



## **Gladman Developments Ltd**

### **Vale of White Horse Local Plan 2031 Part 1**

#### **Examination Stage 1: Hearing Sessions**

#### **Matter 3 – Spatial Strategy and Housing Supply Ring Fence**

##### **Question 3.4**

***Is the “housing supply ring fence” approach of policy CP5 to the delivery of housing in the Science Vale area (a) adequately explained in terms of its practical operation, (b) justified, (c) likely to be effective and (d) in accordance with national policy?***

#### **Is the “housing supply ring fence” approach of Policy CP5 to the delivery of housing in the Science Vale area adequately explained in terms of its practical operation?**

- 1.1 Gladman considers that the submitted Local Plan fails to provide sufficient clarity as to the operation of the Ring Fence. Neither the Local Plan nor the Housing Topic Paper explain in any detail how the housing supply ring fence will operate in practice. The Housing Topic Paper<sup>1</sup> does however refer to the ring fence having its own housing target and that it will be monitored separately for housing land supply. Para 4.17 of the Housing Technical Paper also states that any temporary five year supply shortfall in the ring fence area would be addressed by additional growth coming forward within the Science Vale area (presumably rather than in the rest of the District).
- 1.2 In addition the Housing Topic Paper<sup>2</sup> refers to the intention for the policy to complement a similar policy for Didcot in the South Oxfordshire Adopted Core Strategy which covers most of the Science Vale area within that District. A recent appeal decision (attached as Appendix 1 to this statement) in respect of a site at Woodcote in South Oxfordshire

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<sup>1</sup> Para 4.15

<sup>2</sup> Para 4.15

provides some indication as to how the ring fence policy would operate in terms of housing land supply. Here South Oxfordshire Council argued that the housing land supply calculations should be based on just the Rest of the District area (within which the appeal site was located) rather than South Oxfordshire as a whole. The Inspector noted that neither NPPF (paragraph 47) nor PPG (ID 3-007) ruled out a disaggregated approach to the land supply calculation, and nothing prevented the 'ring-fencing' of the separate housing provisions for Didcot and the Rest of the District. The Inspector considered that the Council had provided sufficient justification for the use of a disaggregated approach to housing land supply. The Inspector did, however, note that another Inspector in deciding an appeal at Thames Farm at Shiplake, had come to a different conclusion on disaggregation. That decision is attached as Appendix 2 to this statement.

- 1.3 Therefore, on the basis of the limited information set out in the Housing Technical Paper and the Woodcote appeal decision referred to above, Gladman assumes that two separate 5 year housing land supply calculations will be applied within the district; one relating to the ring fence area and the second relating to the rest of the District. A shortfall in housing land supply for the ring fence area would not be able to be made up in the rest of the District and vice versa.

### **Is the “housing supply ring fence” approach of Policy CP5 to the delivery of housing in the Science Vale area justified?**

- 1.4 Gladman considers that the ring fence policy is not justified. Whilst the overall objective of providing housing in close proximity to where jobs are to be created is a legitimate aim and is supported as a spatial strategy in the plan, the application of a ring fence is not necessary to achieve this.
- 1.5 The overriding purpose of the Local Plan, in terms of housing supply, should be to meet the full objectively assessed need for market and affordable housing in the housing market area as set out in para 47 of NPPF. The Oxfordshire SHMA clearly identifies Oxfordshire as a distinct housing market area and there is no evidence in the SHMA that the ring fence area constitutes a discrete or recognisable housing market area.
- 1.6 The operation of the ring fence policy is likely to lead to a situation where a five year supply of housing land in the ring fence will not be able to be identified and the needs of the

housing market area will not be met. This situation was considered by the Inspector in the Thames Farm, Shiplake appeal<sup>3</sup> who concluded that, in the absence of a five year supply of housing in the ring fence area, the aspiration for the comprehensive transformation of Didcot was “outweighed by the need set out in the Framework to ensure choice and competition in the market for land and thereby boost significantly the supply of housing to meet the needs of present and future generations.”

- 1.7 Gladman contends therefore that the ring fence policy represents a strategy that will not meet the housing needs of the housing market area

### **Is the “housing supply ring fence” approach of Policy CP5 to the delivery of housing in the Science Vale area likely to be effective?**

- 1.8 The majority of housing to be provided in the ring fence will be on large strategic development sites which are extremely susceptible to delays in delivery because of the significant infrastructure requirements that are associated with them. The Housing Topic Paper<sup>4</sup> itself recognises that “many of the sites within the Science Vale area are large, rely on large infrastructure, and are expected to deliver over the plan period as a whole, rather than in the short term.” This is further confirmed in Table 3.1 of Appendix 3 of the Housing Topic Paper which indicates that, using the Sedgfield method, a five year housing land supply for the Science Vale ring fence area would not be achieved until 2019/20 and in Gladman’s view that expectation itself is based on extremely optimistic estimates of projected housing delivery on the allocated strategic sites.
- 1.9 There is a very strong risk therefore that within the ring fence area a five year supply will not be able to be identified on adoption of the Local Plan and for a significant time thereafter and consequently, having regard to Paragraph 49 of NPPF, the ring fence policy will immediately be out of date. In those circumstances housing applications anywhere in the Science Vale would fall to be determined in the context of the presumption in favour of sustainable development set out in NPPF rather than Policy CP5.
- 1.10 Also if a five year supply could not be identified in the ring fence area, the shortfall would not be able to be made up in the rest of the District. Indeed and as indicated in para 4.16

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<sup>3</sup> See Appendix 2 Para 20

<sup>4</sup> Para 4.13

of the Housing Topic Paper, the likelihood of these large strategic sites failing to deliver appears to be the rationale behind the Ring Fence concept.

- 1.11 In these circumstances neither the objectively assessed housing need for the housing market area as a whole would be met during the Plan Period nor would a five year supply of housing be provided throughout the Plan Period. Gladman therefore considers that the Plan will not be effective.

**Is the “housing supply ring fence” approach of Policy CP5 to the delivery of housing in the Science Vale area in accordance with national policy?**

- 1.12 NPPF seeks to achieve a significant boost to housing supply, requires Local Plans to meet the full objectively assessed need for market and affordable housing in the housing market area and requires local planning authorities to identify a five year supply of deliverable housing sites.
- 1.13 In this statement Gladman has argued that housing delivery in the ring fence area is likely to be considerably less than anticipated during the plan period and that the ring fence mechanism will prevent any shortfall being made up in the rest of the District. Consequently the plan as drafted will not significantly boost housing supply, will not meet the full objectively assessed need for housing in the housing market area and will not provide a rolling five year supply of deliverable housing land. The ring fence policy is therefore contrary to national planning policy.

## **Appeal Decision**

Inquiry held on 22-24 April 2015

Accompanied site visit made on 24 April 2015

**by John Felgate BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 June 2015**

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**Appeal Ref: APP/Q3115/A/14/2223330**

**Land at 'Goats Gambol', off Beech Lane, Woodcote, Oxfordshire RG8 0PY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Jumquest Ltd and Beenlore Ltd against the decision of South Oxfordshire District Council.
  - The application Ref P13/S3798/O, dated 5 December 2013, was refused by notice dated 24 March 2014.
  - The development proposed is: "Widen existing access and erection of 10 houses, including 4 affordable units, plus retention of 'Goats Gambol', with new estate roads".
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### **Decision**

1. The appeal is dismissed.

### **Preliminary matters**

2. The appeal seeks outline permission with all matters reserved except access. In so far as the submitted plans include other details, such as layout and landscaping, it was agreed at the inquiry that these are purely illustrative.
  3. Planning permission was originally refused by the Council for six reasons. Refusal reasons (RRs) Nos 3 and 4 were based on a lack of information relating to highway safety and ecological impacts. In the light of information submitted by the appellants subsequently, the Council has now withdrawn RRs 3 and 4. However, matters relating to highway safety have been raised by other objectors, and these remain before me for consideration.
  4. RRs Nos 5 and 6 related to affordable housing and a lack of infrastructure contributions. Subsequently, new regulations governing such contributions have come into force<sup>1</sup>, and in the light of this change, the Council now accepts that some of the contributions originally sought can no longer be required. On 10 April 2015, the appellants entered into a legal undertaking with regard to the remaining contributions, and the proposed affordable housing. At the inquiry, the Council confirmed that it was satisfied with this undertaking, and that it no longer wished to pursue RRs 5 or 6.
  5. In May 2014, subsequent to the Council's refusal of permission for the appeal proposal, the Woodcote Neighbourhood Plan (WNP) was 'made', and thus became part of the development plan for the area. I have had regard for the WNP's policies, where relevant.
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<sup>1</sup> Regulation 123 of the Community Infrastructure Levy Regulations 2010 ('the CIL Regulations'), which came into effect on 6 April 2015

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

6. After the close of the inquiry, the appellants drew my attention to a recent appeal decision relating to another proposed development in South Oxfordshire District, at Thames Farm, Shiplake<sup>2</sup>. I have taken this decision into account.

### **Planning policies**

#### *The development plan*

7. For the purposes of this appeal, the development plan comprises the WNP, the Core Strategy<sup>3</sup> (the CS), and the saved policies of the Local Plan<sup>4</sup> (the LP).

#### *The Core Strategy*

8. In the CS, Policy CSS1 seeks to focus most of the District's new housing and economic development at the 'growth point' of Didcot, with some development also at the towns of Henley, Thame and Wallingford. Woodcote is identified as one of the next tier of 'larger villages', where development will be permitted on a more limited scale, to support and enhance their role as local service centres.
9. The scale and location of development in villages is dealt with in more detail in Policy CSR1. In the larger villages, development is to be permitted on allocated sites and through infilling. Outside the towns and villages, the policy states that any change will need to relate to very specific needs, such as for agriculture, or for environmental enhancement.
10. For the purposes of Policy CSR1, infill development is defined as the filling of a small gap in an otherwise built-up frontage, or other sites within settlements where the site is closely surrounded by buildings<sup>5</sup>. No limit is put on the size of infill sites or the overall amount of infill development that may be permitted, but developments should protect local character and distinctiveness.
11. The appeal site is within the Chilterns Area of Outstanding Natural Beauty (AONB). Within that area, both Policy CSR1 and also Policy CSEN1 give high priority to the conservation and enhancement of the area's natural beauty, whilst also supporting proposals which benefit economic and social well-being.

#### *The Neighbourhood Plan*

12. The WNP identifies land for a up to 76 dwellings on five allocated sites, and provides for two further contingency sites, with capacity for up to 36 dwellings if required.
13. In addition, Policy HS10 allows for small residential developments on infill and redevelopment sites within the village, subject to various provisos. These include a definition of infill which is similar to that in the CS, and that developments should not involve the outward extension of the existing built-up area.

#### *The Local Plan*

14. In the LP, saved Policies G2 and G4 seek to protect the District's countryside for its own sake. Policy C4 also seeks to protect the landscape setting of local settlements.

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<sup>2</sup> Appeal ref. APP/Q3115/A/14/2217931, dated 20 May 2015

<sup>3</sup> The 'South Oxfordshire Core Strategy', adopted December 2012

<sup>4</sup> The 'South Oxfordshire Local Plan 2011', adopted January 2006

<sup>5</sup> Paragraph 13.10 of the LP explanatory text

### *Emerging policies*

15. The Council has started work on a replacement local plan. However, in view of its early stage, all parties agree that no weight attaches to this new plan in the present appeal.

### *National policies*

16. National policy is contained in the National Planning Policy Framework (the NPPF), and elaborated upon in the Planning Practice Guidance (the PPG). I have had regard for these where relevant.

### **Main issues**

17. In the light of all the submissions before me, the main issues in the appeal are:

- in principle, whether the appeal site is a suitable location for housing development, having regard to the relevant planning policies;
- the proposed development's effects on the character and appearance of the area, having particular regard for the site's inclusion in the AONB;
- whether there would be any significant effects on highway safety that could not be adequately addressed by conditions;
- and whether the area has a 5-year supply of housing land.

### **Reasons for decision**

#### *The principle of development*

18. Although Woodcote is not one of the main locations in South Oxfordshire for housing development, a development on the limited scale now proposed would be in keeping with the village's role as a local service centre, as envisaged in Policy CSS1. The development would therefore not be in conflict with the overall planning strategy for the area, if only the appeal site came within the types of site permissible under Policies CSR1 and HS10.
19. However, the site is situated behind rather than within the existing developed frontage. It therefore cannot be a frontage gap, either small or otherwise. Nor is the site surrounded by buildings; indeed it currently has development only on one side, and although planning permission has recently been granted for a new dwelling on the Lovells/Conifers site, that would still only amount to one-and-a half sides in total. And in addition, the proposed development would result in the outward expansion of the village's built-up area. The development would therefore not constitute infilling, within the terms set out in the CS and WNP. Furthermore, the site is not allocated for development, and the proposal is not in any way related to agricultural or other special needs. Consequently, the proposed development would not come within any of the categories allowed by Policies CSR1 or HS10.
20. As a result, the scheme conflicts with those policies, and also with LP Policies G2 and G4 which exist to control unnecessary development in the countryside.
21. I have some sympathy with the appellants' view that the appeal site is no less well located than many of those allocated in the WNP, and indeed it may be better than some. But the decisions on those sites have now been made, and the present appeal does not turn on a comparison with these or any other

sites. I must consider the appeal site on its own merits, against the policies that apply to unallocated sites.

22. I accept that the proposed development would be likely to have some benefits to the village's social and economic well-being, but this does not change the fact that the site is not in a policy-compliant location.
23. I conclude on this first issue that, as a matter of principle, the proposed development would conflict with the aims of the relevant policies governing the location of housing development in the district, and in particular Policies CSR1, HS10, G2 and G4.

*Effects on the area's character and appearance*

24. The landscape of the Chiltern escarpment in South Oxfordshire is described in the Character Assessment report<sup>6</sup> as the most visually distinctive in the district, with gentle slopes and a mosaic of woodland, scrub and open grassland, which give it an intimate, enclosed character. The appeal site comprises an enclosed area of grass paddocks, bounded by woodland and a tree belt, and thus exhibits several of these characteristics. As such, it seems to me that the site represents a good example of the type of landscape that the AONB designation, and CS Policy CSEN1, are intended to recognise and protect.
25. The effect of the development would be to change the site from its present mainly undeveloped state, into a fully developed housing site with roads and buildings. This would mean the loss of those characteristics which best reflect the local landscape's prevailing character and distinctiveness. The effect would thus be damaging to the AONB, and to the character and appearance of the area generally.
26. It is true that the site is not particularly prominent. However, the proposed development would be clearly seen from the site entrance in Beech Lane, especially since, as was established at the site visit, the existing hedge alongside the access would have to be removed, and could not be replaced on land within the appellants' control. The development would also be visible from the attractive public footpath that runs just to the east, from Wood Lane to Lambourne's Wood. Both of these are public views of some significance. I agree that in these views, the site appears as a discrete, self-contained landscape compartment, rather than as part of a wider open landscape. But in this respect the site is typical of this part of the AONB. This reinforces my view that the impact on the AONB would be harmful.
27. I acknowledge that much the same could be said of some of the other housing developments planned in the WNP. But as I have already noted, such comparisons have little relevance to the present appeal. I accept that the character of the footpath from Wood Lane is almost certain to be changed by the development of WNP site 19, referred to as the 'smallholding site'. But that does not necessarily mean that the views from that path would become less important, or less vulnerable to the further adverse change that the present appeal proposal would bring.
28. I appreciate that the Chilterns Conservation Board declined to comment either on the planning application or on the appeal. The Board is a statutory consultee body with responsibility for the AONB's conservation and

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<sup>6</sup> The South Oxfordshire Landscape Character Assessment (SOLA), 2003

enhancement, and had it chosen to comment, its views would undoubtedly have carried some weight. But its lack of comment cannot be interpreted as either approval or disapproval. And in any event, I must come to my own decision.

29. I therefore conclude that the proposed development would not conserve or enhance the area's natural beauty, but would have an adverse effect on the character and appearance of the local landscape and on the setting of the village of Woodcote. As such, it would conflict with Policies CSEN1 of the CS and C4 of the LP, and also with the relevant provisions of CS Poly CSR1 relating to local character and distinctiveness.

#### *Highway safety*

30. Woodcote Parish Council draws my attention to the WNP's transport policies. Policy T1 states that proposals which would require new access points or generate traffic should demonstrate that they would not inhibit traffic flows or exacerbate parking stress, particularly around the junction of Beech Lane with Goring Road. Policy T5 states that developments in Beech Lane or Wood Lane will be required to contribute to safety improvements at the junction of those two roads. Policy T7 requires that all housing developments should provide new pedestrian footways where needed to link up with the existing network.
31. The appeal scheme provides no technical evidence on any of these matters, and the legal undertaking makes no provision for any financial contributions or off-site works. Contributions of the type that would be needed to comply with Policy T5 cannot be required by condition. The proposed scheme therefore does not demonstrate compliance with these WNP policies.
32. However, NPPF paragraph 32 requires that development should only be refused on transport grounds where the impact would be severe. Here, there is no evidence that any of the existing local roads are overloaded or dangerous, and from my own observations, there is nothing to suggest that this is the case. All of the roads concerned are minor roads, rural lanes, or residential streets, and at the times of my numerous informal and unaccompanied visits, which took place at differing times of the day and evening, traffic volumes and speeds throughout the village were generally low. I also note that there is no suggestion that the proposed development falls foul of any highway-related policies in the CS or LP. The Highway Authority has withdrawn its initial objection. Consequently, whilst I appreciate how sensitive traffic issues may be to local residents, objectively there is no evidence of any existing highway problems.
33. Furthermore, the appeal proposal is for only 10 dwellings, and consequently the likely traffic generation would be relatively small. In my view there is no reason to expect that a development on this scale would be likely to have any significant effects on traffic flows, pedestrian numbers, car parking, or safety. In these circumstances, it would not be reasonable to suggest that the proposed development's impact would be severe.
34. I also note that there is no longer any dispute that the widening of the access, and the provision of adequate visibility splays, could be achieved by conditions. In all the circumstances, I find no reason why the proposed development should have any significant effects on the highway network, or on highway safety. In my view these matters could all be dealt with by conditions.

### *Housing land supply*

35. For the period 2006-27, the CS requires provision to be made for 11,487 dwellings. Of these, 6,300 are to be provided at Didcot, and 5,187 in the rest of the district (the RoD). Up to March 2015, the total number of completions in the RoD area was 2,236 dwellings, which was slightly ahead of the cumulative requirement for that date. The residual requirement for the period up to year 2027 was therefore 2,951 units, or 246 units per annum. Adding a 5% buffer, the overall requirement for the next 5-year period, 2015-20, is 1,291 units. Against this requirement, the Council claims a deliverable land supply in the RoD area with capacity for around 2,276 units, equivalent to 8.8 years' supply.
36. The appellants dispute the use of the CS housing policies as the basis for the land supply calculations. They point out that the CS was originally prepared more than four years ago, in the context of the former Regional Strategy (the South East Plan, or SEP), which has since been revoked. Much of the CS examination took place prior to the publication of the NPPF. Since the plan's adoption, a series of judgements in the Courts have highlighted the need for local plans to start from an objective assessment of full, unconstrained housing needs. In South Oxfordshire, more up-to-date evidence of need is now available in the Strategic Housing Market Assessment (SHMA) published in April 2014. Advice in the PPG (ID 3-030) warns that, even where there is an adopted local plan, if the plan is based on evidence that dates back several years, it may not adequately reflect current needs; and that where significant new evidence comes to light, such as in a housing needs assessment, this may outweigh the local plan.
37. I recognise the strength of these arguments. However, the CS is part of the statutory development plan, and its adoption is still relatively recent. Its examination was extended to allow the plan to be modified to take account of the NPPF, and the evidence put to the examining Inspector included up-to-date evidence on housing needs, against which to test the housing policy requirement figures. The revocation of the SEP was already well under way by then. The Inspector's report makes it clear that he was satisfied that the CS in its final version took account of these matters and was compliant with the NPPF. And although the new SHMA figures suggest that the full objectively assessed need is likely to exceed the CS provisions, the SHMA itself is as yet untested and unmoderated; essentially, it is only the first stage in the process towards formulating a new housing strategy, as part of the District's intended new local plan.
38. The PPG advice referred to above makes it clear that, except where a plan has become out-of-date, the housing figures in adopted plans should be given considerable weight. And whilst more recent evidence may also be considered, if that evidence has not been tested or moderated, the weight to be given to it should be tempered accordingly. The recent Ministerial letter<sup>7</sup> makes it clear that the publication of a SHMA does not immediately or in itself invalidate the housing figures in existing local plans. In the light of this guidance, and all the evidence before me, it seems to me that in the particular circumstances of this case, the Council is justified in carrying out its 5-year supply calculations based on the adopted CS provisions, rather than the SHMA figures.

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<sup>7</sup> Letter from the Minister of State for Housing and Planning, dated 19 December 2014

39. Secondly, the appellants also dispute the Council's approach in basing their land supply calculations on just the RoD area, rather than South Oxfordshire as a whole. Again, this argument is not without merit. The NPPF's overarching aim for housing is to increase supply across the board, in order to meet needs and support economic recovery. At Didcot, housing delivery has lagged behind the required rate for that area, and when the whole District is looked at together, there has been a net shortfall to date. The Council's disaggregated approach could be seen as allowing that situation to continue.
40. However, it seems from the evidence before me that the circumstances relating to Didcot are rather unusual. On the one hand, Didcot is seen as the location best able to support the area's planned employment growth, based on the economic potential of the existing Milton Technology Park and the cluster of major research laboratories nearby, known as the 'Science Vale'. And on the other, the town is identified as needing what the CS refers to as transformational change in its infrastructure, facilities, and physical environment. In addition, there is the particular opportunity presented by the closure of one of the town's two power stations in 2013, and the possible closure of the other by 2023. In these circumstances, I see considerable force in the Council's argument, that if some of the housing planned for Didcot were siphoned off to other parts of the District, there is a danger that the much-needed regeneration would be fatally undermined.
41. And in any event, it is evident that Didcot's role as a growth point has always been intended to serve the needs of the wider sub-region, rather than just South Oxfordshire alone. Allowing this kind of planned growth to be replaced by scattered small developments in the rural parts of the District, and particularly in the AONB, would not serve that strategic purpose.
42. The emphasis in the NPPF (paragraph 47), and in the PPG (ID 3-007), is on relating housing provision to housing market areas. Such areas need not be the same as local authority districts. As far as I can see, nothing in either document rules out a disaggregated approach to the land supply calculation, and nothing prevents the 'ring-fencing' of the separate housing provisions for Didcot and the RoD. And furthermore, in the present case, the Council's approach is based directly on the policies of the adopted CS. In these circumstances, and particularly those specifically relating to South Oxfordshire, I consider that the Council has provided sufficient justification for the use of the disaggregated approach in the present appeal.
43. I appreciate that my conclusion on this issue of disaggregation is different from that reached by the inspector in the Thames Farm appeal. But there is also evidence regarding other appeals where different approaches have been taken. I acknowledge that the issue is finely balanced, and that there are reasonable arguments to be made on both sides. However, I must base my decision on the evidence and submissions presented to me in this appeal, and in the light of the circumstances that exist now. For the reasons explained above, I find the disaggregated approach acceptable in this case.
44. Although the appellants also dispute certain other aspects of the Council's methodology, including the size of the buffer, the timescale for making up any backlog, and the order in which these adjustments should be applied, these arguments are all predicated on the basis that housing provision should be measured either against the SHMA figures or on a district-wide basis.

Whereas, for the reasons given above I consider that the Council's approach, in using the CS figures and the RoD area, is acceptable. On this basis, there is no backlog, and no record of past under-delivery, and thus no reason to alter the buffer percentage. And whilst the appellants question the deliverability or delivery rates on some of the Council's supply sites, so far as the RoD area is concerned, those sites total around 600 units at most, which is not enough to change the final outcome. In any event, the appellants do not dispute<sup>8</sup> that, if the Council's methodology is used, a 5-year supply has been demonstrated.

45. I accept that the Council's preferred methodology is not the only way that a 5-year land supply assessment could be carried out in this part of South Oxfordshire. The NPPF and PPG are not prescriptive, and the fact that I have found the Council's method to be acceptable does not necessarily mean that any other alternatives are wrong. But the requirement in NPPF paragraph 49 is simply that the local planning authority should be able to show a 5-year supply. In the present case, the Council has done that, and for the reasons that I have given, I find their assessment to be satisfactory. On that basis a 5-year supply has been adequately demonstrated.

### **Other matters**

#### *Local facilities*

46. Woodcote has a good range of facilities for a village of its size, including a health centre, public library, and schools for all age groups up to age 16. There are also bus services from the village to several nearby towns, including Reading. These considerations count modestly in favour of the development, but they do not outweigh the harm that I have identified to the AONB, or the conflict with development plan policies.

#### *The legal undertaking and planning obligations*

47. The undertaking firstly secures the provision of four of the proposed new dwellings as affordable housing, including three for 'affordable rented' tenure and one for shared ownership. It is not disputed that the affordable housing would help to meet local needs, and I note that the level of provision and tenure mix accord with CS Policy CSH3. This is a potential benefit that carries some weight.
48. Secondly, the undertaking provides for financial contributions towards extensions and improvements to the village primary school and library. From the information provided, it appears that no other obligations have yet been entered into in respect of these projects, although other planned developments in Woodcote may be required to do so in the future. There is no dispute that these contributions are necessary to mitigate the proposed development's impacts on local infrastructure, or that they are directly and fairly related to the scheme. These items therefore meet all of the relevant tests under both Regulations 123 and 122 of the CIL Regulations, and I have taken them into account in my decision.
49. Thirdly, the undertaking requires payments in respect of street naming and numbering, and the provision of waste collection bins, and finally it includes provision for monitoring and administration fees. I appreciate that again these sums are not in dispute between the parties, but nonetheless, I am required to

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<sup>8</sup> As agreed by Mr Bolton, in answer to cross-examination

consider whether they meet the tests in the Regulations. In this case, whilst I acknowledge that street naming and waste bins need to be provided, and that Council services including monitoring need to be financed somehow, none of the evidence before me suggests that any of these items can properly be said to be necessary to make the development acceptable in planning terms. They therefore do not meet the tests in Regulation 122, and I cannot take them into account. With regard to the monitoring and administration fees, I note that a similar view was reached in a recent High Court judgement<sup>9</sup>, but my decision is based on the facts of the present case and the evidence before me.

#### *Other matters raised by Woodcote Parish Council*

50. Representatives of the Parish Council raise a number of issues arising from other policies in the WNP (in addition to Policy HS10), including Policies HS1, H6, H7, and T8. However, with regard to HS1, although the appeal site is not one of the sites allocated for development, the policy is silent on the question of any other sites that may come forward, and no conflict therefore arises in this respect. The other policies cited relate to the desired mix of housing types and sizes, and to car parking. In the present case, all of these are reserved matters, and are therefore not for determination in this appeal.

#### **Conclusions**

51. Section 38(6) of the 1990 Act requires that the appeal be determined in accordance with the relevant development plan policies, unless outweighed by other material considerations. In the present case, because of its location outside the existing village, the proposed development conflicts with the relevant policies for housing in villages and in the countryside, including Policies CSR1, HS10, G2 and G4. And in addition, the scheme would cause significant harm to the character and appearance of the AONB, and to the setting of the village, contrary to Policies CSEN1 and C4. These conflicts with development plan policies clearly weigh against the proposal.
52. On the other side of the equation, the proposed development would provide 10 new dwellings, including four affordable units, in a location reasonably well served by local facilities. This would be of some benefit, but since an adequate supply of housing land has been shown to exist already, that benefit would be relatively limited. None of the other considerations discussed above, including the lack of harm to highway safety, and the mitigation of the impacts on local schools and libraries, counts as anything more than neutral.
53. The balance that has to be drawn therefore is simply between a modest increase in the local housing stock, against the combined weight of the loss of countryside, plus the harm to the area's character and appearance, and the resulting policy conflicts. In this context, I note in particular that in AONBs, NPPF paragraph 115 requires that the conservation of the landscape should be given great weight. Overall, taking account of this and all the other considerations above, it is difficult to see any reasonable basis on which the planning balance in this case could be said to favour the appellant. On the contrary, it is clear to me that the harm would significantly and demonstrably outweigh any benefits.

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<sup>9</sup> Oxfordshire County Council v SoS, Cala Management Ltd and others, [2015] EWHC 186 (Admin)

54. I have given full consideration to the NPPF's aim of encouraging sustainable development. But given the harm that I have identified, and especially the harm to the AONB, it seems to me that the development now proposed cannot properly be considered as sustainable. And in any event, the presumption in favour of such development, as set out in NPPF paragraph 14, does not apply in AONBs.
55. In the absence of a demonstrable housing shortfall, there is nothing to suggest that any of the relevant development plan policies are either out of date or inconsistent with national policy in any way. Had I come to a different view on the question of the 5-year supply, the Council's housing policies would then have had to be treated as out of date, but that would not necessarily have meant that those policies carried no weight. And in any event, other policies such as those relating to the AONB, would have been unaffected. For the avoidance of doubt, even if the housing supply had been only 2.1 – 2.4 years, as argued by the appellants, in my view the harm to the AONB would still have significantly and demonstrably outweighed the benefits of the housing provision.
56. I have considered all the other matters raised, but none alters the above conclusions. For the reasons set out in this decision, I conclude that the appeal should be dismissed.

*John Felgate*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Tom Cosgrove, of Counsel      Instructed by Ms Margaret Reid, Head of Legal Services

He called:

Mr Mark Flood,      Consultant, Insight Town Planning  
BA(Hons) DipTP MRTPI  
Ms Beryl Guiver,      Principal Planning Officer  
MSc DipTP MRTPI

### FOR THE APPELLANT:

Mr David Denham,      Jumquest Ltd  
BSC DipTP FRICS MRTPI

He called:

Mr Roland Bolton,      DLP Planning  
BSc(Hons) MRTPI

### INTERESTED PERSONS:

Cllr Malcolm Smith	Woodcote Parish Council
Ms Catherine Hall	Architect (on behalf of Mr & Mrs Stacey, adjoining land owners)
Cllr Bob Lewin	Woodcote Parish Council
Mr Jerry Green	Local resident and member of the Woodcote Neighbourhood Plan Steering Group
Cllr Dr Geoffrey Botting	Vice-Chairman, Woodcote Parish Council
Cllr Robin Pierce	Chairman, Woodcote Parish Council
Ms Judith Coates	Planning Officer, Oxfordshire County Council

## DOCUMENTS

### THE APPELLANTS

AP-1	Design and Access Statement
AP-2	Ecological Survey report
AP-3	Housing land supply report and appendices, in 4 volumes, dated July 2014
AP-4	Grounds of Appeal
AP-5	Comments on 5-year land supply, submitted 23 Sept 2014
AP-6	Comments on consultee responses, submitted 23 Sept 2014
AP-7	Mr Denham's proof and appendices
AP-8	Mr Denham's addendum; and appeal decision relating to the 'Conifers' site
AP-9	Mr Bolton's proof and 2 volumes of appendices
AP-10	Mr Bolton's revised Tables 15, 19 and 20
AP-11	Unilateral undertaking dated 10 April 2015
AP-12	Final submissions by Mr Denham
AP-13	Final written submissions by Mr Bolton

### THE COUNCIL

CO-1	Mr Flood's proof and volume of appendices
CO-2	Ms Guiver's proof and appendices numbered 1-13
CO-3	Position Statement dated 11 March 2015
CO-4	Additional information on housing land supply, dated 17 April 2015 (tabled by Ms Guiver)
CO-5	Amendment to Ms Guiver's proof – para 3.1
CU-6	SOLA Fig 15.1: landscape types
CO-7	Extract from GVLVIA 3 <sup>rd</sup> Edition
CO-8	Briefing note on RR6 - contributions
CO-9	Statement of justification for planning obligations - Oxfordshire County Council
CO-10	Note by Mr Howard Cox re monitoring and admin fees
CO-11	Explanation of Oxfordshire County Council contribution requests
CO-12	Contribution request spreadsheet
CO-13	Primary schools – location map
CO-14	Proposed draft conditions
CO-15	Additional proposed draft condition – No.15
CO-16	Phides Estates (Overseas) Ltd v SoS: [2015] EWHC 827 (Admin)
CO-17	Closing submissions by Mr Cosgrove

### OTHER PARTIES

OP-1	Letter from Cllr Pierce, dated 22 April 2015 (requesting to speak)
OP-2	Proof of evidence by Cllr Dr Botting, on behalf of Woodcote Parish Council, with appendices A-N; and bundle of supporting documents A-F
OP-3	Email from Chilterns Conservation Board, dated 24 Feb 2015 (tabled by Cllr Botting)
OP-4	Survey plan of access area, tabled by Mrs Hall

### JOINTLY AGREED DOCUMENTS

J-1	General Statement of Common Ground, dated March 2015
J-2	Statement of Common Ground - housing land supply, dated March 2015

### GENERAL DOCUMENTS

G-1	Notification letters regarding the appeal, dated 13 August and 3 December 2014, and 19 March 2015
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## Appeal Decision

Inquiry sat on 9-12 & 16-18 December 2014

Accompanied site visit made on 18 December 2014

by **I Jenkins BSc CEng MICE MCIWEM**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 May 2015

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**Appeal Ref: APP/Q3115/A/14/2217931**

**Thames Farm, Reading Road, Shiplake, Henley-on-Thames, RG9 3PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs Claire Engbers against the decision of South Oxfordshire District Council.
  - The application Ref P13/S2184/O, dated 8 July 2013, was refused by notice dated 30 October 2013.
  - The proposed development is described as an outline application for up to 110 dwellings (access not reserved).
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The planning application the subject of this appeal is in outline, with all detailed matters except access reserved for future consideration.
3. I adjourned the Inquiry on 18 December 2014, having dealt with all other matters, in order to allow those with an interest to have an opportunity to respond, in writing, to the new evidence submitted at the Inquiry by Oxfordshire County Council (OCC) in relation to the proposed section 106 agreement. A timetable for written representations on this matter was agreed prior to the adjournment and a resumption date of 3 March 2015 was provisionally agreed. However, I indicated that once the agreed round of written representations were complete, it would be my intention to close the Inquiry in writing prior to the provisional resumption date, unless matters arising from those submissions necessitated further discussions at the Inquiry. There was no objection to this proposed course of action at the Inquiry.
4. Following the agreed round of written representations, the Council and appellant confirmed that they did not wish to raise any other matters and were content that I close the Inquiry in writing forthwith, before the provisional resumption date. I considered that all parties had had a fair opportunity to deal with the matters raised. Therefore, at my request, on 25 February 2015 the Planning Inspectorate notified the main parties that the Inquiry was closed

and would not resume on 3 March 2015.

5. During the course of the Inquiry, the appellant provided a formally completed agreement pursuant to section 106 (s106) of the *Town and Country Planning*

*Act 1990*. Other parties to the agreement include the Council and OCC. I have considered the associated planning obligations in light of the tests set out in paragraph 204 of the *National Planning Policy Framework*.

6. As the appeal site lies within the Parish of Harpsden, Harpsden Parish Council takes issue with the reference to Shiplake in the appeal site address details shown on the planning application form. However, that form of address has been accepted by the Council and in my judgement it is acceptable as a means of locating the site on the ground and so I have repeated it in the summary information above.

### **Main Issue**

7. I consider that the main issue in this case is whether the proposal would amount to sustainable development, with particular reference to: housing land supply; the effect on the safety and convenience of highway users; the effect on the character and appearance of the area; the effect on housing supply, with reference to Affordable Housing and housing mix; the effect on biodiversity; the effect on public water supply; whether the scheme would make adequate provision for infrastructure and facilities necessary to support the development; and, the degree to which facilities and services would be accessible from the site by sustainable modes of transport.

### **Reasons**

8. The appeal site, which is around 5.65 hectares in size, comprises for the most part a grassed field. The eastern boundary of the site fronts onto Reading Road. The northeastern corner of the site adjoins the curtilage of a barn, in relation to which planning permission has been granted for a change of use to either residential or Class B1 business use. The northwestern corner of the site adjoins the curtilage of a house. Between those two properties the northern boundary of the site runs alongside Upper Bolney Lane, which, although open to all traffic, is a relatively narrow by-way. To the south and west of the site are a number of paddocks and large gardens associated with properties that front onto Woodlands Road. The appeal scheme involves the provision of up to 110 dwellings within the site, with vehicular access off Reading Road.

#### *Housing land supply*

9. The *National Planning Policy Framework* (Framework) indicates that planning should be genuinely plan-led and proposed development that conflicts with an up-to-date Development Plan should be refused unless other material considerations indicate otherwise. Following Examination-in-Public, which took account of the requirements of the Framework, the *South Oxfordshire Core Strategy* (CS) was found to be sound and was adopted in December 2012. This is the starting point for consideration of housing land supply.
10. CS Policy CSS1 indicates that proposals for development in South Oxfordshire should be consistent with the overall strategy of: focusing major new development at the growth point of Didcot; supporting the roles of Henley, Thame and Wallingford by, amongst other things, providing new houses; supporting and enhancing a number of identified larger villages; supporting other villages by allowing for limited amounts of housing; and, outside towns

and villages any change will need to relate to very specific needs such as those of the agricultural industry or enhancement of the environment.

