



Appeal Decision

Site visit made on 23 April 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/Q3115/W/24/3356473

Satwell House, Satwell, Henley on Thames RG9 4RB

- 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 Satwell Properties Limited against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S0582/FUL.
 - The development proposed is landscaping works including the creation of a new access, the creation of a lake and substantial tree planting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although I note that the appeal form indicated that the description of development had changed, that merely indicated amendments to the scheme during the application process and consequently I have retained the description contained on the original application form.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including whether or not it would conserve and enhance the landscape and scenic beauty of the Chilterns National Landscape; and
 - Whether or not sufficient mitigation and enhancement measures would be implemented to ensure that the proposal would not unacceptably harm biodiversity with particular regard to the hedgerow located along the western boundary.

Reasons

Character and appearance

4. The appeal site comprises part of a substantial country estate which is located within the Chilterns National Landscape (CNL). Part of the appeal site is within an area characterised by semi-enclosed dipslope, comprising comparatively open fields contained within a strong structure of woods, hedgerows or trees and a generally rural and unspoilt character, and the other part is within an area characterised by wooded dipslope comprising an intimate and enclosed character, heavily wooded, and again with a generally rural and unspoilt character.

5. The appellant has undertaken a detailed landscape and visual impact assessment (LVIA) which identified a study area which in addition to the appeal site included the area across which the proposed development could conceivably have an impact upon either in terms of the landscape character and/or views.
6. Overall, the LVIA found that the appeal site and the wider study area was consistent with the characteristics associated with the semi-enclosed dipslope and the wooded dipslope areas. Overall, the LVIA set out that the combined landscape features of the study area create a traditional rural landscape that remains intact with few recent alterations. Moreover, it found that key landscape features including a number of field boundaries with hedgerow and areas of ancient woodland which together creates a landscape with a strong pattern leading to a sense of place and local distinctiveness. I agree with this analysis.
7. Not surprisingly, given the extent of the appeal site within the study area, it is entirely compatible with the characteristics associated with the wider study area. Although it includes some existing dwellings and other development including the principal dwelling of Satwell House, staff cottages, Stonehouse Farm and Cherry Tree Cottage the character and appearance of the appeal site derives to a significant extent from the sense that it is largely rural and unspoilt.
8. For example, it comprises several fields of farmland, parkland, mature trees and vegetation and along significant parts of its boundary it is enclosed by mature hedgerow including to the north of Cherry Tree Cottage. These features combine to provide a sense of verdant openness on either side of a band of woodland that extends from the northern boundary of the appeal site in a southerly direction with large parts of the appeal site enclosed by an attractive mature hedgerow. This verdant openness enclosed in large part by mature hedgerow makes a significant contribution to the character and appearance of the area. The mature hedgerow included the hedgerow to the north of Cherry Tree Cottage, and the open farmland and parkland appearance of large parts of the appeal site make a positive contribution to the character and appearance of the area as they reinforce the sense that large swathes of the appeal site are largely rural and unspoilt.
9. The proposal would involve a number of elements. There is much to commend the scheme, and the proposed landscape design is of a very high quality and in many respects the proposal would be compatible with the prevailing character and appearance of the area. However, to my mind two elements are harmful.
10. The proposed development would involve the introduction of a new entrance from Witheridge Hill to the north of Cherry Tree Cottage. The proposed entrance would require the removal of part of the existing hedgerow, which as outlined above, makes a positive contribution to the character and appearance of the area. The loss of this part of the hedgerow would diminish the sense of enclosure and would significantly harm the character and appearance of the area.
11. Further, visibility splays would require a significant part of the existing hedgerow to be replaced or transplanted and a grass verge to be introduced along a stretch of the road. In addition, the proposed access would incorporate two stone pillars on either side of the new entrance and a decorative cast iron gate. Such an arrangement would introduce a formal entrance to the appeal site in place of the existing natural boundary treatment. Moreover, the new access drive would be visible through the proposed gate.

12. I have taken account of the fact that there are other existing entrances along Witheridge Hill including the entrance to Cherry Tree Cottage. However, some of these are on the other side of the road and although some do have an urbanising appearance, they are not at the same scale as proposed here. Moreover, on the same side of the road as the appeal site there is a long stretch of unbroken hedgerow north of Cherry Tree Cottage with the first opening heading towards the more built-up area of Highmoor Cross a low-key entrance discreetly positioned in a gap in the hedgerow.
13. Consequently, the other entrances are materially different from the proposed entrance in terms of their location, impact on the character and appearance of the area and scale. The proposed development with its stone pillars and decorative cast iron gate would result in the introduction of an incongruous urbanising feature at odds with the existing character and appearance of the area.
14. While I accept that the existing hedge could be replaced or transplanted and this would ameliorate the harm to a certain extent, the introduction of the proposed formal entrance with its urbanising features would be clearly visible from vehicles travelling along Witheridge Hill and it would not conserve or enhance the landscape and scenic beauty of the CNL.
15. In addition, the proposal would introduce a significant 5.5 metre access drive that would connect the proposed new access to Satwell House via the existing drive. It would also provide a new access spur to Stonehouse Farm. This would cut a swathe across the existing landscape and would be constructed of resin bound gravel paving. This feature would introduce a harmfully incongruous feature that would cut across existing undeveloped verdant open land and would puncture a hole through the existing band of woodland that extends from the northern boundary of the appeal site in a southerly direction. The harm would be exacerbated by vehicles travelling across the appeal site when using the new drive.
16. The proposed trees on either side of the drive in the western part of the appeal site would accentuate the course of the drive and would again introduce a level of formality inappropriate for this sensitive setting. This element would diminish the existing sense of verdant openness and would undermine the rural and unspoilt appearance of the appeal site. In my judgement, the proposed access drive would not conserve or enhance the landscape and scenic beauty of the CNL.
17. Overall, the proposed development would unacceptably harm the character and appearance of the area, and I give great weight to the fact that it would fail to conserve and enhance the landscape beauty of the CNL. In reaching that view I have carefully considered the LVIA. I agree that the main visual receptors were the users of the footpath running through the Estate (viewpoints 1 and 2) and opposite the proposed new entrance (viewpoint 3). The LVIA split their assessment into the construction and operation stages. During the construction stage, many of the impacts would be transient and consequently I have given more weight to any impacts during the operations stage.
18. Views from existing properties and longer views from public rights of way and the road network would be limited. The LVIA sets out that from viewpoints 1 and 2 when walkers travel through the open parkland there would be moderate change in view as the drive and new entrance would be new elements introduced into the landscape. I agree.

19. Although the appellant considers that due to the mitigation measures proposed including the landscaping scheme, the enhancement of existing vegetation and the implementation of a landscape management plan, by year 15 there would be no harm in terms of landscape character or visual effects. However, I do not agree. Although the proposed mitigation and landscape enhancement works will lessen the impact of the proposal to a certain extent, they would not adequately ameliorate the unacceptable harm that the proposal would have on the character and appearance of the area and on the CNL that I have identified above. Moreover, even if public views are limited, the harmful impact of the proposal, particularly at the proposed entrance would be clearly visible from the public realm and in any event the lack of public views would not justify harmful development at the appeal site.
20. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area and would not conserve and enhance the landscape and scenic beauty of the Chilterns National Landscape. Consequently, the proposal would conflict with Policies DES1, DES2 and ENV1 of the South Oxfordshire Local Plan 2011-2035 adopted December 2020 (SOLP), which among other things 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 a National Landscape.
21. 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.

Biodiversity

22. As outlined above, the proposal would result in the removal of part of an existing hedgerow that runs along the western boundary of the appeal site to the north of Cherry Tree Cottage. Moreover, to accommodate appropriate visibility splays the proposal would also require a significant part of the existing hedgerow to be replaced or transplanted and a grass verge to be introduced along a stretch of the road. The appellant has undertaken an Ecological Impact Assessment (EIA).
23. In summary, the assessment found that the affected hedgerow consisted of a number of species including field maple, blackthorn, bramble and holly and lawson cypress. It meets the criteria of an important hedgerow under the Hedgerow Regulations 1997, meets the definition of a habitat of principal importance and is a priority habitat. Clearly, the loss of part of the hedgerow would cause it harm and would fail to conserve and enhance this priority habitat.
24. Among other things, Policy ENV2 of the SOLP sets out that development likely to result in the loss, deterioration or harm to priority habitats will only be permitted if the need for, and benefits of the development in the proposed location outweigh the adverse effect on the interests, it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the interests and measures will be provided that would mitigate or as a last resort compensate for the adverse effects resulting from the development.
25. The Council's Committee Report (the Committee Report) set out that officers were not satisfied that the need for and benefit of the proposed development had been demonstrated to outweigh the loss of the priority habitat. For my part, I accept that

the proposed new entrance would help to rationalise access to the appeal site, would provide an enhanced journey experience for the owners and their visitors when approaching Satwell House, and would offer a direct connection between Stonehouse Farm and Satwell House thereby improving interconnectivity within the estate. However, given that there are existing alternative access arrangements available, to both Satwell House and Stonehouse Farm I am not satisfied that the need for the proposed new entrance in the proposed location outweighs the adverse effect the proposed development would have on the hedgerow. In this regard I agree with the Committee Report.

26. The Committee Report goes on to find conflict with Policy ENV2 of the SOLP but undertakes a balancing exercise in relation to ecology and concludes that the benefits of the proposed development in terms of biodiversity net gain (BNG) would outweigh the harmful impact the proposal would have on the priority habitat and the conflict with Policy ENV2 of the SOLP.
27. I have carefully considered the BNG associated with the proposed development and the associated landscaping proposals including the replacement or transplantation of the existing hedgerow and the proposed enhancements and planting associated with the proposed landscaping scheme. Notwithstanding concerns expressed about the BNG calculation by interested parties, having looked at the proposed mitigation and enhancement measures set out in the EIA I am satisfied that overall, there would be benefits associated with the proposal in terms of BNG.
28. I tend to agree with the Committee Report that the proposal would conflict with Policy ENV2 of the SOLP, but the benefits in terms of BNG would outweigh the harm to the relevant hedgerow and the conflict with Policy ENV2 of the SOLP. In reaching that view I have considered the legal opinion submitted by the appellant on the interpretation of that policy which sets out their opinion that Policy ENV2 3. i) of the SOLP can be satisfied if any harm is justified by needs or benefits, or indeed both.
29. However, I do not agree with that view. Reading the policy in a straightforward manner I consider that it is clear when it says that development will only be permitted if “the need for, and benefits of the development in the proposed location outweigh the adverse effect on the interests.” In this case I read the policy as indicating that there should be both a need for, and associated benefits of having the proposed development in this particular location which together combine to outweigh any adverse effect that the proposal would have on the hedgerow. If it was intended to be read as the harm is justified by either the need for or the benefits associated with the proposed development in this location, I think it would say so.
30. That said, in this case it is not determinative to the outcome of the appeal. If my interpretation is correct and the proposal conflicts with Policy ENV2 of the SOLP, as outlined above, the benefits associated with the proposal would outweigh any conflict with the relevant policy in any event. Even if the appellant’s interpretation is correct and the proposal does accord with Policy ENV2 of the SOLP, that does not change my ultimate finding that this issue does not weigh against the proposal. Rather, bearing in mind the harm the proposal would have on the hedgerow I afford the overall benefits associated with the BNG moderate weight in the determination

of the appeal. The weight I have afforded to this matter would not change whether ultimately the proposal accords with Policy ENV2 of the SOLP or not.

31. I therefore conclude that sufficient mitigation and enhancement measures would be implemented to ensure that the proposal would not unacceptably harm biodiversity with particular regard to the hedgerow located along the western boundary. I have dealt with whether or not the proposal accords with Policy ENV2 of SOLP above. Moreover, to my mind the proposal does not accord with that part of the Framework which among other things seeks to promote the conservation and enhancement of priority habitats, but it does accord with that part of the Framework that promotes opportunities for securing measurable net gains for biodiversity and supports opportunities to improve biodiversity in and around the development.

Other Matters

32. I have taken account of the fact that the relevant Officers recommended approval of the proposed development, that the proposal would not cause harm to highway safety or the living conditions of any local residents. I also acknowledge that the appellant undertook significant pre-application consultation with the Council, amended the scheme to take account of that consultation and provided significant evidence in support of the proposed development.
33. I further note that subject to the imposition of conditions many consultees did not object to the proposal including the Chilterns Conservation Board, Chiltern Society, the Council's Landscape Architect, Natural England, the Ecology Officer, the Newt Officer, the Forestry Officer, the Woodland Trust, the Highways Authority, Drainage and Flooding, Public Rights of Way, CPRE, archaeology, the environmental protection team, the contaminated land team and the consultees representing water and electricity. Moreover, although I note Highmoor Parish Council did object to the proposal, Rotherfield Greys and Stoke Row Parish Council's did not.
34. However, the lack of harm in relation to other matters are neutral factors in the determination of the appeal. Moreover, these other matters do not justify harmful development at the appeal site and the fact that the Officers recommended approval or the fact that relevant consultees did not object to the proposal does not alter my view on the harm the proposal would cause, as set out above.

Planning Balance

35. As outlined above, the proposal would unacceptably harm the character and appearance of the area and would not conserve and enhance the landscape and scenic beauty of the Chilterns National Landscape. I have afforded that harm great weight. On the other hand, I have also found that sufficient mitigation and enhancement measures would be implemented to ensure that the proposal would not unacceptably harm biodiversity with particular regard to the hedgerow located along the western boundary. Moreover, I have afforded the benefits associated with BNG moderate weight in the determination of the appeal.
36. Overall, taking account of the totality of those matters that weigh in favour of the proposal the harm nevertheless still outweighs the benefits. Moreover, 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.

Conclusion

37. For the reasons given above the appeal should be dismissed.

S Rawle

INSPECTOR