



Appeal Decision

Site visit made on 24 November 2021

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/Q3115/W/20/3264635

Goulds Grove, Old London Road, Ewelme, Wallingford OX10 6PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by St John Homes (Thames Valley) Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P19/S0821/FUL, dated 11 March 2019, was refused by notice dated 9 November 2020.
 - The development proposed is the demolition of existing buildings and the erection of 5 residential dwellings and the conversion of an existing building to provide 4 B1(a) office units, together with parking and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing buildings and the erection of 5 residential dwellings and the conversion of an existing building to provide 4 B1(a) office units, together with parking and landscaping, at Goulds Grove, Ewelme, Wallingford, OX10 6PX in accordance with the terms of the application, Ref P19/S0821/FUL, dated 11 March 2019, subject to the conditions in the Conditions Schedule below.

Main Issues

2. The main issues are
 - a) the principle of development and whether it would conserve and enhance the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (AONB);
 - b) whether it would result in an unacceptable increased reliance on private motorised transport;
 - c) whether the proposal would fail to preserve the listed building or its setting or any special architectural or historic interest it possesses, and cause harm to the significance of this designated heritage asset and
 - d) its effect on highway safety.

Reasons

The principle of development and its effect on the AONB

3. Policy NP1 in the *Benson Parish Neighbourhood Plan* says that proposals for housing outside the built-up area of Benson that are not on an identified site will only be supported if they are consistent with development plan policies. In the *South Oxfordshire Local Plan 2035* Policy STRAT1 lays down the overall

development strategy, focusing new development on the district's towns and villages. It states that outside of the towns and villages any changes would relate to very specific needs such as those of the agricultural industry or the enhancement of the environment. Policy H1 then gives various circumstances where residential development on sites that are not allocated in the development plan will be permitted. Although this policy offers support for environmental improvement in certain instances, none of its stated criteria appear to apply explicitly to this scheme. To my mind though this does not necessarily stand in the way of residential development that, by an enhancement of the environment, accords with the strategic Policy STRAT1.

4. The appeal site currently comprises a former agricultural complex. Towards the front is a large modern building (the front building) that was originally built for agriculture but, until lately, has been used for warehousing and distribution. Behind is an older long barn (the rear building) with a tall, pitched roof and elevations of brick and timber boarding, which has most recently been used for commercial purposes. These 2 buildings were generally empty when I visited. Finally, to the west is a low relatively modern building (the west building) that, again was used for agriculture but has now changed to a dwelling. Around them are hardstandings and manoeuvring areas. Two cottages are to the north-west facing the road, and Troy, a former farmhouse with an extensive range of outbuildings, is to the south.
5. The landscape of the AONB surrounding the site broadly comprises attractive rolling fields separated by hedging with intermittent woodland and occasional clusters of buildings in villages, hamlets and farmsteads.
6. The proposal seeks to remove the front and west buildings, and construct 3 houses near to the road and 2 houses on the site of the west building and its adjacent hardstanding (giving a net increase of 4 dwellings). The rear building would be restored and used as commercial units.
7. Although the 2 buildings to be removed have agricultural origins they have a relatively industrial character due to their form and materials and are not particularly attractive. The size and scale of the front building especially means it is a dominant and bulky intrusion into the landscape. Moreover, if the site's current lawful use resumed, any visual impact of activity there would be exacerbated by the parking of commercial vehicles on the prominent open area at the front immediately adjacent to the road, and I do not have the evidence to assume that would not occur if the appeal was dismissed. Such parking may well also be possible to the south of the west building, as the domestic curtilage of that dwelling was unclear. I accept that it is not uncommon to find agricultural buildings, even of a quite functional appearance, in the AONB. However, for the reasons given to my mind these buildings and their adjacent hardstandings do not now conserve or enhance the AONB's landscape and scenic quality.
8. The new dwellings would change the character of the appeal site to some degree, giving it a greater residential emphasis that would not be at odds with the neighbouring houses. The development would also be less utilitarian than what it replaced, while the form and design detailing of the new buildings would broadly sympathise with older housing in the area, and would respect the cottages adjacent. The landscaping associated with the gardens would also

further soften the site and integrate it more sympathetically into the surrounding landscape.

