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# Appeal Decision

Site visit made on 24 February 2023

**by Lewis Condé Msc, Bsc, MRTPI**

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

**Decision date: 09 May 2023**

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**Appeal Ref: APP/Q3115/W/22/3298268**

**Pinfold, Greys Green, Rotherfield Greys, Henley-on-Thames RG9 4QG**

- 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 L Barnes, Lukemore LLP, against the decision of South Oxfordshire District Council.
  - The application Ref P21/S5326/FUL, dated 21 December 2021, was refused by notice dated 16 February 2022.
  - The development proposed is described as 'Erection of 1no. one and half storey dwelling with associated parking'.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of a one and half storey dwelling with associated parking at Pinfold, Greys Green, Rotherfield Greys, Henley-on-Thames RG9 4QG in accordance with the terms of the application, Ref P21/S5326/FUL, dated 21 December 2021, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The Council's decision notice refers to the South Oxfordshire Design Guide 2016 that was in place at the time of the original decision. However, this has subsequently been superseded by an updated Design Guide that was adopted in July 2022. I have been provided with copies of both versions of the Design Guide, whilst both main parties are aware of and have referred to the updated 2022 guidance in their appeal statements. As such, no party has been prejudiced by this change in circumstances.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including both the Chilterns Area of Outstanding Natural Beauty and the adjacent Greys Green Conservation Area.

## Reasons

4. The appeal site comprises an area of garden land associated with the residential property 'Pinfold'. It lies to the south of the village of Greys Green and is accessed via a private road. The site contains a summerhouse/home office structure, but is mainly laid to grass and enclosed by a combination of close boarded and post and rail fencing as well as mature hedgerows.
5. The appeal site is bound by existing dwellings to the west/north-west while the Greys Green Village Hall lies to the north. To the south, immediately beyond the access road, two dwellings are currently under construction having recently

secured planning permission on land that was also formerly garden space associated with Pinfold. Whilst the adjacent development remains under construction, the external appearance of those dwellings, including their siting, scale and finishing materials, was apparent during my site visit.

6. The appeal site lies within the Chiltern Area of Outstanding Natural Beauty (AONB). Accordingly, I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000. This requires that decisions have regard to the purpose of conserving and enhancing the special qualities, distinctive character, and key features of the AONB.
7. The site also lies immediately to the south of the Greys Green Conservation Area (CA). No statutory protection is afforded to the setting of Conservation Areas. However, paragraph 194 of the National Planning Policy Framework (the Framework) sets out that the significance of a heritage asset can be harmed or lost through development within its setting. Furthermore, Policy ENV8 of the South Oxfordshire Local Plan 2011 – 2035 (adopted 2020) (the Local Plan) requires that proposals for development within or affecting the setting of a conservation area must conserve or enhance its special interest, character, setting and appearance.
8. From the evidence before me and my observations on site, the significance of the CA is largely derived from its attractive rural character. Whilst the Green/cricket pitch offers an attractive focal point for the small settlement, the presence of grass verges, informal gravel tracks, and an abundance of mature trees and vegetation also add to the verdant character of the area. This is further enhanced through the generally informal arrangement of buildings, that are predominantly constructed with traditional building materials and display a charming appearance. A main road dissects the CA, nonetheless, the area retains a pleasant, verdant, and tranquil quality which also contributes positively to its significance.
9. Although located within an AONB and adjacent to a CA, I found the appeal site to have few remarkable qualities other than being a largely undeveloped plot of land. Furthermore, I do not share the Council's sentiment that the appeal site provides a considerable benefit to the setting of the CA through providing an undeveloped edge and sense of spaciousness. Despite its close proximity, the site is not highly appreciable from vantage points within the CA due to the presence of existing built form and mature vegetation. The relatively limited size of the site, combined with the nearby presence of emerging dwellings to the south, also severely limits its contribution to the CA both in terms of a providing a sense of spaciousness or a rural periphery. As such, I find that the appeal site's contribution to the setting of the CA is rather modest.
10. The proposed development would introduce a dwelling set behind the village hall, which is a 'Building of Local Interest/Note'<sup>1</sup> within the CA. The village hall sits to the southern side of the village amongst several residential dwellings that are laid out in a broadly linear arrangement, albeit they do not share a particularly strong building line. This includes nos. 1-5 School Cottages and Ridgeway House to the west of the village hall, and two additional dwellings to the south-east. Furthermore, the village hall and aforementioned dwellings essentially provide a primary built frontage that is prominent within Greys Green. This is due to their positioning and orientation to the main highway and

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<sup>1</sup> As outlined within the Greys Green Character Area Study (1997) – as referred to by both main parties.

areas of open space. Nevertheless, development is already present to the rear of this main frontage in the form of the existing dwelling 'Pinfold', commercial buildings, and the two dwellings that are currently under construction.

11. I am not convinced by the appellant's argument that the proposed development would fit within an established building line that includes the School Cottages, Coopers Close and Shepherd's Cottage. However, it remains that the appeal site sits amongst an existing pocket of established backland development. Additionally, the existing backland development neither displays a strong building line nor provides a clear pattern of development.
12. Dwellings within the area tend to be detached and set within sizeable plots, although not exclusively so. The appeal scheme's plot would therefore be smaller than many other properties within the village, but the proposed dwelling would still sit comfortably within it. A sufficient level of separation between the proposed dwelling and the adjacent built form would also be maintained.
13. Additionally, due to the presence of vegetation and built form, the proposal would not be highly appreciable from public vantage points. I acknowledge that there is no certainty that existing or future vegetation would remain in perpetuity. However, even without the relevant vegetation the proposal would still remain significantly screened by built form and would in any case not appear as a cramped form of development.
14. In respect of the AONB, although the proposal would change the character of the site it would not be prominent within the wider landscape setting. The proposal would also not lead to encroachment of development into the countryside. It would instead result in infilling development and, where public views of the proposal would be available, it would be seen amidst existing residential development of a generally similar character. Therefore, given the context of the appeal site, the introduction of a dwelling in this location would not harm the natural beauty of the AONB.
15. Overall, I find that the appeal scheme would not harm the character or appearance of the area. It would therefore preserve the setting of the adjacent Greys Green CA and also conserve the natural beauty of the Chilterns AONB. As such, the proposed development would not conflict with Policies DES1, DES2, ENV1, ENV6 and ENV8 of the Local Plan. Together these policies, amongst other matters, seek for development to be of a high-quality design that responds positively and respect the character of the site's surroundings, including preserving the setting of heritage assets and conserving the landscape and scenic beauty of the Chilterns AONB.
16. Likewise, I find the proposal complies with the aims and objectives of the South Oxfordshire Design Guide (2022) and the Framework in respect of promoting appropriately design development that is sympathetic to local character.

### **Other Matters**

17. I note the concerns of a neighbouring party in respect of a loss of privacy from the proposed development. However, I am satisfied that the relationship between the appeal proposal and neighbouring properties would not give rise to any harmful impacts to the living conditions of neighbouring occupiers. This

is largely due to the orientation of the proposed dwelling relative to nearby properties, as well as the separation distances involved.

18. The Council has not raised concerns with the principle of residential development at the appeal site, noting that it forms infill development and therefore would comply with Local Plan Policy H16. From my own observations I concur with this view.
19. I have also considered the various other concerns previously raised by third parties, including potential impacts relating to the construction process, parking and highway safety. However, I have noted that the Council has not sought to refuse planning permission based on these matters. It is also my judgement that these matters, whilst important to those submitting the representations, are not determinative in this case.
20. Matters relating to ownership of the access route and the potential for development activity to encroach onto Common Land are private matters that relevant parties would need to address and have not altered my overall findings.

### **Conditions**

21. The Council has suggested conditions in the event the appeal is allowed, which the appellant has commented upon. I have considered the suggested conditions and amended and reordered them as necessary in the interests of precision and clarity, as well as to comply with advice in the Framework and Planning Practice Guidance (PPG).
22. A condition is needed to secure compliance with the approved plans and documents, for the avoidance of doubt and in the interests of proper planning. It is necessary to attach pre-commencement conditions requiring the approval of surface and foul water drainage schemes to ensure that appropriate drainage is in place and that the development does not increase flood risk on or off-site.
23. Conditions controlling changes to the site levels and the use of external lighting are required in the interest of neighbouring living conditions and in the interest of the appearance of the proposal. Conditions requiring the approval of sample materials and provision of landscaping measures are also necessary in the interest of the appearance of the scheme and the surrounding area.
24. It is necessary to attach a condition requiring the provision of parking and turning facilities in the interests of highway safety. Conditions requiring the provision of carbon reduction measures, as well as the installation of an electric vehicle charging point are reasonable and necessary on sustainability grounds.
25. A condition removing permitted development rights so that any extensions to the dwelling or development of outbuildings and/or hardstandings would require planning permission is also reasonable and necessary. This is to protect the living conditions of neighbouring residents and future occupiers of the proposal as well as the character and appearance of the area.
26. Finally, the Council has not provided me with any specific reason as to why a pre-commencement condition is needed in relation to the demolition/removal of the existing structure on the site. Given that the structure is shown as being

removed in the approved plans, and would need to be in order for the development to be complete, I do not consider such a condition is necessary.

**Conclusion**

27. For the reasons given above and considering all other matters raised, the appeal is allowed.

*Lewis Condé*

INSPECTOR

### **Schedule of 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 and documents:
  - Location Plan – Drawing Ref: 21107.101 rev A;
  - Block Plan – Drawing Ref: 21107.102;
  - Site Plan and Greys Green Street Elevation – Drawing Ref: 21107.103;
  - Floor Plans and Elevations – Drawing Ref: 21107.104 Rev A;
  - Figure Ground Plan – Drawing Ref: 21107.105;
  - Energy Statement (prepared by Proport Eco-Services, dated December 2021); and
  - Tree Survey (prepared by Venners Arboriculture, dated December 2021).
- 3) Prior to the commencement of development, with the exception of any demolition, a full surface water drainage scheme, based on full infiltration unless evidenced exhausted, including details of the size, position and construction of drainage works, shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be designed to accommodate a 1 in 100-year storm + 40% CC and shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.
- 4) Prior to the commencement of development, with the exception of any demolition, a full foul water drainage scheme shall be 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. Thereafter the scheme as approved shall be implemented prior to the occupation of the development hereby approved.
- 5) Except in the case of any details shown on the approved plans, no change in the levels of the land shall take place unless in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority before any development above foundation level takes place. The scheme shall include details of existing and proposed ground levels.
- 6) Prior to any development above foundation level, a schedule of all materials (including photographs) that are to be used in the external construction and finishes of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

- 7) Prior to development taking place above slab level, a scheme for the hard and soft landscaping of the site, including the planting of live trees and shrubs and the provision of boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation or use of 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.
- 8) Prior to first occupation of the development, all carbon reduction energy efficiency measures shall be implemented in accordance with the Energy Statement hereby approved and a Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Verification Report shall demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.
- 9) Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plan 21107.103 and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed at all times except for the parking of vehicles associated with the development.
- 10) Prior to the first occupation of the development hereby approved, an Electric Vehicle Charging Point shall be installed for the approved dwelling and thereafter retained as such.
- 11) No external lighting shall be installed on the site other than in accordance with details, which have first been submitted to and approved in writing by the Local Planning Authority. Details shall include the location(s) of the external light(s) and product specification.
- 12) Notwithstanding the provisions of the Town and Country (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order), no development as specified in Schedule 2, Part 1, Class A - Extensions; Class E - Outbuildings; Class F - Hardstandings shall be undertaken without obtaining planning permission from the Local Planning Authority.

*End of Conditions*