundaries and sits alongside grassed land to the rear, which in turn makes up part of an expansive network of rural/agricultural fields. To the northern side of the Green Belt boundary (and adjoining the site) a row of residential dwellings fronting Ladder Hill is in place.
8. Whilst development at low-density can be observed to the south of the site and to the opposite eastern side of Ladder Hill (including a pair of detached dwellings located immediately to the south), the site does not appear or function as a constituent part of the built-up area of Wheatley. Moreover, it offers views across rural lands over long distances and can be experienced as the commencement of the open countryside when exiting the village. Thus, although the proposal would bring forward limited development and infill a gap between existing residential development to either of the site's sides, it would not constitute limited infilling within a village.
9. For the above reasons, the proposal would be inappropriate development in the Green Belt and conflicts with Policy STRAT6 of the South Oxfordshire Local Plan 2011-2035 (adopted November 2020) (the Local Plan), Policy H4 of the Neighbourhood Plan and the Framework in so far as these policies affirm that inappropriate development is, by definition, harmful to the Green Belt.

Openness of the Green Belt

10. The proposal involves the construction of a one and a half storey dwelling, which would be positioned upon a sizeable site that is, for the most part, clear of built development. Indeed, the scheme would entail the introduction of a dwelling to a site that is of open and rural character and that is readily visible from a range of publicly accessible vantage points. A loss of Green Belt openness would thus inevitably occur.
11. For the above reasons, the proposal would cause harm to the openness of the Green Belt. The scheme conflicts with the Framework in so far as it sets out that the essential characteristics of Green Belts are their openness and their permanence.

Character and appearance

12. I acknowledge the existence of various loosely spaced dwellings near to the site. These tend to be detached and positioned upon green and spacious plots. Also, properties located to either side of the site (along Ladder Hill) are often setback broadly consistent distances from the highway. Even so, the site itself is inherently rural and open in its character and appearance and offers opportunities for the open countryside situated beyond to be viewed and enjoyed from Ladder Hill. This is notwithstanding the presence of small field shelters/stores at and adjacent to the site's western end. Whilst it is my understanding that such views are not identified as 'important' in any published local document, they remain of value and importance in defining a rural setting to the village.
13. The proposed dwelling would be of traditional design and moderate scale (to appear as single storey when viewed from the front) and would be setback from the highway. In this sense it would reflect the typical composition of development to Ladder Hill's western side. Nevertheless, a domestication of the site would ensue at odds with the role that it presently performs. Indeed, to consolidate linear development in the manner that is proposed would have a harmful urbanising impact and lead to valuable available views across the site being impeded. Whilst existing boundary planting is proposed to be retained and new planting is proposed to the site's frontage, such measures would not suitably mitigate the scheme's negative effects.
14. For the above reasons, the proposal would cause harm to the character and appearance of the area. The scheme conflicts with Policies STRAT1, H16, DES1, DES2 and ENV1 of the Local Plan and Policies H2 and H4 of the Neighbourhood Plan in so far as these policies set out that new development should take account of the intrinsic character and beauty of the countryside and must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.
15. Whilst not referenced in the Council's refusal reasons, I also identify conflict with Policy H1 of the Local Plan and Policy H1 of the Neighbourhood Plan in so far as these policies require development proposals to complement, enhance and reinforce local distinctiveness and refer to provisions for development within the existing built-up areas of Larger Villages. For the avoidance of doubt, I have not identified conflict with Policy H4 (Housing in the Larger Villages) of the Local Plan as the provision of a single dwelling at the appeal site would not directly compromise its requirements.

Whether very special circumstances apply

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also indicates that substantial weight should be given to any harm identified to the Green Belt.
17. The proposal would deliver an additional housing unit and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes. I also note that a June 2021 appeal decision¹ has been brought to my

¹ APP/Q3115/W/20/3265861

attention where the Inspector identified a shortfall in the Council's supply of deliverable housing sites. Nevertheless, even in this context, a single additional unit would make a small contribution and attracts limited weight as a scheme benefit.

18. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract limited weight due to the scale of development under consideration.
19. The proposal's benefits, considered cumulatively, would be modest and would not outweigh the substantial harm identified to the Green Belt (including harm derived from loss of openness), and the additional identified harm to the character and appearance of the area, so as to amount to the very special circumstances necessary to justify the proposal.
20. The application of the Framework's Green Belt policies provides a clear reason for refusing planning permission and the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework, is not engaged. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

21. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR