



Appeal Decision

Site visit made on 4 July 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/Q3115/W/22/3310731

Land between Coopers Pightle & Butlers Orchard, Kidmore End, Reading RG4 9AZ

- 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 E Madejski & Mrs J Twibill against the decision of South Oxfordshire District Council.
 - The application Ref P21//S3391/O, dated 27 July 2021, was refused by notice dated 9 May 2022.
 - The development proposed is the erection of 4no. detached dwellings with parking and on-site turning.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with only access and layout details sought for approval. I have therefore had regard to the submitted drawings on an indicative basis in so far as they relate to the reserved matters.
3. The Kidmore End Neighbourhood Plan (the neighbourhood plan) was made in September 2022, after the application subject of this appeal was determined. Within their statement, the Council has indicated that the development would conflict with Policy LC1 of the neighbourhood plan. The appellant has had the opportunity to respond, and would not, therefore, be prejudiced by my consideration of the requirements of this policy.

Planning Policy Context

4. Policy STRAT1 of the South Oxfordshire District Council South Oxfordshire Local Plan 2011 – 2035 dated 2020 (the Local Plan), provides an overall strategy for the delivery of development within the District. It indicates that growth should be focussed in locations such as Science Vale and in the towns and larger villages. It also allows for limited amounts of housing to support smaller and other villages. However, outside of the towns and villages, this policy confirms the importance of protecting and enhancing the countryside.
5. Local Plan Policy H1 identifies the circumstances that must apply for residential development to be permitted on sites not allocated in the development plan. One such circumstance is where the development would constitute infilling within a smaller village. Policy H16 of the Local Plan amplifies what is meant by infilling within smaller villages, i.e. the filling of a small gap in an otherwise

continuous built-up frontage within settlements where the site is closely surrounded by buildings, and which is of a scale appropriate to the location.

6. Policy LC1 of the neighbourhood plan, indicates that infill development should conserve the character of the relevant village, and amongst other things, it should respect built limits and characteristic settlement patterns. It also indicates that development proposals outside of the built-up areas of these villages will only be supported if they are appropriate to a countryside location.

Main Issues

7. Against the background above, the main issues are;
 - whether the appeal site would be a suitable location for the proposed development, with particular regard to the local development strategy; and the effect of the development on;
 - the landscape and scenic beauty of the part of the Area of Outstanding Natural Beauty within which it would be located; and
 - highway safety.

Reasons

Local development strategy

8. The appeal site comprises part of a field on the edge of the village of Kidmore End. It forms part of a larger area of land under the appellant's control. Trees, woodland and understorey plant-growth, much of which is outside of the appeal site and subject of a Tree Preservation Order (TPO), create both a sense of enclosure within the site and separate it from built-up parts of the village beyond.
9. Within the Local Plan Kidmore End is identified as a smaller village, but no settlement boundary is identified for the village within either the Local Plan or the neighbourhood plan.
10. In the context of infill development, the Local Plan does not indicate what might constitute a small gap. However, from my observations during my site visit, the gap between Astwell and Little Orchard is significantly larger than that typically found between other buildings within the built-up area nearby. Furthermore, intervening woodland and plant growth (which are outside of the appeal site) restrict intervisibility at ground level between Astwell and Little Orchard, and there is no through road between Butlers Orchard and Coopers Pightle.
11. The development is of a density that is not dissimilar to that which is found nearby. However, due to the size of the gap between Little Orchard and Astwell, and the presence of intervening areas of woodland, the development would not constitute the infilling of a small gap in an otherwise continuous built-up frontage. Nor, due to the presence of the woodland and the parts of the field adjoining the appeal site, would it be closely surrounded by buildings. As such, the development would not represent a form of infill development, as defined by Policy H16 of the Local Plan.
12. Consequently, it would not accord with the development strategy outlined within Local Plan Policy STRAT1, which seeks to focus growth within the larger settlements, to help to reduce the need to travel.

13. The strip of woodland between the appeal site and Little Orchard is much narrower than the area of woodland adjacent to Astwell. I accept that the two dwellings which would be sited closest to the adjacent Public Right of Way (PRoW), would read as an extension to the frontage formed by development within Coopers Pightle. However, this consideration does not lead me away from my previous findings.
14. I do not doubt that the development would help to secure the provision and retention of services within Kidmore End. However, for the reasons given above, the appeal site would not be a suitable location for the proposed development, with particular regard to the local development strategy. Consequently, and in respect of this main issue, it would conflict with the parts of Policies STRAT1, H1, H16 and ENV1 of the Local Plan, and LC1 of the neighbourhood plan which outline the settlement strategy for the District and which require development to respect built limits and characteristic settlement patterns. It would also conflict with the National Planning Policy Framework (the Framework) and Planning Practice Guidance which indicate that the planning system should be genuinely plan-led.

Landscape and scenic beauty

15. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB). In such areas, paragraph 176 of the Framework indicates that great weight should be given to conserving and enhancing landscape and scenic beauty.
16. From both my observations on site and the evidence, sound and activity associated with the ordinary use of land and buildings within the village can be perceived within the site. However, intervening woodland and plant growth limits the visibility of the built-up parts of the village from within the site.
17. Despite the proximity of the appeal site to the built form within Kidmore End, the site retains an attractive and pleasant semi-rural character and appearance, which is distinct from that of the nearby built-up parts of the village, and which can be readily experienced by users of the adjacent PRoW. The appeal site therefore makes a significant contribution to both the quality and distinctiveness, and the landscape and scenic beauty of the area within which it is located.
18. Clear views into the site from the public realm are generally restricted to locations within the road within Coopers Pightle, and from the PRoW adjacent to the site. However, the four dwellings would have very similar footprints to each other, and would be aligned in pairs with two closer to the PRoW, and two further back into the site. All of the dwellings would be served by accesses and driveways leading right up to the dwellings. I accept that there are opportunities for additional planting within the site, and that the adjacent areas of woodland, which are subject of a TPO, would continue to be afforded protection. However, I have no compelling reason to doubt that the development would introduce a significant amount of built form across large parts of the appeal site. Such development, which would result in the loss of a large section of an open and undeveloped field on the village edge, would erode the distinctive landscape and scenic beauty of the area.
19. For these reasons the development would have a harmful effect on the landscape and scenic beauty of the part of the AONB within which it would be located. Accordingly, and in respect of this main issue, it would conflict with

Policies ENV1 of the Local Plan and LC1 of the neighbourhood plan, where they require development to conserve, and where possible, enhance the character and natural beauty of the Chiltern AONB, and respect built limits and characteristic settlement patterns. It would also conflict with paragraph 174 of the Framework which requires the protection and enhancing of valued landscapes.

Highway safety

20. Vehicular access to the proposed development would be via a short unadopted no-through road and PRow known as Coopers Pightle. This road serves a small number of dwellings and a cemetery. Vehicular access to and from Coopers Pightle is via an existing junction off Chalkhouse Green Road. Close to the junction with Coopers Pightle, Chalkhouse Green Road is relatively narrow; there are several private driveways accessing on to it; and, it is subject to a 20mph speed limit. Pedestrians and vehicles share the same surfaces within both Coopers Pightle and Chalkhouse Green Road.
21. The development would result in an increase in vehicle movements utilising the junction between Coopers Pightle and Chalkhouse Green Road. From the evidence and my observations on site, there is limited visibility onto Chalkhouse Green Road when exiting Coopers Pightle. Notwithstanding this, during my middle-of-the-day and mid-week site visit, very little use of either road was observed.
22. I appreciate that vehicle and pedestrian movements along both roads may be greater at peak times, including those times around school drop-off and collection. However, despite the sub-standard visibility at the junction, the evidence suggests that Chalkhouse Green Road is generally lightly trafficked, and I accept that the Crashmap data indicates that there have been no injury accidents at the junction over the last ten years. Furthermore, given the low-speed limit and generally low frequency of traffic on Chalkhouse Green Road, it is reasonable to expect drivers exiting Coopers Pightle to pull out of the junction cautiously until they can see any oncoming traffic or pedestrians, or lack thereof. Any such traffic would be visible to oncoming road users, and there is enough space within the highway for drivers of oncoming vehicles to safely navigate around vehicles that 'nose out' into Chalkhouse Green Road. For these reasons, I am unable to conclude that the junction does not work safely.
23. I accept that it is likely that a high proportion of trips to and from the site would be made by private car, and that the number of houses accessed from Coopers Pightle would double. However, the evidence suggests that four houses of the size proposed would result in a relatively small number of additional vehicle movements using the junction, even during the morning and evening peak hours. Therefore, and even if the junction does not meet the Council's requirements for new junction design, I do not doubt that in terms of pedestrians and other road users, it can safely, accommodate the additional traffic movements which would result from the development.
24. For the reasons given above, the development would not have a harmful effect on highway safety. Consequently, it would comply with Policy TRANS5 of the Local Plan, which, amongst other things, requires development to provide safe and convenient access for all users of the highway network. It would also comply with paragraph 111 of the Framework and Planning Practice Guidance where they state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, and to ensure that negative transport impacts of development are mitigated.

Other matters

25. The appellant has indicated an intention that the development be self-build and custom-build. However, no mechanism has been put before me to ensure that the development would be delivered as such. Therefore, even if the Council cannot demonstrate that enough permissions have been granted to meet the demand as identified on their self-build register, this consideration would not weigh in favour of the scheme.
26. It is mandatory for me to take account of the most relevant and up-to-date information in reaching a decision. Even if during the development of the neighbourhood plan the site was indicated as having strong potential for allocation [for housing], it was not taken forward and allocated as such in the made plan.

Planning balance

27. There would be benefits from the construction of four new three-bedroom dwellings, which is supported by paragraphs 60 and 69 of the Framework. It would contribute to delivering choice and competition in the housing market, and would support economic growth, both during the construction phase and following the occupation of the dwellings. Furthermore, it would generate additional support for local services and facilities. However, given the scale of the scheme, any such benefits would be small, and as such the weight that can be attributed to them is limited.
28. Even if the houses were to be designed and built to minimise energy requirements, and the scheme was to include measures to improve biodiversity, details of such measures have not been provided at this stage. As such, very little weight can be attributed to these considerations. That the development would not have a harmful effect on highway safety, and the proposed retention of trees, are neutral considerations.
29. In this case the benefits of the development would be outweighed by the harms which would be caused by; the failure of the development to conform to the local development strategy; and, to the landscape and scenic beauty of the area. I attribute great weight to the harm that would be caused in relation to both of these matters and find that the development conflicts with the development plan when taken as a whole.
30. Several appeal decisions have been provided, within which it was found that the Council could not demonstrate a five-year supply of deliverable housing sites. Even if this is still the case, 11.d) and 11.d) i. of the Framework set out that, where the application of policies of the Framework that protect areas or assets of particular importance, provide a clear reason for refusing the development proposed, then this is a reason why the presumption at 11.d) would not apply. Footnote 7 as referred to in 11.d) i. includes AONB's. I have found that the development would cause harm to the landscape and scenic beauty of the part of the AONB in which it would be located. I have also concluded that it would conflict with those policies of the Framework that require development to protect and enhance valued landscapes. As such the presumption at 11.d) of the Framework would not be triggered in this case.

Conclusion

31. The development conflicts with the development plan when taken as a whole, and there are no material considerations, either individually or in combination that outweigh the identified harm and associated development plan conflict.
32. For the reasons given above, the appeal is dismissed.

V Simpson

INSPECTOR