



Appeal Decision

Site visit made on 11 December 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2023

Appeal Ref: APP/Q3115/D/23/3325938

Cleeve Reach, Bridleway, Goring-on-Thames RG8 0JY

- 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 John De Stefano against the decision of South Oxfordshire District Council.
 - The application Ref P23/S0519/HH, dated 9 February 2023,
 - was refused by notice dated 27 April 2023.
 - The development proposed is the erection of new double garage. Erection of amenity room and new fencing to serve the existing tennis court.
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Decision

1. The appeal is allowed and planning permission is granted for erection of new double garage. Erection of amenity room and new fencing to serve the existing tennis court at Cleeve Reach, Bridleway, Goring-on-Thames RG8 0JY in accordance with the terms of the application, Ref P23/S0519/HH, dated 9 February 2023, and the plans submitted with it, subject to the following 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: 001 A, 004 A, 005 A, 006 A, 007 A, 008 A.
 3. The external surfaces of the development shall be constructed in those materials set out in drawings 005A and 007A.
 4. Prior to the commencement of any site works or operations, including site clearance relating to the development hereby permitted, an Arboricultural Method Statement and accompanying Tree Protection Plan which complies with the current edition of BS 5837 "Trees in relation to design, demolition and construction", shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 5. The developer shall confirm in writing to the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of any contamination to the land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial works to include methods of monitoring and certification of such works undertaken is submitted to and approved in writing by the Local Planning Authority. Where land contamination investigation/remedial works are required this must be carried out by a

competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 'Investigation of potentially contaminated sites'.

Preliminary Matters

2. Since the determination of this application, a new National Planning Policy Framework (the Framework) has been adopted (December 2023). The refusal reason makes reference to paragraph 176 of the Framework. The text of this is unchanged in paragraph 182 of the new Framework. As such, further comments from the parties are not necessary in the interest of natural justice.

Main Issues

3. The effect of the development on the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal property is a two storey dwelling accessed off a bridleway within the settlement of Goring-on-Thames. The appeal site is split by the bridleway, with the dwelling on one side, next to the river, and the appeal site, on the other. The general surroundings are verdant with a number of trees and vegetation present, in addition to glimpsed views of the river and the open fields beyond.
5. However, there are a number of buildings and properties sited along the Bridleway, and the appeal site is open and unkempt with a large expanse of hardstanding and debris. It is located between the bridleway and a railway line, with the properties of Wallingford Road visible beyond the railway line and steel fencing. Whereas the main house is sited adjacent to the river, the appeal site is located up the bank above the level of the river, screened by a treeline. As such, its connection with the river is limited. Given the number of properties visible from the site, and the context in which the site would be viewed, rather than rural it has the character of being within the settlement and makes a limited contribution to the landscape and scenic beauty of the AONB.
6. There is a large gap between dwellings on the railway side of the bridleway, however, whilst currently free of built form, the appeal site is located next to the garage which serves the dwelling known as Katauyak. This is a substantial structure, a double garage with accommodation in the roof space and a gable extending from its rear. Moreover, I note that since the determination of the application the subject of this appeal, an amended scheme has been granted planning permission¹ on the appeal site. This scheme consists of new fencing around a tennis court and also the erection of a detached pavilion.
7. As such, the Council have accepted some development on this site. Compared to the approved scheme, a larger pavilion building is proposed, in addition to a further separate detached garage.
8. The proposed additional scale to the previously approved pavilion building is minor, and the resultant building would certainly appear limited in scale compared to the existing garage outbuilding of Katauyak. The addition of the

¹ Application reference P23/S1757/HH

garage building in between the approved pavilion building and existing garage outbuilding of Katauyak would consolidate built form on the site. However, there would remain sufficient distance between the buildings to allow for views of the vegetation and trees around the site and prevent a sense of incongruous continuous built form.

9. Both buildings would be limited in scale compared to the dwellings along the bridleway and the existing outbuilding and, subject to a condition securing a suitable arboricultural method statement and tree protection plan, no trees would be lost, as is set out in the submitted Tree Survey². This would retain the verdant surroundings and character of the area. As such, the proposed development would not harm the landscape and scenic beauty of the AONB.
10. In light of the above, I conclude that the proposed development would not have a detrimental effect on the AONB. There is no conflict with Policy DES1 of the South Oxfordshire Local Plan 2011-2035 (2020) (LP), which requires high quality design that reflects and responds positively to the character and design of the local area. There is also no conflict with the wider conservation and enhancement of the AONB's special landscape qualities goals of LP Policy ENV1 and the Framework.

Other Matters

11. I note that issues regarding the need for the development has been raised. This is not required to be demonstrated under the above policies. The proposed development is located on land within the ownership of the appellant and as such any current informal use of part of the site as a car turning area is a matter for the appellant. Similarly, it is not demonstrated that the height of the tennis court fencing is insufficient.
12. The site is identified on previously approved plans as within the curtilage of the host dwelling and has been accepted by the Council as such. I have no reason to disagree with this conclusion.
13. Like other examples along the Bridleway, fencing along the site would not cause undue highway safety issues, as there would remain opportunity for users of the pathway to pass. With regards to construction traffic, whilst some inconvenience may be unavoidable, the site is accessible by vehicles and is of a scale to not cause undue obstruction or safety issues.
14. The existing character and appearance of the appeal site, its context and planning history would not necessarily be replicated elsewhere. Therefore, this scheme does not in my view set a harmful precedent for development elsewhere nearby.

Conditions

15. Suggested conditions have been provided that the Council and appellant. I have considered these in light of the Planning Practice Guidance (PPG).
16. In addition to the standard time limit condition, compliance with the application plans, a condition requiring that materials match those set out in the submitted plans is necessary, in order to ensure that the development is attractive and in keeping with the surrounding built form.

² Cleeve Reach, tennis court, Tree Survey February 2023

17. The condition referred to above, requiring an arboricultural method statement and tree protection plan, is required to be pre-commencement to ensure that the protection details are appropriate, finalised and secured prior to development starting on site. Subject to the retention of these trees, no landscaping condition is necessary to protect the verdant qualities of the surroundings.
18. A condition is suggested by Network Rail regarding the reporting of any contamination found during any works, due to the proximity of the site to the railway line. I consider this necessary in order to ensure the safety of the development and surroundings.

Conclusion

19. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR