



Appeal Decision

Site visit made on 4 March 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2024

Appeal Ref: APP/Q3115/W/23/3326514

Chapel Wells, Church Hill, Pishill, Henley on Thames, Oxfordshire, RG9 6HJ

- 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 H Leventis against the decision of South Oxfordshire District Council.
 - The application Ref P23/S0952/FUL, dated 14 March 2023, was refused by notice dated 12 May 2023.
 - The development proposed is the erection of timber belvedere.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of timber belvedere at Chapel Wells, Henley on Thames, Oxfordshire RG9 6HJ in accordance with the terms of the application, Ref P23/S0952/FUL subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PA201, PA202 and PA203
 - 2) The exterior of the development hereby permitted shall be maintained in accordance with the materials specified on the plans/supporting documents hereby approved.
 - 3) No external lighting shall be installed on the site other than in accordance with details, which have first been submitted to and approved in writing by the Local Planning Authority. Details shall include location of the external lights and product specification.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed and rebranded as National Landscapes to reflect "*their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do*". However, the legal designation and policy status of these areas are unchanged, so I have proceeded on this basis.
3. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023 and accompanied by a written ministerial statement (WMS). I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from

the parties on the revised Framework. Any references to the Framework hereafter in this decision are to the latest version.

4. At the time of my site visit, I could see that the single storey belvedere was already in situ, and the appeal is therefore being considered retrospectively. Nevertheless, for the avoidance of doubt, I have determined the appeal based on the proposed plans before me.

Main Issue

5. The main issue is the impact of the proposal on the character and appearance of the Chilterns AONB.

Reasons

Character and appearance

6. The appeal site consists of a remote dwellinghouse known as Chapel Wells. The site is accessed via Church Hill in Pishill, South Oxfordshire. The surrounding area is rural in appearance and the belvedere is located to the middle of the southern boundary of an agricultural field adjoining a narrow public footpath. The proposal consists of a modest single storey structure constructed of timber with a round thatched roof. The general surroundings are verdant with a number of trees and vegetation along boundary treatments which provide good screening limiting views of the proposal to glimpses only.
7. The appeal site is located within the Chilterns AONB. Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs. Policies STRAT1 and ENV1 of the South Oxfordshire Local Plan (SOLP) 2011-2035, adopted December 2020 are consistent with the Framework insofar as they also seek to protect and enhance the landscape and the scenic beauty of the Chilterns and North Wessex Downs Area AONBs. However, there is provision within the policy for proposals outside towns and villages which meet specific needs for agricultural industry or enhancement of the environment.
8. The use of the belvedere has been indicated by the appellant as two-fold, i) a domestic shelter for the appellants to enjoy views of the countryside and ii) for a limited agricultural purpose as shelter to provide weather protection for a shepherd tending to sheep that graze in the field. Whilst providing an agricultural function I have been supplied with limited information in respect to this use, and accordingly I give this matter limited weight.
9. The belvedere is located some distance from Church Wells and would be significantly more modest in scale than the existing buildings in the vicinity. Its position alongside the boundary is relatively secluded which limits views from public vantage points. Whilst I acknowledge that the proposal would be partially visible from the public footpath, its modest proportions and use of natural materials would be appropriate in the surrounding landscape environment.
10. The belvedere would be seen against the backdrop of a vegetated boundary and even in the winter months would appear as a relatively inconsequential addition to the landscape. Consequently, the belvedere would blend visually, and would not significantly alter the balance of buildings to greenery in the area. 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.

11. Whilst I do not find the proposal similar in architectural terms to the Chilterns bodgers shelters cited in the submitted information, the proposal is nevertheless a modest structure within the large open field of an existing dwelling. Whilst providing an alternative design, the use of the timber would assist in giving the building a recessive appearance, and a subservient character commensurate with its function. As such, the design and materials of the building would, overall be appropriate for its context and purpose, and would not harm the appearance of the surrounding area or the AONB.
12. Paragraph 182 of the Framework advises that the scale and extent of development within designated areas, such as AONBs should be limited, while development within their settings should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The proposal would be of a modest size, and, for the reasons given above, I have found that it would not harm the character and appearance of the area. Therefore, although it would not be a positive enhancement, it would conserve the landscape and scenic beauty of the AONB. As such, there is no conflict with the wider conservation and enhancement of the AONB's special landscape qualities goals of SOLP Policies STRAT1 and ENV1 and the Framework. Furthermore, I identify no conflict with SOLP Policies DES1 and DES2 which require high quality design that reflect and respond positively to the character, design and place identity of the local area.

Conditions

13. In attaching conditions to this decision, I have had regard to the tests set out at paragraph 56 of the Framework. Given that the proposal is retrospective there is no need to attach the standard time limit condition. However, for the avoidance of doubt and in the interest of certainty I have imposed a condition specifying the approved plans.
14. I have also attached a condition requiring the use and maintenance of the materials as set out in the plans, in the interests of a good quality appearance to the development. A condition is also required for the details of any external lighting in the interests of appearance of the area, the environment and wildlife and I have imposed a condition that incorporates the requirements set out in the Council's suggested condition.

Conclusion

15. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Robert Naylor

INSPECTOR