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# Appeal Decision

Site visit made on 1 May 2024

**by E Pickernell BSc MSC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> July 2024**

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**Appeal Ref: APP/Q3115/W/23/3325111**

**Land North of No 1 Cranford Cottages, Moulsoford OX10 9HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr R Crabbe against the decision of South Oxfordshire District Council.
  - The application Ref is P22/S4300/FUL.
  - The development proposed is a new access road on land north of No 1 Cranford Cottages.
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## Decision

1. The appeal is allowed and planning permission is granted for a new access road on land north of No 1 Cranford Cottages at Land North of No 1 Cranford Cottages, Moulsoford OX10 9HR in accordance with the terms of the application, Ref P22/S4300/FUL, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

## Preliminary Matters

2. The appeal site falls within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Subsequent to the Council issuing its decision notice on 22 November 2023, all designated AONBs became "National Landscapes" (NL), although they are still referred to as AONBs in legislation and policy. The Government also published a revised National Planning Policy Framework (the Framework) on 20 December 2023. On 26 December 2023, Section 245 of the Levelling-Up and Regeneration Act (LURA) amended the duty in respect of AONBs, strengthening the statutory purpose of conserving and enhancing their natural beauty.
3. With the exception of paragraph numbering, the Framework has not been amended insofar as it indicates great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. I am satisfied that there is sufficient information before me to make my determination in respect of the effect on the NL and that neither party would be prejudiced by my taking the policies in the revised Framework into account.
4. A separate appeal has been submitted against the decision of the Council to refuse a certificate of lawful use or development at the appeal site<sup>1</sup>. As this appeal has not yet been decided, it has very little relevance to my decision, which has been made on the merits of the proposal and evidence before me.

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<sup>1</sup> APP/Q3115/X/23/3332826

## **Main Issue**

5. The main issue is the effect of the development on the character and appearance of the area, including its effect on the landscape and scenic beauty of the North Wessex Downs National Landscape.

## **Reasons**

6. The appeal site comprises part of an open area of land to the north of a small group of residential properties and school buildings, located just off The Street (A329). The special qualities of the NL include rolling hills and low-lying farmland. The village of Moulsoford is characterised by pockets of development interspersed with open land that transitions out into an open rural landscape beyond.
7. The appeal site is laid to grass and is set slightly down from the adjacent road, from which it is separated by a verge and a boundary treatment formed of wooden posts. Located at the edge of the village of Moulsoford, close to dwellings to the south and the structures and equipment associated with the sports facilities at the school to the east, the appeal site is in somewhat of a transitional area where development gives way to open countryside. However, given the proximity of the appeal site to nearby development it is more closely associated with these elements than the countryside beyond and therefore has a village edge character.
8. The proposed access road would lead off the A329 to a shared parking area at the rear of the adjacent dwellings and would include a gate set back from the highway. The proposal would be seen in the context of several other vehicular accesses nearby. These include the access road to the group of properties to the northwest of the appeal site, the access to the school building to the west, including a layby off the A329, and the access to the school site to the south of the appeal site. There are also several individual driveways nearby. In this context the proposed access road would be entirely in keeping with the surrounding area and would assimilate successfully within the wider context of fields and village edge.
9. The hedging adjacent to the road is relatively sparse in the vicinity of the appeal proposal and as such the removal of a small portion of existing vegetation to facilitate the access would not materially harm the character and appearance of the area. Because of its proposed width and materials, the access road itself would be visible as a hard surfaced feature within an otherwise grassed area. However, suitably worded conditions would secure the details and implementation of a landscaping scheme and ensure that the access road edge would be softened. To my mind, such landscaping would provide a soft buffer with additional planting, where the ground is currently grass which would assist in a small degree of enhancement to this part of the NL. Therefore, there would be no harm to the character and appearance of the village and the landscape and scenic beauty of the NL would be conserved and enhanced.
10. As the proposed access would serve a small number of dwellings, the number of vehicular movements associated with the proposed development would be relatively infrequent. Furthermore, the proposed access would be in the context of the activity associated with adjacent residential and sports uses. Therefore, the level of activity generated would be consistent with the existing situation

and the effect of increases in vehicle activity on the character of the area would be negligible.

11. I conclude that the proposal would have an acceptable effect on the character of the village and would conserve and enhance the scenic beauty of the NL. The proposal therefore accords with Policies DES1, DES2 and ENV1 of the South Oxfordshire Local Plan 2035 (adopted December 2020) and paragraph 182 of the Framework. Collectively these seek to ensure that development is of a high quality, respects landscape character and conserves and enhances the character and natural beauty of the NL.

### **Other Matters**

12. Concerns have been raised by interested parties in relation to a number of matters. There are concerns that the proposal is not necessary in order to avoid congestion, however I have found the proposal to be acceptable on its own terms and as such no further justification is required. The Local Highway Authority have not objected to the proposal, subject to conditions and I have no reason to consider that the proposal would result in an adverse effect on highway safety.
13. Any on-going enforcement investigations in relation to the appeal site, and the outcome thereof are not matters which are before me. I note the concerns about the cumulative effect of potential future development at the site, however I have based my decision on the current circumstances and the proposals that are before me for consideration. Although the access would be near to 1 Cranford Cottages, it would be sufficiently far away to ensure that the privacy of the occupiers of this property would not be adversely affected. Bearing in mind the distances between the appeal site and neighbouring properties as well as the scale and nature of the proposed development, I do not consider that any noise, dust and fumes associated with the construction of the proposal would harm the living conditions of neighbouring properties.

### **Conditions**

14. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. Conditions are required to ensure that the site is adequately landscaped in the interests of the character and appearance of the area and the NL. Conditions are necessary to ensure that the access is constructed, that visibility splays are maintained and that gates are suitably located in the interest of highway safety. The Council's suggested a 'materials as on plan' condition that would duplicate the requirements of the approved plans condition; I do not think such a condition would be necessary to impose.

### **Conclusion**

15. For the reasons given above, I conclude that the appeal should be allowed.

*E Pickernell*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos PL01B, VS01B, PL02 and PL03.
- 3) Before the construction of the above ground surfaces of the development hereby approved, a hard and soft landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of: schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, all boundary treatments and all hard surfacing materials. The development shall be carried out in accordance with the approved hard and soft landscaping scheme.
- 4) Any trees or shrubs planted which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Before the development hereby approved is brought into use, details of the access gates shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall show the access gates set back a minimum of 6.0 metres from the edge of the carriageway and shall open inwards into the site. The access gates shall be erected and retained in accordance with the approved details.
- 6) The visibility splays shown on plan no. VS01B shall be free of any obstruction exceeding 0.9m in height and shall be retained as such thereafter.

END OF SCHEDULE