
Appeal Decision

Site visit made on 23 May 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/Q3115/W/22/3306672

Park House Workshop, Park View, Sydenham, Chinnor OX39 4LQ

- 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 Tim Horwood against the decision of South Oxfordshire District Council.
 - The application Ref P21/S3405/O, dated 29 July 2021, was refused by notice dated 6 May 2022.
 - The development proposed is construction of one dwelling house.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of one dwelling house at Park House Workshop, Park View, Sydenham, Chinnor OX39 4LQ in accordance with the terms of the application, Ref P21/S3405/O, dated 6 May 2022 subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration. I have considered the appeal on this basis.
3. During the course of the appeal the Council has confirmed that there is an error in the reason for refusal and it should refer to the South Oxfordshire Local Plan 2035 not the South Oxfordshire Local Plan 2011. I do not consider that any party has been unfairly prejudiced as a consequence of this error and I have considered the appeal on that basis.

Main Issues

4. The main issues are:
 - whether the appeal site would be a suitable location for new housing, with regard to the spatial strategy of the development plan and accessibility; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The appeal site contains 3 outbuildings which were last used as a workshop and for storage purposes. The site is located at the end of a row of residential properties within the settlement boundary of Sydenham East. The proposal

- seeks outline planning consent for the erection of a dwelling on a site which is not allocated for residential development in the development plan.
6. Sydenham East is defined as an 'other village' in the South Oxfordshire Local Plan 2011-2035 (2020) (LP). LP policies STRAT1, H1 and H16 are supportive of limited residential development on unallocated sites within settlement boundaries subject to the proposal comprising limited infilling or the development of brownfield/ previously developed land. This is consistent with Policy SYD1 of the Sydenham Neighbourhood Plan 2034 (2021) (NP) which is supportive of small scale, infill development within the village boundaries.
 7. The LP and NP define infill development as the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. Although adjacent to residential development, the appeal site is bordered by agricultural fields to the side and rear and thus is not closely surrounded by buildings. Accordingly, for the purposes of LP policies H1 and H16, the proposal does not comprise infill development.
 8. Notwithstanding this, the relevant development plan policies are supportive of the development of brownfield/ previously developed land within settlement boundaries. I have not been drawn to any definition of brownfield or previously developed land in the LP or NP, however the National Planning Policy Framework (the Framework) defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land. This definition specifically excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
 9. The appeal site contains 3 structures. Whilst these structures may be small, have limited street presence, and may not be in current use, based on my observations on site they cannot be said to have blended into the landscape. Therefore, the buildings and associated curtilage meet the definition of previously developed land set out in the Framework. In such circumstances LP policies H1 and H16 are supportive of limited residential development. Thus, the proposal would meet the definition of one of the listed forms of development supported within the settlement boundary by the development plan.
 10. I observed at my site visit that Sydenham East contained limited facilities and services, and that there is no footpath connecting the appeal site to the surrounding settlements. The site is between 1.5 and 2.5 miles from the nearby settlements of Chinnor and Thame, which would provide the necessary services for day-to-day living. However, the highway conditions in between, including the limited facilities for pedestrians and lack of street lighting, would likely make walking or cycling such journeys unattractive. Furthermore, whilst there are opportunities to use public transport from this location towards Thame, Chinnor and High Wycombe, I observed that the services do not extend into the evening and would therefore be unlikely to be convenient for future occupiers, particularly in terms of accessing places of employment or evening entertainment.
 11. In light of the above, there would be conflict with LP Policy TRANS5 criterion iv which requires that proposals be designed to facilitate access to high quality public transport routes, including safe walking routes to nearby bus stops or

new bus stops. However, LP Policies STRAT1, H1 and H16 and NP policy SYD1 are supportive of small-scale residential development within settlement boundaries noting that limited amounts of housing helps secure the provision and retention of services. Thus, the relevant development plan policies have found the site location to be acceptable for residential development with regards to access to facilities and services. In such ways the appeal proposal differs from a recent appeal on a nearby site outside the settlement boundary¹ in which the Inspector found that the appeal site was not a suitable location for new housing.

12. With regards to this main issue, whilst there would be conflict with LP policy TRANS5, the relevant policies of the development plan have found this location to be an acceptable one for residential development with regards to access to local facilities, services and public transport. Consequently, I conclude that the appeal site is in a suitable location for new housing and the proposal would accord with the development plan when taken as a whole including LP policies STRAT1, H1 and H16, which seek to support small-scale development on brownfield/ previously developed land within settlement boundaries to help secure the provision and retention of services. I also find no conflict with the guidance set down in the Framework which recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and which states that decisions should give substantial weight to the value of using suitable brownfield land within settlements. I find no conflict with the guidance in the Planning Practice Guidance PPG.

Character and appearance

13. The site is bordered to the south and west by open farmland. The farmland to the west of the site forms a clear visual break separating the settlements of Sydenham East and Sydenham West. The western site boundary is formed by a thick screen of vegetation which forms an attractive soft edge to the settlement.
14. Sydenham East is characterised by large dwellings located within spacious plots set back from the grass verge-lined highway. Vegetation within grass verges, front gardens and boundary hedges, as well as the proximity to expansive areas of open countryside gives the area a distinctly green and verdant rural character to which the appeal site makes a positive contribution.
15. At my site visit I observed that the existing structures, whilst smaller and set back from the road, are nonetheless visible from the site frontage. The appeal site, with its clearly visible built form and thick screen of vegetation denoting the western edge of the settlement, differs in character from the open countryside which lies beyond the site's western boundary. Consequently, the appeal site is experienced as a continuation of the built form to the east of the site and as part of the settlement of Sydenham East.
16. The proposal seeks outline planning consent for the erection of a dwelling. This would extend residential development and associated domestic paraphernalia further west. Additionally, whilst layout, scale and design are matters for future consideration as part of a reserved matters application, given the low-key nature of the existing structures, the built form and domestic paraphernalia associated with it would be more visible in views from the street. Nonetheless,

¹ APP/Q3115/W/19/3236573

the proposed dwelling would form a logical continuation of the existing built form within a site which is experienced as part of the settlement. Furthermore, whilst the proposal would extend the ribbon of development, it would replace existing built form and would not result in the incursion of built form into the surrounding open countryside or the erosion of the local gap which separates Sydenham East and Sydenham West.

17. Details of proposed access arrangements, including any hedgerow removal necessary to facilitate them, are reserved for consideration as part of the reserved matters application. Nonetheless, at my site visit I observed that the appeal site currently has a gated site access to the site frontage, and it has not been evidenced that the proposal would require the removal of expansive areas of this hedgerow. Furthermore, I can see no reason why the hedgerow which marks the western edge of the settlement cannot be retained as part of the redevelopment of the site and provide effective screening to the proposed dwelling house. I have not been presented with any compelling evidence that the site could not be redeveloped in such a way that ensures the retention of the existing soft edge and the landscape setting of the settlement.
18. For the above reasons, I find no conflict with those aims of LP Policy ENV1 which seek to protect and, where possible enhance, features that contribute to the nature and quality of South Oxfordshire's landscapes including the landscape setting of settlements. I also find no conflict with the guidance within the Framework which sets out that planning policies and decisions should contribute to and enhance the natural and local environment. I also find no conflict with the guidance in the PPG.

Other Matters

19. I have found that the individual characteristics of this particular site would enable the proposal to be accommodated without harm. However, I see no reason to suppose that my decision in this case would set a precedent. Differing circumstances, and the potential for cumulative harm, would represent matters to be considered were other similar proposals to be advanced elsewhere in the future.
20. This outline application reserves all matters for future consideration, and I have not been presented with any compelling evidence that vehicular movements associated with the proposal would lead to an unacceptable impact on the highway network or that local utilities would be unable to accommodate the proposed development. Additionally, I note that the Council's Flood Risk and Drainage Engineer raised no objection to the proposal on grounds of flooding subject to recommended conditions, upon which I comment below. I therefore have not been presented with any compelling evidence that the proposal would adversely affect existing drainage systems or contribute to additional flood risk to nearby properties.
21. I have given careful consideration to comments raised by interested parties regarding the loss of the willow tree and the potential for the presence of bats within the site. I note that the Council's Countryside Officer commented on the application stating that the existing timber structures on site are unlikely to support roosting bats due to their age, size and construction and I have not been presented with a compelling reason to reach a different conclusion. Furthermore, whilst noting that landscaping and layout are matters for future consideration, the Council raised no objections from an arboricultural

perspective, subject to the detailed design stage taking account of the constraint of the willow tree at the rear of the site and I see no reason to take a different view.

Conditions

22. I have had regard to the conditions suggested by the Council in their statement of case, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework PPG, without altering their fundamental aims.
23. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. In the interests of certainty, I have attached a plans list condition relating to the approved site location plan.
24. The approval and implementation of a surface water drainage scheme, a foul water drainage scheme and pluvial flood risk mitigation are necessary to ensure the satisfactory drainage and disposal of surface water from the site. It is essential that the details secured by these conditions are agreed prior to the commencement of development on the site (except for demolition) so that appropriate measures are in place to avoid potential adverse impacts.
25. I have imposed the suggested condition relating to the submission of an Energy Statement in accordance with those aims of LP Policy DES10. A condition relating to the installation of an Electric Vehicle Charging Point is necessary to encourage sustainable forms of transport in accordance with LP Policies TRANS5, ENV12 and EP1. The wording of this condition has been amended to reflect the requirement to provide the necessary infrastructure and services required to install an EV charging point. Additionally, I have attached a suggested condition relating to the approval and implementation of a biodiversity mitigation and enhancement strategy to minimise the ecological impacts of development.
26. The Council have recommended a condition relating to external lighting. However, the site is located within the settlement boundary, is not in a designated site or priority habitat nor part of a designated landscape. Therefore, I have not been presented with any particular evidence that this condition is necessary to protect the appearance of the area, the environment or wildlife.

Conclusion

27. For the above reasons, whilst I have found conflict with LP Policy TRANS5, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed.

Nichola Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) Details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing

by the local planning authority before any development takes place and the development shall be carried out as approved.

- 2.) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3.) The development hereby permitted shall be carried out in accordance with the following approved plan: site location plan.
- 4.) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5.) Concurrent with any reserved matters application, an Energy Statement, including SAP calculations in line with the recognised methodology set by Government, demonstrating how the development will achieve at least a 40% reduction in carbon emissions compared with code 2013 Building Regulations and details of how this will be monitored shall be submitted to the local planning authority and approved in writing. Prior to first occupation, 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.
- 6.) Prior to the commencement of the development hereby approved, a biodiversity mitigation and enhancement strategy (BMES) shall be submitted to the local planning authority and approved in writing. The BMES shall detail the working methods, measures, and precautions to be followed onsite during demolition and construction works to minimise the ecological impacts of development. The BMES shall also include a detailed scheme of biodiversity enhancements to be provided onsite (to include specification, position, orientation, height, etc.), in addition to landscaping/planting. The development shall be implemented in accordance with the approved details, and all ecological enhancement measures shall be provided onsite prior to first occupation.
- 7.) No development hereby permitted shall take place, except for demolition, until there shall have been submitted to and approved in writing by the local planning authority a full surface water drainage scheme. This scheme shall be based on full infiltration, including details of the size, position and construction of drainage works. The drainage scheme shall be designed on percolation testing results and shall accommodate a 1 in 100-year storm + 40% allowance for climate change. The proposal shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.
- 8.) No development hereby permitted shall take place, except for demolition, until there shall have been submitted to and approved in writing by the local planning authority a full foul water drainage scheme. The scheme shall include details of the size, position, and construction of the drainage

scheme. The proposal shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.

- 9.) No development hereby permitted shall take place, except for demolition, until there shall have been submitted to and approved in writing by the local planning authority a full construction detail and long section for the offline storage channel and wider watercourse from the entry point at the site to Park View Road. The scheme shall include details of the size, position, levels and construction of the offline storage channel. The proposal shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.
- 10.) Prior to the first occupation of the development hereby approved, the necessary infrastructure and services required to install an Electric Vehicle Charging Point shall be installed for the approved dwelling and thereafter retained as such.

END OF SCHEDULE