



Appeal Decision

Site visit made on 8 February 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2023

Appeal Ref: APP/Q3115/W/22/3301579

**Former Chalk Pit Land adjacent Lys Mill, Cobditch Hill, Watlington
OX49 5EP**

- 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 G Copas against the decision of South Oxfordshire District Council.
 - The application Ref P21/S3926/FUL, dated 20 May 2021, was refused by notice dated 23 December 2021.
 - The development proposed is erection of a dwelling and re-wilding of surrounding 14 hectares of arable farmland.
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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 the decision issued on 10 February 2023.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site would be a suitable location for new housing, having regard to the spatial strategy of the local plan;
 - The effect of the proposal on the character and appearance of the site and the surrounding area, with particular regard to the extent to which it would conserve or enhance the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB); and
 - Whether the proposal would achieve acceptable levels of carbon emissions.

Reasons

Suitable location

3. Policy STRAT1 of South Oxfordshire Local Plan 2011-2035 (Adopted December 2020) (LP) sets out the spatial strategy for the area. It establishes a settlement hierarchy where housing will be focused on towns and larger villages which have facilities and services in order to achieve a sustainable pattern of development. The appeal site is open land to the south of Watlington and is well outside of the built up limits of any settlement.

4. Policy STRAT1 also includes a criteria which seeks to protect and enhance the countryside, particularly within an AONB, by ensuring that outside of towns and villages, any change relates to very specific needs such as those of the agricultural industry or enhancement of the environment. The appeal site is in the countryside within the Chilterns AONB and I have been provided with no evidence which would lead me to conclude that there is a specific need for a dwelling in the proposed location.
5. Policies TRAN2 and TRAN5 of the LP seek to ensure that development provides safe and convenient access to the highway network and encourages walking, cycling and use of public transport. The site would be accessed via a long gravelled track off the B4009 which currently serves farming operations and is entirely unlit. Consequently, the dwelling would be some distance from the road and further still from the nearest settlement. The distance and track characteristics are likely to discourage walking and cycling, meaning that most journeys to access necessary services and facilities would be made by private vehicle, which is the least sustainable form of transport.
6. Consequently, the appeal site would not provide a suitable location for new housing. The proposed development would be contrary to Policies STRAT1, TRAN2 and TRAN5 of the LP, which amongst other things, seek to ensure that development is sustainable, supports vibrant settlements and enhances the natural environment. It would therefore erode the overall development plan strategy for sustainable housing location and transport.
7. The Council reason for refusal also mentions Policy H1 of the LP. This adds detail on delivering new homes, setting out various exceptions to allow for housing on non-allocated sites. The exceptions include where design is outstanding or innovative and of exceptional quality and would significantly enhance its immediate setting. I have been presented with no evidence to suggest that any of the other exceptions might apply and the design and visual impact of the proposal is considered in the following section.

Character and appearance

8. The site is on a hill within the Chilterns AONB and consists of a shallow former chalk pit surrounded by an area of open grassland. The site is located within the Chilterns Escarpment, which is part of Character Area 8 of the South Oxfordshire Landscape Assessment (SOLA). The SOLA describes this as 'the most visually significant and distinctive landform within the whole district' and the area in which the site is located is described as being characterised by wide areas of unimproved chalk grassland with a lack of trees and an open character.
9. The former chalk pit, which would be the location of the proposed dwelling, is at the top of the hill and not visible other than from very close perspectives. The land drops away steadily on all sides from the proposed dwelling site. There is an area of woodland nearby but the surrounding area is predominantly open fields. To the southeast of the site is Lys Mill Farm which consists of a series of agricultural style buildings which at the time of my site visit were in a mix of uses. Lys Mill is at a lower level than the site and largely screened by trees. As such, the site is currently representative of the escarpment landscape and makes a significant positive contribution to the surrounding rural landscape which is largely open and unspoilt and recognised as being of high scenic quality and value.

10. The proposed dwelling would be large, and although parts would be below ground level and the roof would be flat, the above ground sections would be extensive in terms of scale and massing. The use of a green roof and timber cladding would soften the appearance, but the prominent hilltop location means the proposal would be visible from a range of surrounding viewpoints, particularly from the north and west, including the road and several public rights of way.
11. The introduction of such a substantial dwelling, along with its associated terraces and hard standing, would have an urbanising effect on the site and would significantly erode its open and unspoiled character. The dwelling would introduce a discordant feature into the landscape which would distract from the enjoyment of the wider vista.
12. The appellant's landscape and visual impact assessment concludes that 'views will be enhanced in the long term through the introduction of a feature building and landscape which responds to and reinforces the site's existing positive characteristics'. While I acknowledge that the Chilterns AONB Design Guide does not rule out contemporary and innovative architecture, I cannot agree that the dwelling would enhance the site or its surroundings.
13. Despite proposed design elements to reduce light spillage, including the use of innovative glass, the dwelling would inevitably introduce lighting to what is currently an undeveloped and unlit site, adversely affecting the dark skies of the AONB. I have been presented with no evidence which persuades me that this could be suitably mitigated or controlled by the imposition of conditions.
14. The proposal includes the addition of native planting around the site borders. In time, this would provide some additional screening, but it would be limited by the dwelling being at a higher level. In addition, I do not consider the addition of such planting to be an unqualified positive in an area characterised by its open landscape and relative lack of trees.
15. Overall, the development would be an unsympathetic and intrusive element within the landscape and would have a detrimental impact on the Chilterns AONB. Policy ENV1 of the LP, in line with Paragraph 176 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in an AONB. Such areas have the highest status of protection and for this reason I attach considerable importance and weight to the harm identified above.
16. Accordingly, I conclude that the proposed development would cause significant harm to the character and appearance of the site and the surrounding area and would fail to conserve or enhance the natural beauty of the Chilterns AONB. Consequently, the development would not comply with Policies DES1, DES2, ENV1, ENV12 and H1 of the LP, which together, amongst other things, seek to ensure that development protects landscape and countryside particularly within an AONB, respects the local context, reflects the positive features that make up the character of the area and consider the impact on the natural environment. Furthermore, the proposal would be contrary to paragraph 176 of the Framework which seeks to protect AONBs.

Carbon emissions

17. An energy statement¹ has been submitted with the appeal and I have no reason to doubt the calculations contained within it. I am therefore satisfied that subject to the implementation of proposed construction methods, technologies and energy efficiency measures, which could be controlled by condition, that proposal would be capable of achieving acceptable levels of carbon emissions in order to comply with the requirements of Policy DES10 of the LP.

Other material considerations

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Framework is a material consideration and the appellant's case relies heavily upon paragraph 80. This sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless specified circumstances apply. One of the circumstances is that the design is of exceptional quality. To meet this, the Framework specifies that the dwelling would need to be truly outstanding, reflecting the highest standards in architecture, and helping to raise standards of design more generally in rural areas. It would also need to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
19. As set out above, the proposed dwelling would not enhance its immediate or surrounding setting and would be detrimental to the defining open rural landscape character of the Chilterns AONB. I acknowledge that design can be subjective and note that several elements of the proposal are innovative and include high quality materials. Despite this, I am unconvinced that it represents truly outstanding architecture. More significantly, and less subjectively, given the scale of the proposal and the uncommon and specific qualities of both the design and the location, I have been presented with no substantive evidence that would lead me to conclude that the proposal would contribute to raising rural design standards more generally. Consequently, the special circumstances necessary to justify an isolated home in the countryside under the terms of paragraph 80 of the Framework do not exist.
20. I note the appellant's development and farming experience, vision for the site, passion for ecology and the countryside, alongside their desire to introduce a dwelling within their holding. I also acknowledge that the rewilding of the surrounding land, including the creation of a significant area of chalk grassland to enhance biodiversity, weighs in its favour. However, I do not consider that the benefits would be of such a scale as to outweigh the harm to the AONB and justify a new dwelling in open countryside, particularly when such rewilding could take place without the need for a large and prominent dwelling.
21. The proposal conflicts with development plan policy and also fails to conserve the natural beauty of the AONB. The other material considerations which have been presented to me are not of sufficient weight to outweigh the harm and justify a decision otherwise than in accordance with adopted planning policies.

¹ Energy Statement by Blew Burton Ltd, June 2022.

Other Matters

22. The appellant claims that the Council cannot demonstrate a 5 year housing land supply. The Council disagree and say they have in excess of 5 years. As set out above, the proposal would be detrimental to an AONB. Therefore, in accordance with Framework paragraph 11di, the policies in the Framework that protect areas or assets of particular importance (defined in footnote 7), provide a clear reason for refusing the proposal. Consequently, regardless of whether the Council can demonstrate the necessary supply of housing land, the presumption in favour of sustainable development would not apply.

Conclusion

23. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR