



## Appeal Decision

Site visit made on 7 November 2024

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 November 2024**

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**Appeal Ref: APP/Q3115/W/24/3346263**

**Land North of Shiplake Row, Binfield Heath RG9 4DR**

- 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 Gary Sewell (Clovercourt Ltd) against the decision of South Oxfordshire District Council.
  - The application Ref is P23/S3855/FUL.
  - The development proposed is the removal of the existing equestrian building, hardstanding and structures followed by the development of one new self-build family home, parking, amenity space and new soft landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing equestrian building, hardstanding and structures followed by the development of one new self-build family home, parking, amenity space and new soft landscaping at Land North of Shiplake Row, Binfield Heath RG9 4DR in accordance with the terms of the application, Ref P23/S3855/FUL, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The Binfield Heath Neighbourhood Plan was made on 24 October 2024. In the interests of procedural fairness, I have consulted the main parties about the implications for this appeal and have taken their responses into account when making my decision.

### Main Issue

3. The main issue is the effect of the proposed development on highway safety, with particular reference to visibility at the junction with Shiplake Row.

### Reasons

4. The proposed development would make use of the existing access onto Shiplake Row. The Council is content that visibility to the west is satisfactory when exiting the site. Based on what I saw during my site visit, I have no reason to disagree. The visibility to the east is more constrained due to the presence of two trees, identified as T13 and T14 on the approved plans. However, even if I were to agree that the visibility splay does not accord with the recommended standards in the Manual for Streets guidance, neither tree is of a sufficient size to completely block views of oncoming vehicles. Indeed, on exiting the site myself during the site visit, I found visibility in the easterly direction to be perfectly adequate.

5. Furthermore, the appellant has produced a Highway Appeal Statement (the HAP), which was produced by Bellamy Roberts in June 2024. It appears to be a thorough document which is based on a robust methodology. The HAP sets out that there are several businesses who currently utilise the access to reach their premises. A traffic survey was undertaken which identified that there are quite a number of traffic movements each day in and out of the access road, including by large commercial vehicles. Indeed, I saw one large vehicle using the access during my site visit.
6. Given the number of vehicles that already use the access on a daily basis, it seems inconceivable to me that the provision of a single dwelling on the appeal site could make a material difference in the number of trips being undertaken. Indeed, the fact that the appeal site already has a lawful use as stables, which in itself would likely generate daily trips to and from the site, adds weight to this conclusion. The HAP also provides an analysis of accident data which confirms that there has not been a recorded accident at the junction in the last ten years.
7. Taking all of these considerations into account, I am satisfied that the existing access is adequate in relation to highway safety and that the proposed development would not lead to harm in this regard. As such, the scheme would conform with Policy TRANS5 of the South Oxfordshire Local Plan, adopted December 2020 (the LP), the relevant aspects of which seek to ensure that developments are safe in highway terms.

### **Other Matters**

8. The Council has set out that the proposed dwelling would be in a suitable location which conforms with the adopted spatial strategy, and that the development would not result in harm to character and appearance. Based on the evidence before me, there is no reason for me to disagree with this position. I acknowledge that there is not a pavement along Shiplake Row in the vicinity of the appeal site. However, I observed on my site visit that there is a public footpath on the north side of the carriageway which leads to a bus stop from where future residents of the proposed dwelling would be able to access services to Henley-on-Thames. As such, it is quite possible to access various services and facilities by utilising public transport. It therefore seems to me that the site is in a sustainable location and therefore conforms with relevant policies within the LP and Neighbourhood Plan.
9. I am also satisfied that a suitable turning area on the site, and biodiversity enhancements, can be secured via appropriately worded conditions. In addition, there is no reason to conclude that the development would have safety implications for pedestrians using the public footpath given the number of vehicles that already use the access. Issues raised in relation to the validity of the application have been addressed via the provision of an updated location plan and notification appears to have been given to all relevant landowners.
10. The appeal site is located opposite Shiplake Farm which contains two Grade II listed buildings: the farmhouse and a barn. In this instance, the Council is satisfied that the proposed development would preserve the setting of the listed buildings. Given that the proposed dwelling would be set well back from the road at the northern end of the appeal site, it would not be visible from the listed buildings. Any works to the entrance of the site, such as access

gates and the driveway, would be relatively minor changes and can also be controlled by a condition. The proposal would therefore preserve the significance of these designated heritage assets and would satisfy the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. The application form refers to the proposed development as a self-build dwelling. This description is not sufficient in itself to secure the dwelling as self-build. However, LP Policy H1 would permit any form of residential development on a site in this location. A planning obligation to secure the dwelling as self-build would therefore not be necessary or reasonable as it would not be required to make the development acceptable in planning terms. Nevertheless, the appellant is able to make an application to claim the self-build exemption for the Community Infrastructure Levy at any point prior to commencement of development.

### **Conditions**

12. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. Various conditions have been imposed in order to preserve the character and appearance of the site and wider area. These include conditions relating to materials, trees, landscaping, means of access and the removal of various permitted development rights. A condition has been included to require a turning area in the interests of highway safety and a condition has also been imposed to protect and enhance biodiversity. Conditions regarding surface water drainage and foul water drainage are necessary, while two other conditions have been imposed in the interests of the adaptation to climate change. A final condition requires that the Council is informed of any contamination on site.

### **Conclusion**

13. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

*C Butcher*

INSPECTOR

## Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans: 2023-P0235-LP G, 5997- 001 Rev G, 5997-004, 2023-P0235-001 P, 2023-P0235-CP E, 2023-P0235-011 C and 2023-P0235-C001 D.
- 3) No development above slab level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Prior to the first occupation of the development hereby approved a turning area and car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles in strict accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The turning area and car parking spaces shall be retained unobstructed except for the parking and manoeuvring of motor vehicles at all times.
- 5) Prior to the commencement of the development above new slab level, details (including specification, position, height, orientation) of a scheme of biodiversity enhancements in accordance with Ecological Assessment report (LUS Ecology, November 2023), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in conjunction with a suitably qualified ecologist and bird/bat boxes shall be integrated into the fabric of the development. Thereafter, the development shall be implemented in accordance with the approved details and all features provided prior to first use.
- 6) Prior to the commencement of development, with the exception of any demolition, a full surface water drainage scheme 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 BRE 365 soakage testing, levels, size, position and construction of all 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 surface water discharge to a Thames Water recorded foul sewer will not be permitted under any circumstance. The approved

scheme shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.

- 7) Prior to the commencement of development, with the exception of any demolition, a full foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include details of method, levels, size, position and construction of the drainage scheme. If the foul water drainage is to remain private, then it must be designed to accord with Part H of the Building Regulations requirements.
- 8) Prior to the commencement of any site works or operations, including demolition and site clearance relating to the development hereby permitted, an Arboricultural Method Statement and accompanying Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include the following:
  - (1) A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
  - (2) The specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;
  - (3) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
  - (4) The means of demolition of any existing site structures, and of the reinstatement of the area currently occupied thereby;
  - (5) The route and method of installation of drainage or any underground services in the vicinity of retained trees; Consideration will be made to avoid siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'.
  - (6) The details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels;
  - (7) The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'No Dig' construction method, in accordance with the principles with in Arboricultural Association Guidance Note 12 "The use of cellular confinement systems near trees" and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.
  - (8) Provision for the supervision of ANY works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense

and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

- 9) Prior to the commencement of the development hereby approved/prior to the construction of any development above slab level a scheme for the landscaping of the site, including the planting of live trees and shrubs and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. These details shall include 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, and an implementation programme. The scheme shall be implemented prior to the first occupation or use of development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, 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.
- 10) Details, including elevations, of the proposed new access gates shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Class A of the Order shall not be undertaken without obtaining planning permission from the Local Planning Authority.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the provision within the curtilage of the dwelling of any building, enclosure or swimming pool as described in Schedule 2, Part 1, Class E of the Order shall not be undertaken without obtaining planning permission from the Local Planning Authority.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order) the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without obtaining planning permission from the Local Planning Authority.

- 14) The developer shall confirm in writing to the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of any contamination to the land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial works to include methods of monitoring and certification of such works undertaken. Where land contamination investigation/remedial works are required, this must be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 'Investigation of potentially contaminated sites' and submitted to and approved in writing by the local planning authority.
- 15) Prior to first occupation, all carbon reduction energy efficiency measures shall be implemented in accordance with the Energy Statement hereby approved and a Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Verification Report shall demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.
- 16) Prior to the first occupation of the development hereby approved, an Electric Vehicle Charging Point shall be installed for the dwelling and thereafter retained as such.