



Appeal Decision

Site visit made on 5 June 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/Q3115/W/22/3310084

Land south of Whitchurch Hill, Whitchurch Hill

Grid Ref Easting: 464202 Grid Ref Northing: 178963

- 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 and Mrs M Parker against the decision of South Oxfordshire District Council.
 - The application Ref P21/S0585/FUL, dated 4 February 2021, was refused by notice dated 6 May 2022.
 - The development proposed is Demolition of existing stables and redevelopment of site to comprise a detached residential dwellinghouse and associated outbuildings, relocated access and landscaping. (As supported by Archaeological Desktop Assessment 01 April 2021) (As supported by Biodiversity, Carbon Reduction, Great Crested Newt, Landscape Impact and Lighting details 23 August 2021) (As amended by plans and documents submitted 22 March 2022 outlined within supporting cover letter).
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Decision

1. The appeal is dismissed.

Main Issues

2. There are 2 main issues. These are:
 - whether the proposed development would harm the character and appearance of the area, including whether it would conserve or enhance the scenic beauty of the landscape within the Chilterns Area of Outstanding Natural Beauty (AONB).
 - whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area; and

Reasons

Character and Appearance, including Chilterns AONB

3. The site consists of a rectangular parcel of land situated along Goring Heath Road running through Whitchurch Hill, which lies within the Chilterns AONB. Whilst the built form along Goring Heath Road is more concentrated to the northern side of the road, there are existing dwellings to the south, in a more sporadic manner, identified in the Planning and Design Statement (PDS) as 'historic loose linear settlement' and 'semi-rural detached dwellings'.
4. Notwithstanding the variation in density, the built form of Whitchurch Hill is generally more traditional, with the majority being detached and semi-detached dwellings of an average size. There are also some bungalows and

sensitively converted former barns. There is an element of consistency throughout the village as a result of the dominant use of brick and render in the external finish of the dwellings. These characteristics all contribute positively to the established character and appearance of the area and the scenic beauty of the AONB. Windows also tend to be small, as identified in the Chilterns AONB Management Plan 2019-2024 (AONB Management Plan), albeit I noted a barn conversion at Butlers Court had a large, glazed opening.

5. It is a well enclosed site along all 4 boundaries. There are a handful of mature trees along the front boundary with the highway, some of which are covered by a Tree Preservation Order¹. Due to its enclosed nature and existing equestrian use, the site contrasts with the verdant open countryside which extends to the south. Despite this contrast, bearing in mind the appeal decision that the appellant has referenced², whilst the appeal site does not encompass all of the special qualities of the AONB as set out in the AONB Management Plan, it still provides a relatively unspoilt site within the village, notwithstanding its equestrian use. It contributes positively to the rural setting of the village due to the equestrian use being small scale and an appropriate use for its rural location.
6. The proposed dwelling and associated outbuildings would cumulatively be substantial. Due to the significant bulk of the proposal, it would represent a dwelling of a disproportionate mass to its village context. The use of red/orange standing seam metal cladding would also be incongruous to the area, jarring with the more traditional built form and materials of the existing dwellings in the village. Consequently, the proposal would be an incongruous structure in the landscape, harmful to the character and appearance of the area.
7. I note that the design has been subject to a 'rigorous methodology', including the key points taken from the building grain of the traditional farmsteads and the semi-rural detached dwellings. However, the proposal reflects the rural characteristics of a farmstead without actually being a farmstead, lacking a more traditional farmhouse. Therefore, whilst the layout may be in keeping with these more traditional farmsteads, as its use is purely residential in a single planning unit, the incorporation of a similar layout would be incongruous with both the more traditional semi-rural detached dwellings and the farmsteads in the area.
8. It is acknowledged that the development would be predominantly single storey, and lower than the dwellings to the north of Goring Heath Road and the adjacent dwellings to the east. Its siting would also align with the rear existing dwellings to the east. However, neither of these would mitigate the impact of the sheer bulk of the proposal. Furthermore, the recent permission for a new dwelling at Butler's Farm³ would bring the residential built form on the western site slightly closer to the appeal site. However, an open field would remain in between. The siting of this new dwelling would not be sufficient to overcome my concerns regarding the harmful impact of the proposal.
9. I noted from my site visit that from the wider viewpoints along the network of PROW's, direct views of the proposal would be limited due to the topography of

¹ Tree Preservation Order No.1 1995

² APP/Q3115/W/20/3265861

³ Granted permission under application reference P21/S0703/FUL

the landscape or as a result of established field boundaries screening wider viewpoints. However, the proposal would be visible from a section of the Chiltern Way which runs to the south, from which due to its massing, would be a stark contrast with the existing rural setting of the village.

10. There would be large areas of glazing serving the living and dining rooms, and bedroom 2. The inclusion of the large areas of glazing would be out of keeping with the village, harmful to its character. The proposal would not be sensitive to the defining characteristics of the village.
11. I note the findings of the Lighting Technical Report and the use of time-controlled blinds, window tints, and luminaire selection that limits the potential for spill of light. Had I have been minded to allow the appeal, I am satisfied that the level of light spill could be controlled to an acceptable level by a suitably worded condition. However, given that I am dismissing the appeal on other grounds, I have not pursued this matter any further.
12. I note the significant weight that the Framework attaches to 'outstanding or innovative designs'. However, this is caveated with the need for the development to fit in with the overall form and layout of the surroundings. My findings above means that the proposal would not meet the criteria set out in the Framework.
13. The proposal would therefore harm the character and appearance of the area and would fail to conserve or enhance the scenic beauty of the landscape within the Chilterns AONB. The proposal would be contrary to Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2011-2035 (Local Plan) (adopted December 2020), which, in combination, seek to ensure development physically and visually enhances and compliments the surroundings and respects the existing landscape character. Development in the AONB will only be permitted where it conserves and where possible, enhances the natural beauty of the AONB. It would also be contrary to the guidance in the AONB Management Plan, which states that 'traditional Chilterns vernacular buildings have small windows'.
14. The proposal would also conflict with the principles within Chapter 15 of the National Planning Policy Framework 2021 (the Framework), in regard to the conservation and enhancement of the natural environment, in particular with paragraph 176 in regard to conserving and enhancing landscape and scenic beauty within the AONB.

Suitable Location

15. Whitchurch Hill is identified as an 'other village' in the Local Plan. The site is currently used for equestrian use⁴, with a small stable block and paddock area fenced out. However, the western half of the site appears to be more of an open area of land.
16. There is no dispute between the parties that the proposal does not meet the definition of infilling within Policy H16. I see no reason to come to a different conclusion on this matter. Nevertheless, the appeal site still has a close relationship with the surrounding built form of the village. It is seen in the context of the existing dwellings to the northern side of Goring Heath Road,

⁴ Granted permission under application reference P99/S0148 - 2 no. stables and store plus field gate and change of use of land from agricultural to the keeping of horses

which are visible from the appeal site, and the more sporadic dwellings to the east. Consequently, the appeal site is within the village settlement.

17. Furthermore, the Council found the new dwelling at Butlers Court Farm to be in the village settlement. The circumstances behind this dwelling are not directly comparable to the proposal before me now, as it replaced an existing structure on the site of a similar size and structure. However, the principle behind it further supports my finding that the appeal site is within the village settlement.
18. However, there is dispute between the parties as to whether the appeal site forms previously developed land (PDL). PDL is defined in the Glossary of the Framework, stating that it is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). The exceptions in the Framework do not rule out equestrian use being considered as PDL.
19. In this instance the stable block is small and its associated greenfield is large. Although the Framework's definition of previously developed land covers the curtilage of an existing permanent structure, it clearly points to this not indicating that the entire development of this is therefore necessarily appropriate. Therefore, even if I were to agree with the appellant that the curtilage of the equestrian use extends across the whole of the appeal site and that it would be classed as PDL, this status does not necessarily obviate my concerns regarding character and appearance.
20. Consequently, even if the proposal accorded with Policies H1 and H6, this would not outweigh the significant harm to the character and appearance of the area, or the scenic beauty of the Chilterns AONB that I have identified above.

Other Matters

21. I note that the proposal would be low carbon, energy efficient and innovative in the way in which building fabric, and the selected renewables and low carbon solutions would be used. This includes the 'fabric first approach' of using high levels of insulation and airtightness, triple glazed windows and MVHR. The scheme would also use passive solar gains controlled by timber louvres and an innovative infra-red heating system. I also note that the proposal would have the flexibility of a lifetime home. However, there is nothing before me to suggest that these could not be provided in a dwelling in a less harmful manner. I therefore give them limited weight.
22. I also acknowledge the proposed landscape enhancements on the appeal site, including a small native woodland copse, the reinforcement of hedgerows, a wildflower meadow and the removal of non-native evergreen trees and their replacement with native species. I give these positive enhancements moderate weight based on the scale of the proposal.

Conclusion

23. The conflict with the range of policies drawn to my attention lead me to conclude that there is conflict with the development plan as a whole. Having considered all the matters raised in support of the development, I conclude that these would not be sufficient to outweigh the harm identified. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR