



Appeal Decision

Site visit made on 23 April 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/Q3115/W/24/3352693

Land at NGR 469282 188264, Digberry Lane, Henley-On-Thames RG9 5DP

- 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 J Evans against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S1039/FUL.
 - The development proposed is change of use of land from agricultural to equestrian, to include the erection of a stable block and the creation of a new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional information, in the form of a Pre-Development Tree Survey & Assessment (reference TDA/2940/TS&A/RhC/09.24), a Tree Constraints Plan (reference TDA/2940/TCP/RhC/09.24), and a revised access plan (drawing TDA.2940.02 Rev C), have been submitted with the appeal. The Council has been given the opportunity to comment on the additional information and has advised that, subject to conditions, the additional information would overcome the second and third reasons for refusal. Consequently, I have had regard to the additional information as far as it relates to the effect of the development on trees and highway safety.

Main Issues

3. The main issues are:
 - whether the proposed development would conserve or enhance the Chilterns National Landscape;
 - the effect of the development on trees; and
 - the effect of the development on highway safety.

Reasons

National landscape

4. The site comprises one corner of a larger field situated between the B481 and a narrower country road. Access to the wider field is further along the country road. The field is enclosed in post and rail fencing, hedges, and trees.
5. The site lies within the Chilterns National Landscape (the NL). Section 245 of the Levelling Up and Regeneration Act 2023 (the LURA) amended the duty in the Countryside and Rights of Way Act 2000 in relation to National Landscapes to

require relevant authorities, in exercising or performing any functions in relation to or so as to affect land in a National Landscape, to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.

6. The strategic objectives of the Chilterns NL are detailed in the Chilterns Area of Outstanding Natural Beauty Management Plan 2019-2024 (the NL Management Plan). The most relevant objectives are NO2 – minimise development impacts on the AONB and its setting; where they are unavoidable, ensure that they provide net environmental gain, DO1 – ensure planning decisions put the conservation and enhancement of the AONB first, and DO2 – ensure that where development happens it leaves the AONB better than it was before.
7. The NL Management Plan also sets policies and key actions to achieve the objectives and sets monitoring indicators. The special qualities of the NL, as set out in the NL Management Plan, include the panoramic views, farmland with significant hedgerows and field trees, the diverse flora and fauna, the tranquillity, relative dark skies, and sense of remoteness, and that it is one of the most wooded landscapes in England.
8. The area is characterised by extensive woodlands and farmland, as detailed in the Natural England National Character Area 110 Chilterns document. The countryside is a patchwork of mixed agriculture with woodland, set within hedged boundaries. Field patterns are varied and subdivision into horse paddocks is found across the character area. The appellant has also referred to the Character Area document advising that approximately five percent of land is in equestrian use.
9. However, although there is already equestrian use across the character area and within the NL, the NL Management Plan sets objectives and policies for new development. The policies seek to, amongst other matters, ensure that development conserves and enhances the natural beauty of the NL.
10. The appeal site currently contributes positively to the area by reason of being an open field with views into and across the field available from both the main road and the narrower country road. The proposed stable building, and the associated access point, hardstanding, and boundary treatments, would be visible from both roads. It would, therefore, be visible within the NL and would introduce built development on a site where there is currently none.
11. The appellant's "Statement of Evidence in relation to visual amenity, landscape character and arboricultural impact objections," dated September 2024, includes an assessment of the character of the area and a visual appraisal from four viewpoints. The document advises that development would be visible from all four points and that, even after the additional landscaping is established, there would continue to be partial views of the stables from viewpoint 1 and views of the entrance from viewpoint 2. The long term visual effect of the development would be slight adverse.
12. I acknowledge that the proposal would introduce a form of built development that is found across the countryside, including within the Chilterns NL, as noted in the Natural England National Character document. Moreover, the rural nature of the proposal would not be overly urbanising, and it has been designed to match other similar developments in the area.

13. However, even the small scale of the proposed building and hardstanding would result in encroachment on the open countryside and visual harm. In my judgement, the development would demonstrably reduce the open character of the site.
14. The proposed landscaping would strengthen field boundaries and hedgerow trees, plant up gaps and retain the majority of the existing trees, in accordance with the guidance in the Natural England Character Assessment. The appeal proposal would also not be incongruous. Nonetheless, there would continue to be adverse visual effects on identified viewpoints which are representative of views from the surrounding area. The proposed landscaping would not be sufficient to mitigate the visual harm of the development. Consequently, the proposal would not conserve nor enhance the character and natural beauty of the area as required by Policy ENV1 of the South Oxfordshire Local Plan 2011-2035 (the LP). It would also be contrary to the requirements of the NL Management Plan.
15. The appellant has drawn my attention to other stables in the wider area and the appeal proposal would be of similar materials to those buildings. However, I do not have the full details of why and when those structures were approved, and they all appear to pre-date the changes brought about through the LURA and the need to further the purposes of the NL.
16. For the above reasons, I find that the development would not conserve nor enhance the NL. It would, therefore, be contrary to Policies STRAT1, ENV1, DES1 and DES2 of the LP. Collectively these policies seek to, amongst other matters, protect and enhance the countryside, particularly those areas within the two NLs, give the highest protection to the landscape and scenic beauty of the NL, only permit development in the NL where it conserves and, where possible, enhances the character and beauty of the NL, seeks to protect and, where possible enhance, the features that contribute to the nature and quality of South Oxfordshire's landscape, ensures that all development is of a high quality design, respects the existing landscape character, is designed to reflect the positive features that make up the character of the local area, and physically and visually enhance and complement the surroundings.

Trees

17. The trees along the boundaries of the appeal site and the wider field form a green edge to the site and are a positive feature of the landscape. However, although there are a substantial number of trees along the narrow road to the site, which reflects the proximity to the woodland opposite, the boundary along the B481 contains sporadic trees, hedges, and areas where there are gaps in the landscaping.
18. The Pre-Development Tree Survey & Assessment (the TS&A) details the survey of the trees around the site. These include a large mature Oak which is prominent on the site frontage and makes a significant contribution to the character of the area. The TS&A also notes that three of the Ash trees are infected with Ash Dieback and should be considered for removal.
19. The Tree Constraints Plan (the TCP) provides root protection areas, and the branch spread of each tree. The TCP indicates the removal of four trees from within the mixed species hedge. These trees are low quality, category C, trees and replacement planting would be provided within the appeal site.

20. These trees are in the position of the proposed access. Their removal is only required to enable access to the site. Nevertheless, the removal of trees would be kept to a minimum. Moreover, the loss of these four trees, and the three Ash trees, would not significantly alter the character of the site or the surrounding countryside. The creation of a gap in the tree and hedge boundary would not be dissimilar to the gaps already present along the B481 and at other access points.
21. I note that the Council has advised that the additional information now addresses their concerns regarding this main issue, and that replacement planting, secured by condition, would mitigate the effect of the development on trees. Following consideration of the additional information I have no reason to disagree with the Council's findings.
22. For the above reasons, I find that the development would not have an adverse effect on trees. It would, therefore, comply with the relevant parts of Policies STRA1, ENV1, DES1 and DES2 of the LP which, amongst other matters, seek to protect and enhance the countryside, protect and, where possible enhance, the features that contribute to the nature and quality of South Oxfordshire's landscape, including trees, hedgerows and field boundaries, respects the existing landscape character, takes into account landscaping, and is designed to reflect the positive features that make up the character of the local area.

Highway safety

23. Plan TDA.2940.02 Rev C, which has been submitted as part of the appeal, indicates visibility splays would be available, in both directions, from the proposed access. I also viewed the visibility from the access point during my visit. Given the narrowness of the road, off which the access is proposed, the visibility splays indicated would be sufficient and I note the latest advice from the Council Highway Officer that the proposed visibility splays are acceptable.
24. Vehicle speeds along the B481 may be quick, and the road can be busy. However, the access would be off the narrower road, off the B481. Vehicles would have slowed to turn into the road or would be travelling slower due to the narrow width of the road. The proposed access would also provide an additional passing place which would benefit traffic and highway safety.
25. For the above reasons, I find that, subject to the provision of the visibility splays as indicated in the additional plan, the proposal would not adversely affect highway safety. It would, therefore, comply with Policy TRANS5 of the LP which seeks to ensure that development proposes a safe and convenient access for all users to the highway network.

Conclusion

26. Although I find no harm to trees or highway safety the proposal would not conserve nor enhance the NL. For that reason, the appeal should be dismissed.

K Townsend

INSPECTOR