



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: 12 November 2024

Appeal Ref: APP/Q3115/W/24/3339363

Land adjacent Colmore Lane, Kingwood, RG9 5NA

- 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 Bentier Developments Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S3852/FUL.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area having particular regard to the location of the site within the Chilterns National Landscape (CNL).

Reasons

3. The appellant accepts that beyond the appeal site to the north, Colmore Lane reflects a more linear, loosely arranged pattern of development but consider that the appeal site itself lies within a cluster of dwellings nucleated around Colliers Lane where development extends in depth on both sides of the road. However, having visited the site, I consider that although there are some dwellings set back on their plots, they nevertheless relate well to the roads that they front and do not appear as dwellings being set behind other dwellings on the same plot.
4. So, although the pattern of development is a mix of linear and more irregularly spaced loose knit dwellings, this arrangement of predominantly detached houses that sit comfortably on their plots, and the strong verdant character, particularly along Colmore Lane creates an attractive semi-rural feel.
5. The appeal site is located within the CNL in an area identified as Chilterns Plateau with Valleys where the key characteristics include sparsely settled small villages and hamlets, narrow lanes and tall hedgerows.
6. The appeal site, together with an adjacent agricultural field forms a gap between the existing dwellings of Colmore Farm House and Badbury Rings. Although there is an existing mature hedge along the road frontage, the depth of the appeal site is apparent when viewed from Colmore Lane. This together with the openness of the existing agricultural fields creates a sense of verdant spaciousness which makes a significant contribution to the character and

- appearance of the area. The appeal site and its surroundings are also consistent with the key characteristics of the Chilterns Plateau with Valleys area of the CNL and consequently contribute to its landscape beauty.
7. It is common ground between the main parties that in principle, residential development is suitable at the appeal site as it would represent infill development as defined in policy H16 of the South Oxfordshire Local Plan 2011-2034 adopted December 2020 (SOLP).
 8. I agree and the introduction of the proposed dwelling on plot 1 would be compatible with the prevailing character and appearance of the area as it would align with Badbury Rings and although it would be set back further on the plot than Colmore Farm House, the open separation between the Farm House and the proposed dwelling would ensure that it would nevertheless retain the semi-rural character and appearance of the area.
 9. However, the same cannot be said for the proposed dwelling on plot 2. I appreciate that the appellant has refined the proposal following receiving some pre-application advice. I note that the proposed development has been designed in-order to avoid the proposed dwelling on plot 2 sitting immediately behind the proposed dwelling on plot 1 and it would be orientated so that its side elevation, rather than its front elevation would face towards Colmore Lane. However, the introduction of the proposed dwelling with such a mass and scale would introduce an alien feature at odds with the prevailing semi-rural scene along Colmore Lane.
 10. Notwithstanding that in accordance with the pre-application advice the existing mature hedge would be retained and there would be some additional landscaping, due to the open nature of the field adjacent to the appeal site with its field gate, the proposed dwelling on plot 2 would be visible to the side but behind the proposed dwelling on plot 1. This would appear as a discordant feature at odds with the prevailing semi-rural character and appearance of the area. It follows that the proposal would also detract from the landscape beauty of this part of the CNL.
 11. I observed that Littledown, a detached dwelling located along Colliers Lane is located behind Linden House. However, there is a separate access road serving this property which has the appearance of a country lane, and this ensures that the arrangement of these two properties is compatible with this sensitive setting. As a result, the existence of this arrangement is not comparable to the proposal before me.
 12. Similarly, although due to the configuration of Colmore Lane and Colliers Lane, some dwellings along Colliers Lane are located to the rear of properties along Colmore Lane. However, due to the separation distances involved and the existence of vegetation, these properties do not appear as alien discordant features. As a result, they are materially different from the proposed development and do not justify harmful development on the appeal site.
 13. I therefore conclude that the proposed development would be unacceptably harmful to the character and appearance of the area and would detract from the landscape beauty of this part of the Chilterns National Landscape. The proposal would therefore conflict with Policies DES1, DES2 and ENV1 of the SOLP which seek to ensure that development respects the existing landscape character, responds positively to the site and its surroundings and conserves

and where possible enhances the character and natural beauty of the Area of Outstanding Natural Beauty, now known as a National Landscape.

14. Moreover, the proposal would be at odds with the Joint South Oxfordshire and Vale of White Horse Design Guide, adopted in June 2022 which among other things seeks to ensure that development complements and responds positively to the character of the area including the existing landscape. It would also conflict with the National Planning Policy Framework (the Framework) which promotes development that is sympathetic to local character and sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes.

Other Matters

15. The proposal would be acceptable in terms of the architectural design, the proposed materials, transport and accessibility, ecology and trees, flood risk and drainage and energy efficiency. It would also not harm the living conditions of future or neighbouring residents. However, these matters do not weigh in favour of the proposal and so have a neutral bearing on the outcome of the appeal.
16. 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.
17. That said, the proposal would be valuable in boosting housing stock and would make efficient use of the appeal site. However, given that planning permission has already been granted for a dwelling on the appeal site, the proposal would only result in one additional dwelling in a situation where the Council can demonstrate an adequate supply. That tempers the weight of this matter which I consider to be modest.
18. I accept that the proposal would have a cumulative effect in the supply of housing, would make efficient use of the site 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.
19. Overall, 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.
20. 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 because it would only result in one additional dwelling.

Planning Balance

21. 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.
22. On the other hand, I have found that contrary to the relevant policies of the development plan, the proposal would have an unacceptably harmful impact on the character and appearance of the area and would detract from the landscape beauty of the Chilterns National Landscape. As a result, the proposal would conflict with the development plan and the Framework as a whole. I have afforded this conflict great weight in the determination of the appeal.
23. Although there has been some debate about housing supply figures above, the application of policies in the Framework that protect the Chilterns National Landscape provides a clear reason for refusing the development proposed. Consequently, even if ultimately a higher housing land supply figure was required, the scheme would not represent sustainable development within the meaning of paragraph 11d of the Framework and this weighs substantially against the scheme.

Conclusion

24. 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