



Appeal Decision

Site visit made on 23 January 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2024

Appeal Ref: APP/Q3115/W/23/3320910

Dean Wood House, South Stoke Road, Woodcote, Oxfordshire RG8 0PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Dr N Simpson and Mr K Simpson against the decision of South Oxfordshire District Council.
 - The application Ref P22/S3885/O, dated 21 October 2022, was refused by notice dated 31 January 2023.
 - The development proposed is erection of a new dwelling and detached garage with new access.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new dwelling and detached garage with new access at Dean Wood House, South Stoke Road, Woodcote, Oxfordshire RG8 0PL in accordance with the terms of the application, Ref P22/S3885/O, dated 21 October 2022, subject to the conditions in the schedule at the end of this decision.

Application for costs

2. An application for costs has been made by South Oxfordshire District Council against Dr N Simpson and Mr K Simpson. This is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the header and decision above is taken from the application form. It is different to that on the appeal form but it adequately describes the proposal. My assessment is based on the original description.
4. The application leading to this appeal sought outline planning permission and approval of access, landscaping and layout details. Appearance and scale are reserved matters and so I have treated the information on these issues as being submitted for illustrative purposes.
5. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. There is no need to invite further comments from the Council or the appellant on the revisions as they do not affect policies pertinent to this appeal.
6. On 22 November 2023, all designated Areas of Outstanding Natural Beauty in England and Wales became 'National Landscapes'. However, the legal designation and policy status of these areas are unchanged, so I have proceeded on this basis.

Main Issue

7. The main issue is whether the proposal would be in a suitable location having regard to development plan policies and the Framework.

Reasons

8. Policy E4 of the Woodcote Neighbourhood Plan made in October 2022 (the NP) defines a settlement boundary for Woodcote. The rear part of the appeal site where the proposed house and garage would be located is just outside the defined settlement. The whole of the site and surrounding area lies in the Chilterns National Landscape Area of Outstanding Natural Beauty (the AONB).
9. Due to their location, the proposed house and garage do not gain from the support for residential development within the settlement boundary as set out in the first part of NP policy E4. However, the preamble to the policy explains development beyond the boundary is not precluded. Indeed, the last sentence of policy E4 states schemes outside the village will be supported provided they are appropriate to a countryside location and conserve the special qualities of the AONB.
10. The development would be on land that is currently grassed and with several bushes, hedges and trees. The submitted proposed site plan indicates the house and garage on an area of lawn. This part of the site looks like garden land, particularly given its close relationship to Dean Wood House and the neighbouring property Chiltern Cottage. It is distinctly different to the rear part of the site, which is further away from the residences and appears more like a meadow rather than garden.
11. The proposed house would be set back from the road but it would be seen as a new residence on garden land between Dean Wood House and Chiltern Cottage rather than an encroachment into the countryside. In these respects, it would be appropriate to its location. Moreover, the garden part of the appeal site fails to make any meaningful positive contribution to the visual qualities of the wider landscape. The development could be designed to fit in with the adjoining residences and to avoid harm to the scenic beauty of the area. It is noteworthy that the Council raises no concerns over the proposal's effect on the AONB. Therefore, the scheme gains support from the final part of NP policy E4.
12. NP policy H9 sets out the circumstances when residential development on small infill sites within Woodcote would be supported. I am uncertain whether this policy is strictly relevant to this appeal as the proposed house would be outside the defined settlement boundary. In any event, due to its position between Dean Wood House and Chiltern Cottage, the proposal would not lead to any perceived outward extension of the settlement boundary. As such, the development would not conflict with the provisions of NP policy H9 for the reasons claimed by the Council.
13. Policy STRAT1 of the South Oxfordshire Local Plan 2020 (the LP) looks for development to support the role of larger villages such as Woodcote as local service centres, as well as protecting the countryside and the AONB. The development would be located near enough to the centre of the village that it is likely future residents would use local facilities. In these regards, the proposal would accord with the Framework's aim to locate housing where it would enhance or maintain the vitality of rural communities. Also, no harm would be

caused to the countryside as the scheme would primarily affect garden land. As such, I find no conflict with LP policy STRAT1.

14. Under part 3(iii) of LP policy H1, development within the built-up area of larger villages is permissible provided no important open space is lost. The appeal site is of no particular importance and the development would not affect any public views. Also, LP policy H1 does not say that settlement boundaries as set out in neighbourhood plans should be determinative as to whether a site is within the built up part of a village. To my mind, the development would be in a built up area as it would be between residences that form part of a line of properties along South Stoke Road. Therefore, the proposal is supported by LP policy H1.
15. For the above reasons, I conclude the development would be in a suitable location when having regard to development plan policies and the Framework. In these respects, it would accord with, or would not be contrary to, NP policies E4 and H9 and LP policies STRAT1 and H1 when read as a whole.

Other Matters

16. The development would be seen from neighbouring properties but it could be designed to avoid unacceptable overlooking or any other harm to living conditions. Most trees on the site would be retained and new tree and hedge planting is proposed that would adequately compensate for the vegetation to be removed. The concerns raised on these matters do not justify refusing planning permission and so they do not affect my overall conclusion.

Conditions

17. I have considered the list of conditions suggested by the Council against the tests for conditions as set out at paragraph 56 of the Framework. Where necessary, I have made amendments in the interests of precision.
18. Condition 1 sets out the requirement to submit and gain approval for the reserved matters. Conditions 2 and 3 are required under section 92 of the Act. Condition 4 is included for reasons of clarity and to ensure the development is carried out in accordance with the approved plans.
19. Condition 5 is needed to ensure trees to be retained are protected during construction works and to safeguard their contribution to the visual qualities of the area. Conditions 6 and 7 are required to ensure surface and foul water from the development is disposed of appropriately and without flooding or pollution. Conditions 8, 9 and 10 are needed in the interests of highway safety. Condition 11 is imposed to ensure the development successfully integrates with its surroundings.
20. There is no need for the suggested condition on external materials as this would be covered by the application for approval of the appearance reserved matter. A recent written ministerial statement¹ includes the Government's expectation that local energy efficiency standards for buildings will not be set that go beyond current or planned building regulations. As such, the suggested planning condition that requires details of a reduction in carbon emissions compared to building regulation standards is unnecessary.

¹ Planning - Local Energy Efficiency Standards Update, Statement made on 13 December 2023, Statement UIN HLWS120, Statement made by Baroness Penn, Parliamentary Under Secretary of State for Levelling Up, Housing and Communities

Conclusion

21. The proposal would accord with development plan policies. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and scale of the development (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 begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 3820/100 revision B, 3820/200 revision D and 3820/201 revision K.
- 5) Prior to the commencement of the development hereby permitted, the tree protection details as described in the supporting Arboricultural Assessment and Method Statement (Mark Welby, AIA.DWHW.2209 Rev A) and accompanying tree protection plan shall be put in place and thereafter they shall be retained in situ for the duration of the development until completion.
- 6) Prior to the commencement of the development hereby permitted, a full surface water drainage scheme following the surface water drainage hierarchy as set out in Ciria C753 and by providing infiltration testing undertaken in accordance with BRE 365, shall be submitted to, and approved in writing by, the local planning authority. The design of the surface water drainage system shall be in accordance with the non-statutory technical standards for sustainable drainage systems, including details of the levels, size, position and construction of drainage works. The drainage scheme shall be sized to accommodate a minimum of the worst case 1 in 30 year storm, with evidence to demonstrate that the site can accommodate the worst case 1:100 year storm + 40% Climate Change storm, without any flows exiting up to this storm event and any storage on site not causing a nuisance or flooding to property. A drainage scheme shall be constructed in accordance with the approved details prior to the occupation of the development hereby permitted and shall thereafter be maintained and retained.
- 7) Prior to the commencement of the development hereby permitted, a full foul water drainage scheme shall be submitted to and approved in writing by the local planning authority. The information to be submitted shall

include details of the method, levels, size, position and construction of the drainage scheme. A drainage scheme shall be constructed in accordance with the approved details prior to the occupation of the development hereby permitted and shall thereafter be maintained and retained.

- 8) Prior to the first occupation of the development hereby permitted, the existing means of access onto South Stoke Road shall be improved and laid out and constructed strictly in accordance with the approved plans and the local highway authority's specifications and all ancillary works specified shall be undertaken.
- 9) Prior to the first occupation of the development hereby permitted, the visibility splays shown on the approved plans shall be provided and shall thereafter not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
- 10) Prior to the first occupation of the development hereby permitted, parking and turning areas shall be provided in accordance with the approved plans. These areas shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage principles and shall be retained unobstructed at all times except for the parking and turning of vehicles associated with the development.
- 11) Prior to the first occupation of the development hereby permitted, the landscaping scheme as shown on the approved plans shall be implemented and thereafter maintained. In the event of any of the soft landscaping so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, replacement planting, as the case may be, of a species first approved by the local planning authority, shall be planted and properly maintained in a position or positions first approved in writing by the local planning authority.