
Appeal Decision

Site visit made on 22 October 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/Q3115/W/24/3345080

Hallemead House, Woodlands Road, Harpsden, Henley on Thames, Oxfordshire RG9 4AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ms Susie Pragnell against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S1769/O.
 - The development proposed is the demolition of Hallemead House and its replacement with a self-build plot; the creation of two additional self-build plots; and demolition of part of the existing stables to be replaced with a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development contained on the application form contained matters that are not acts of development and I have removed these from the description included above.
3. This appeal relates to the refusal to grant outline planning permission with all matters reserved except for access. I have determined the appeal on this basis. Illustrative plans have been provided and I have paid regard to the plans in so far as assessing the principle of development in land use terms.

Main Issues

4. The main issues are:
 - whether or not the appeal site is an appropriate location for the proposed development having regard to the overall development strategy and development plan and national policies relating to development within rural areas; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site partly comprises a residential plot occupied by a detached two storey dwelling and partly equestrian land and associated stables.
6. Having observed the appeal site itself, its surroundings and relationship to nearby settlements, it is not located within either Harpsden or Lower Shiplake. Nor is it adjacent to them. Although there are some other residential dwellings

located along the road, these tend to be detached properties on large plots with large open areas between properties as well as extensive areas of open rural land, including paddocks that form part of the land under the control of the appellant.

7. In reaching the view that the appeal site is not located within a settlement, I have taken account of the wider context plan provided by the appellant which shows various sites that have been earmarked for residential development and the relevant supporting information, including the Council's decision notices and appeal decisions. However, all of these sites are located closer to a settlement than the appeal site and although one, (Thames Farm, Reading Road), would immediately adjoin the common boundary with the appellant's land, there would still be a significant strip of paddocks between that site and the actual appeal site and therefore the existence of these other sites does not alter my view that the appeal site is not located within or adjacent to a settlement. Rather the appeal site falls within the countryside.
8. Policy STRAT1 of the South Oxfordshire Local Plan 2011-2034 adopted December 2020 (SOLP) sets out the overall development strategy and seeks to protect and enhance the countryside and indicates that outside of the towns and villages any change should relate to very specific needs such as those of the agricultural industry or enhancement of the environment.
9. The appeal proposal does not meet any of the specific types of development set out in Policy H1 (3) of the SOLP, as although the proposal would result in the replacement of an existing dwelling which is clearly in disrepair, it is not currently redundant, disused, or empty. Further, although the proposed new cottage would result in the removal of part of the dilapidated stables, the proposal would not result in those redundant and disused stables being brought into residential use.
10. Moreover, as I have found that the appeal site is not located within or adjacent to a settlement, although part of the appeal site does meet the definition of previously developed land, Policy H1 (4) of the SOLP does not support the proposed development.
11. Taking account of the available evidence and my own observations, Lower Shiplake does have services and facilities adequate for day-to-day provision, including a shop and post office, a butcher, pubs and restaurants. However, they are located some considerable distance from the appeal site as is the train station which is over a kilometre away. There is also a bus stop about 0.6km away. In some circumstances that would be an acceptable distance. However, there is not a continuous paved footpath with lighting between the appeal site and either Lower Shiplake or the nearest bus stops and any journey on foot would be along an unlit road that does not have a pavement. I do not consider that the existence of lighting serving dwellings along the road would make the journey on foot any more appealing.
12. As a result, given the location of the appeal site relative to the range of services and facilities available I consider that it is more likely than not that future occupiers of the proposed dwellings would be reliant on the private car to undertake many of the journeys necessary to access facilities and services. The existence of other developments granted permission as shown on the wider context plan does not alter my view because as already outlined, these are all closer to settlements than the proposal before me.

13. Consequently, the appeal site would not represent a location which is sustainable as contrary to the National Planning Policy Framework (the Framework) it would not be located where the need to travel would be limited. Further, the proposal would make only a very modest contribution to enhance or maintain the vitality of the rural community. This would be clearly outweighed by the fact that the proposal would not be located where the need to travel would be limited.
14. The appellant sets out that the proposal would not result in the development of isolated homes in the countryside. I accept that isolated is not defined in the Framework and in accordance with relevant case law, it should be given its ordinary objective meaning of far away from other places, buildings or people; remote.
15. Having considered the position on the ground, I accept that there are some other buildings relatively nearby, and although the nearest buildings are also outside existing settlements, I do not consider the proposal would result in isolated homes within the countryside and in this regard, the proposal would not be at odds with the Framework.
16. Policy H12 of the SOLP and Policy H4 of the Joint Henley and Harpsden Neighbourhood Plan 2020-2035 made in December 2022 (JH&HNP) deals with custom and self-build housing. Among other things, they set out that the Council will support proposals for such development that are delivered in accordance with policies in the development plan. Given my findings, the appeal site is not located within a built-up area nor is it in a suitable or sustainable location and consequently is at odds with other relevant development plan policies. As a result, development plan policies do not support residential development, including self-build dwellings at the appeal site.
17. I therefore conclude that the proposed dwellinghouses would not be located in an appropriate location having regard to the overall development strategy and would not accord with development plan and national policies relating to development within the countryside. I afford this issue significant weight in the determination of the appeal.
18. The proposal would therefore conflict with Policies STRAT1, H1, H12 and TRANS 2 of the SOLP which among other things seek to ensure that outside of the towns and villages any change should relate to very specific needs, residential development, including self-build housing will only be permitted in particular circumstances, none of which apply, and development should promote sustainable transport and accessibility.
19. The proposal would also be at odds with the Framework as the proposed development would not be located where the need to travel would be limited. Given my finding above that the appeal site is located outside the settlement boundary, Policy H16 of SOLP which deals with backland and infill development and redevelopment within smaller villages and other villages is not directly relevant to this proposal.

Character and appearance

20. As outlined above, the appeal site comprises a mix of uses comprising a detached two storey dwelling and equestrian land and associated stables in a

countryside setting. Although there are other dwellings located along the road, the character and appearance of the area is not suburban, but rather comprises predominantly detached houses on large plots in a green and sylvan setting which has a semi-rural character.

21. The appeal site itself has an open and verdant appearance with the existing buildings being set back from Woodlands Road, which reinforces the sense of spaciousness that makes a significant contribution to the character and appearance of the area. Consequently, the appeal site contributes to the semi-rural character of the surrounding area.
22. Appearance, landscaping, layout and scale are reserved matters and would be confirmed at a later stage. However, having considered the illustrative drawings I consider that a replacement dwelling in a similar position to the dwelling currently shown on plot 1 on the illustrative site plan and a proposed new cottage in a similar position to that shown to replace the dilapidated stables would sit comfortably on the plot and would not harm the existing spacious character and appearance of the area.
23. However, the same cannot be said for the proposal as a whole. The introduction of up to two further dwellings, in addition to the proposed dwellings mentioned above, anywhere on the appeal site, at whatever scale would result in its harmful urbanisation which would unacceptably diminish its existing open, spacious and verdant appearance.
24. As a result, notwithstanding that the proposal would replace an existing sub-standard residential dwelling, would result in the removal of some dilapidated stables and would make efficient use of the site, it would nevertheless result in unacceptable harm to the character and appearance of the area. I afford such harm significant weight.
25. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. As outlined, I afford the harm the proposal would have on the character and appearance of the area significant weight. The proposed development would therefore not accord with Policy ENV1 of the SOLP, which among other things seeks to ensure South Oxfordshire's landscape, countryside and rural areas are protected against harmful development.
26. The proposal would also be at odds with the Framework which seeks to ensure development is sympathetic to local character, including the landscape setting.

Other Matters

27. I turn now to consider housing supply. The Council have confirmed that it can demonstrate a 4.2-year supply of housing land against a current requirement to demonstrate a 4-year supply.
28. That said, the proposal would be valuable in boosting housing stock and would make efficient use of the appeal site. However, given that the proposal would only result in three additional dwellings in a situation where the Council can demonstrate an adequate supply that tempers the weight of this matter which I consider to be modest.
29. I accept that the proposal would have a cumulative effect in the supply of housing and would have limited economic, social, and environmental benefits.

For example, it would provide some jobs and create demand for materials during the construction phase and would broaden the availability of housing in the area.

30. Further the proposal would result in up to three additional self-build houses. The Council has a duty under the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet identified demand for the district.
31. The Framework supports small sites to come forward for self-build and custom-build housing. In the Officer's Report the Council set out that up to 30 October 2022 there was an oversupply of 29 plots but highlighted that the figures for 2023 would be available shortly. In their appeal statement the appellant set out that the data was somewhat outdated and indicated that the weight given to that information should be significantly reduced.
32. In their appeal statement the Council provided the updated figures which indicates that there was now an oversupply of 35 plots. The appellant has not disputed the figures but instead sets out that the Council was required to provide evidence of this data and publish it before refusing the application and consequently asks me not to accept the updated information as it was not considered when the application was determined.
33. However, I am not sure I agree with that approach as inevitably due to the passage of time between when an application is considered by the Council and when an Inspector determines an appeal, material circumstances may have changed and in this case it is appropriate that I take account of the situation at the time I determine the appeal rather than at the time the original application was determined. On that basis and bearing in mind the appellant has had the opportunity to consider the updated figures I do not think it unfair or prejudicial to the appeal to accept the information. As a result, I have determined this appeal on the basis that there is no shortfall in the provision of self-build or custom build dwellings.
34. That said, I accept that the proposed provision of self-build dwellings on the appeal site would help to meet demand for such properties in the district and this weighs in favour of the proposal and I afford this matter modest weight. In reaching that view I have taken account of the previous appeal decisions that have been brought to my attention. However, there are material differences between the situation here and those cases.
35. For example, for the appeal at land off Hepworth Road, Woodville¹, the appeal at Green End/Heath Road, Gamlingay² and the appeal at Orchard House, Cleobury Road, Far Forest³ the Inspector in each case found that there was a shortfall in the provision of self-build and custom-build provision. That is different from my findings. Given this material difference and the inevitable impact this would have on the weight given to this matter by the other Inspectors when undertaking their planning balance, this limits the weight I afford these previous appeal decisions.

¹ APP/G2435/W/18/3214451

² APP/W0530/W/19/3230103

³ APP/R1845/W/21/3284761

36. Similarly, I have taken account of the appeal decisions that relate to the approved schemes shown on the appellant's wider context plan. As outlined above, all of these schemes are closer to a settlement than the appeal site, although I acknowledge that the Thames Farm development will likely extend the settlement relatively close to the appeal site, but it will still be separated by existing paddocks. Further, there are other material differences between each case and this appeal. For example, for the appeal at Thames Farm, Reading Road⁴, the proposal was for 95 dwellings, 40% of which would be affordable houses. In addition, the Inspector found that the proposal would only have a moderate adverse effect on the character and minor adverse effect on the appearance of the area, the Inspector also found that pedestrians would have safe pedestrian access to Lower Shiplake.
37. For the appeal at Mount Ida, Reading Road,⁵ the appeal site fell within the settlement of Lower Shiplake and the Inspector found that the scale of the development was acceptable bearing in mind policies related to the location of housing. For the appeal at Land to the east of Reading Road⁶, the proposal was for an extra care development for 65 units where the Inspector found that there was high need for such housing. He also found that the appeal site was adjacent to the settlement edge of Lower Shiplake. For the appeal at land adjacent to The Tower House⁷, the appeal site was within but on the edge of the settlement and the Inspector found that the proposal would respect the landscape character and appearance of the area and that a footway could be provided to allow safe and convenient pedestrian access to Lower Shiplake. For the appeal at land to the rear of Crossways, Reading Road⁸, the Inspector found that the appeal site was within the settlement of Lower Shiplake and the proposal would amount to infilling in accordance with Policy H16 of the SOLP.
38. It follows that the other cases that have been brought to my attention are materially different as is the weight that the Inspectors have afforded the relevant ingredients that they have had to balance in reaching their respective decisions. Consequently, these other decisions do not alter my overall view, nor do they justify harmful development at the appeal site.
39. On that basis, the totality of the weight I have afforded the benefits associated with the proposal is moderate. In reaching that view I have had regard to the Written Ministerial Statement and draft National Planning Policy Framework published on 30 July 2024. National policies relating to housing land supply are proposed to change as part of this consultation, but as these changes are at the consultation stage they can only be given limited weight in the determination of the appeal.
40. Even if I were to take account of the proposed changes which if implemented would scrap the four-year housing supply target, that would not change the weight I would afford the benefits of the scheme. That is because I have already taken account of the fact that the proposal would contribute to the overall housing supply, but the weight is tempered by the small number of dwellings involved.

Planning Balance

⁴ APP/Q3115/W/16/3161733

⁵ APP/Q3115/W/19/3219984

⁶ APP/Q3115/W/19/3220425

⁷ APP/Q3115/W/19/3229352

⁸ APP/Q3115/W/22/3297007

41. I have afforded some matters weight as outlined above and I afford the totality of the benefits moderate weight in the determination of the appeal.
42. On the other hand, I have found that contrary to the relevant policies of the development plan, the appeal site would not be a suitable location for residential development and would have an unacceptably harmful impact on the character and appearance of the area. As a result, the proposal would conflict with the development plan and the Framework as a whole. I have afforded both these matters significant weight, which collectively I afford very significant weight.
43. So even if Paragraph 11(d) of the Framework had been engaged, which I do not consider it has been, the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
44. In reaching that view I have had regard to the planning appeal decision at Barlands Cottage, land to the west of the B4214, Bosbury⁹ and note that the Inspector in that case found that overall, the benefits of the proposal did outweigh the adverse impacts, even though Paragraph 11(d) was not engaged. However, again, the circumstances of that case are materially different from the case before me.
45. For example, in that case, the Inspector found that in accordance with the Framework the proposal represented the optimal viable use of a heritage asset and that the conflict with the development plan should be afforded limited weight. Here I have found that the adverse impacts and the associated conflicts with both the development plan and the Framework should be afforded very significant weight. Consequently, the ingredients of the planning balance in that case are very different from the situation here and that limits the weight of this previous appeal decision in the determination of the appeal and has not altered my findings.

Conclusion

46. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR

⁹ APP/W1850/W/22/3308448