9. The 2 new houses on the west side would be taller, and so more visible, than the west building. However, they would tend to be seen against the roof of the rear building behind so their prominence in the landscape would not be great while they would respect the residential use adjacent. As a result, any harm they would cause in this regard would be limited. The other 3 new dwellings would appear less bulky than the front building, even though they would be closer to the road, and they would allow a greater appreciation of openness due to their smaller scale and their separation. Together, the 5 new houses would also prevent the possible use of these areas for external commercial parking, with that being confined principally to the courtyard to the east of the rear building.
10. Overall, I therefore consider that any limited harm caused by the 2 houses on the west side being taller than the building there now would be appreciably outweighed by the benefits of replacing the front building and by the soft landscaping. As such, the scheme when taken as a whole would benefit the site's immediate setting, enhance the environment and not harm the landscape.
11. Although the appellant has not explicitly demonstrated exceptional circumstances in support of the scheme or shown that the development is in the public interest, those requirements in paragraph 177 of the *National Planning Policy Framework* (the Framework) concern major development in the AONB. Given its scale, this scheme should not be so defined and consequently not demonstrating such matters is not a basis to resist it. Moreover, given the adjacent dwellings and the retention of the rear building, in my opinion when considering the effect on the landscape the proposal would not result in isolated homes in the countryside, but rather would form part of an existing cluster.
12. Accordingly, I conclude the development would result in an environmental enhancement that would conserve and enhance the landscape and scenic beauty of the AONB. As such, it would not conflict with Policy STRAT1 in the Local Plan, which accepts housing on unallocated sites where there is environmental enhancement and, being consistent with the development plan policy in this regard, it would not conflict with Neighbourhood Plan Policy NP1. Moreover, whilst it may not comply with Local Plan Policy H1, the benefits to the enhancement of the environment are a reason to grant the scheme other than in accordance with that policy.

Reliance on private transport

13. This site stands away from any village, in the countryside. I was told of no regular public transport links passing the site, and the distances involved, the lack of streetlights, the absence of pavements and the speed of traffic, mean regularly walking or cycling to the closest settlements would be unattractive. Therefore, although those living here would be quite likely to visit these local centres and support the businesses and services they offer, I find the scheme would result in a relatively high level of car dependency for the residents, the office staff, and any visiting.

14. Balanced against this though, on the evidence before me, if occupied, the buildings now could be reasonably expected to have a comparable reliance on motorised transport, as residents, staff, customers and deliveries travel to and from the site generating a similar traffic flow. Although the Council has said the proposal '*can only generate additional movements onto the highway network compared to the existing situation*' that statement is unsubstantiated and the data from the appellant is not challenged in any quantitative way. Whilst there may not be cycle links and access to bus stops as sought by Local Plan Policy TRANS5, given the existing use of the site this is not a basis to resist the scheme.
15. Accordingly, I conclude that while the scheme may well result in a reliance on the car for its residents, it would not result in a material increase in reliance on private motorised transport, and so, in this regard, would not undermine the purposes underlying the aims of Local Plan Policy STRAT1, which seeks to focus development on an established settlement hierarchy.

Listed buildings

16. On the assumption that the front building, the west building and the rear building all fell within the curtilage of Troy when that neighbouring house was listed in 1985, they would form part of that Grade II listed building under section 1(5) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act). In such circumstances, section 66 of the Act says, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.
17. The rear building dates from the second half of the 19th century but has been subject to various subsequent works. Its special architectural and historic interest rest in its form, scale, and construction method which demonstrate a farm of high status, while its significance is due, in part, to it being a high-quality agricultural building from that period.
18. By removing some of the more recent additions to this building, by addressing some of the internal alterations to expose the building's roofing and volume, and by otherwise restoring it, I consider the works would enhance the heritage value of this barn. Therefore, with conditions controlling detailing, they would not erode its special architectural or historic interest and would not cause harm to its significance.
19. Turning to the west building and the front building, I see no evidence of them containing historic significance as heritage assets, because they are relatively modern buildings of functional, utilitarian designs. Their demolition would therefore not result in any loss of special architectural or historic interest and no harm to significance.
20. Having regard to the matter of setting, the buildings to be removed are of a poor quality, and whilst they may add to the sense of a former farmstead use, their presence to my mind also has a negative effect on the older rear building because of their poor design and, in the case of the front building, its scale. By removing the front building and erecting the 3 new dwellings closer to the road, this development would result in the rear barn having a more open aspect from the north. Furthermore, a sufficient separation would remain

between the 5 new houses and the rear building to mean it was not unduly confined or hemmed in. The impression of an enclosed farmyard would still remain on the eastern side of the rear building, reflecting to a great extent the layout of agricultural grouping as it was at the turn of last century.

21. Finally, in the listing details Troy is described as dating from the early 19th century. Its significance lies in it representing a farmhouse of some status from that era, with its detailing and form comprising elements of its special architectural and historic interest. The visual link between Troy and the appeal site is limited by intervening boundary treatments diminishing the perceived relationship between the 2, while proposal would enhance the older rear building that is closest to Troy and remove the less attractive more modern buildings. For these reasons I find the setting of that property would not be harmed.
22. Accordingly, I conclude the proposal would not fail to preserve the setting of the Grade II listed Troy or its special architectural or historic interest and so would not harm its significance. Consequently, it would not conflict with the Framework in this regard.

Highway safety

23. The road passing the appeal site is subject to a 60mph speed limit. It is wide enough for 2 vehicles to pass comfortably, and is relatively straight with good forward visibility for drivers when travelling in either direction. Traffic passing the site was not heavy when I visited, and I have no reason to consider it would be appreciably greater at other times. However, the road conditions mean vehicles are likely to be travelling at speeds approaching the speed limit.
24. Visibility from the junction to the east accords with the recommended standards. To the west though it is restricted by a slight curve in the road. Despite this, drivers can still see a significant distance in that direction. Whilst the Council stated the proposal would be intensifying the use of the access, based on the data before me, there is not an appreciable difference between the quantity of vehicle movements associated with the proposal and that connected with the existing permitted uses. Moreover, associated with the existing uses could be a number of larger, slower lorries negotiating this junction. In contrast, the proposal is likely to have a much higher proportion of car-based movements, which it is reasonable to assume would be manoeuvring more quickly and so allowing its safer use. Consequently, whilst I note the deficiencies in the sight splays, I nonetheless consider that what is before me now would cause no greater highway danger.
25. Accordingly, I conclude the development would not cause harm to highway safety, and so would not conflict with Local Plan Policy TRANS5, which seeks, among other things, to provide a safe and convenient access for all road users.

Other Matters

26. Even if the Council had a 5 year supply of housing land, and even if sufficient housing had been recently allowed in Benson Parish, those figures are not maxima and the Government seeks to boost the supply of housing. There was also no substantive evidence to show this further net increase of 4 houses would have an unacceptable effect on service provision or similar. Such matters do not therefore offer a reason to resist the scheme.

Conditions

27. In the interests of the appearance of the area and to safeguard the heritage assets, materials, landscaping and works to the rear building should be approved. Potential contamination should also be investigated and, if necessary, addressed to ensure the site is safe for future occupants. To protect highway safety no water should drain onto the highway, and parking/servicing should be provided before first occupation. Finally, the scheme should be in accordance with the approved plans for the avoidance of doubt, and this means any further condition concerning the dwelling sizes is unnecessary.
28. It was suggested by the Council that landscaping and materials should be approved before development commences, but no clear justification has been offered. Rather, agreeing the details before any works above slab level are undertaken seems reasonable and adequate. Moreover, mindful that this is currently a sizeable commercial site accessed of a relatively quiet rural road, I am not satisfied that a Construction Traffic Management Plan is needed. Although the Council's suggested conditions concerning contaminated land lay down what should be forthcoming at each phase, the more generally worded condition I have used allows for such requirements to be sought if necessary, or other appropriate approaches to be followed if justified. Contamination needs to be examined by means of a 'pre-commencement' condition as it could fundamentally affect how the development is implemented.

Conclusion

29. Accordingly, I conclude that the appeal should be allowed.

JP Sargent

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended by the conditions below, the development hereby permitted shall be carried out in accordance with the approved plans: 3358-100, 3358-101-REV B, 3358-102, 3358-103, 3358-104-REV C, 3358-105-REV B, 3358-106-REV A, 3358-107, 3358-108-REV A, 3358-109-REV A, 3358-111, 3358-112 & 3358-114.
- 3) No development above slab level of the houses hereby permitted shall commence until details / samples of the materials to be used in the construction of their external surfaces have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No development above slab level of the houses hereby permitted shall commence or no occupation of the rear building shall occur (whichever is the sooner) until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping (including boundary treatments and hardsurfacing), together with a timetable for its implementation. All planting, seeding, turfing, hardsurfacing and boundary treatments in this approved scheme shall be undertaken / installed in accordance with the approved timetable; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with an equivalent number of trees and plants of the species and in the location first approved by the local planning authority no later than in the next planting season.
- 5) Prior to the commencement of development, there shall be a contaminated land assessment and associated remedial strategy submitted to the local planning authority for approval, together with a timetable for their implementation. Once this assessment and strategy have been approved the approved contaminated land assessment and any associated remedial strategy shall then be implemented in accordance with the approved timetable.
- 6) Before any works are undertaken to the rear building, details (comprising samples and scaled drawings where appropriate) shall be submitted to and approved in writing by the local planning authority of any alterations or repairs to the building, and the works shall then be undertaken in accordance with the approved details only.
- 7) Prior to the first occupation of the development, the access, parking and turning areas shown on drawings 3358.101B and 3353.114 shall be constructed and surfaced in a manner first approved in writing by the local planning authority, and shall thereafter be retained for those purposes.
- 8) No surface water shall be discharged from the development onto the adjacent highway.