11. The appeal site is neither within nor adjacent to Didcot, Henley, Thame or Wallingford. Elsewhere in the District residential development is restricted under the terms of CS Policy CSR1, which only makes provision for new housing in an around 'larger', 'smaller' and 'other' villages. The closest settlement to the appeal site is Lower Shiplake.
12. I give little weight to the appellant's argument that Lower Shiplake and the settlement of Shiplake Cross should together be regarded as a 'larger village'. This is a matter which was considered by the CS Inspector. Having had regard to representations from the appellant and others, he considered that there is a clear break between the 2 settlements and agreed with the Council's approach. That is, having had regard to, amongst other things, the availability of services and facilities, they should each be regarded as smaller villages where only limited development would be appropriate. The CS clearly identifies those 2 settlements as separate smaller villages. Under these circumstances, in my view, it would not be reasonable for me to seek to re-run that assessment as part of a section 78 appeal, not least as many parties with an interest may not be represented at the Inquiry.
13. CS Policy CSR1 only supports housing development in smaller villages on infill or rural exception sites. Infill development is limited to sites up to around 0.2 hectares. Rural exception sites are small sites for Affordable Housing within or adjacent to villages. The appeal scheme, which would involve the provision of up to 110 dwellings on a site with an area of more than 5 hectares, would not accord with these criteria. I consider therefore that the scheme would conflict with CS Policies CSR1 and CSS1.
14. However, the Framework seeks to significantly boost the supply of housing. To that end, it indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a persistent under-delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
15. The reasoned justification for CS Policy CSH1, which sets out the amount and distribution of housing, indicates that an aim of the strategy is to focus a large proportion of new development at the growth point of Didcot. Furthermore, the number of houses allocated to Didcot is ring-fenced to this settlement, as this level of housing growth is closely linked to: planned economic growth within the Science Vale UK; transport infrastructure in the Didcot area; plans for expansion of Didcot town centre; and, Didcot's designation as a New Growth Point. Outside Didcot, the Rest of the District (RotD) will be a single area for housing land supply. The housing targets identified by CS Policy CSH1 for the period 2006 to 2027 comprise 6,300 dwellings at Didcot and 5,187 dwellings in the RotD.
16. I acknowledge that the Framework does not preclude local planning authorities from identifying 2 housing land supply areas with separate housing requirements, as set out in the CS. Nonetheless, irrespective of whether the

Council has chosen to identify one or more housing land supply requirements, it remains necessary for it to be able to demonstrate a supply of specific deliverable sites sufficient to provide 5 years worth of housing against all those housing requirements with an appropriate buffer. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

17. The Council's *Assessment of Five Year Housing Supply, April 2014* (AHS14), confirms that relative to the CS housing supply targets, whilst there has been no persistent under delivery of housing in the RotD, there has been in relation to Didcot. I understand that this has resulted from reliance on a number of large sites with development complexities that have resulted in low delivery in past years. Although the Council has indicated that delivery rates are improving, it doesn't expect them to peak until around 2018. This is a number of years away and the appellant has indicated that progress is likely to be slower than anticipated by the Council, due to ongoing issues related to financing and planning obligations. I consider therefore, that whilst an additional supply buffer of 5% would be appropriate in relation to the RotD, a 20% buffer would be necessary in relation to Didcot.
18. Furthermore, given the aim of the Framework to significantly boost the supply of housing, in my judgement, it would be reasonable to expect the Council to take action to mitigate the backlog in supply that has arisen relative to the Didcot target within the forthcoming 5 year period (Sedgefield approach). This is in keeping with the Planning Practice Guidance<sup>1</sup>, which post-dates the CS and the approach taken there of recovering past under-delivery over the remaining plan period (Liverpool approach).
19. Based on the Council's estimates of housing land supply drawn from its AHS14, the figures set out in the Statement of Common Ground<sup>2</sup> indicate that the Council is able to demonstrate more than a 5 year supply of deliverable housing sites relative to the CS requirement for the RotD plus a 5% buffer. However, it can not do so relative to the CS requirement for Didcot plus backlog and 20% buffer. Therefore, the Council is unable to demonstrate a supply of specific deliverable sites sufficient to provide 5 years worth of housing against its housing requirements in accordance with the Framework. I consider that, under these circumstances, paragraph 49 of the Framework is triggered, such that relevant policies for the supply of housing should not be considered up-to-date. These include CS Policies CSH1 and CSC1, which encapsulate the housing distribution strategy for both Didcot and the RotD. Furthermore, the outcome is no different if a judgement is made on the basis of District wide figures. As the shortfall associated with Didcot is far greater than the surplus associated with RotD, the cumulative position is that the Council is also unable to demonstrate a 5 year supply of deliverable housing sites if the District is considered as a whole.
20. I acknowledge that the disaggregated approach to housing supply set out in CS Policy CSH1 was supported by the CS Inspector, who indicated that 'success in the long held aspiration for comprehensive transformation of Didcot will continue to need long-term certainty, determination and commitment, all of which would be undermined if some part of the growth were to be siphoned off

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<sup>1</sup> PPG para ID 3-035.

<sup>2</sup> CD3.3.

elsewhere'. However, as the Council is unable to demonstrate a 5 year supply of deliverable housing sites with reference to some of its requirements, thereby rendering the relevant housing supply policies out-of-date, the weight that I attribute to the concern expressed by the CS Inspector, insofar as it related to housing, is greatly reduced. It is outweighed by the need set out in the Framework to ensure choice and competition in the market for land and thereby boost significantly the supply of housing to meet the needs of present and future generations.

21. Looking to the future the Council has identified 2 factors, not previously accounted for, which would add to the supply of housing. It has indicated that in future its assessments of 5 year housing land supply would make some allowance for increasing numbers of buildings being converted to residential use, following recent changes to permitted development rights. In addition, account would be taken of the contribution made by housing for older people, including residential institutions in use Class C2, in accordance with the Planning Practice Guidance (PPG). The Council has provided estimates to indicate how these factors may add to housing supply numbers over the coming 5 year period. However, the approach taken in relation to housing for older people is not set out in the Local Plan, as required by the PPG<sup>3</sup> and it is untested. I consider therefore, that the estimate must be treated with a significant degree of caution. The increase in housing numbers claimed by the Council as a result of changes to permitted development rights is relatively small and uncontroversial.
22. For its part, the appellant has drawn attention to the *Oxfordshire Strategic Housing Market Assessment, April 2014* (SHMA)<sup>4</sup>, which represents the latest full assessment of housing needs for the District. It identifies a range of 725-825 dwellings per annum, significantly higher than the 547 dwellings per annum set out in the CS. Whilst its findings have prompted the Council to instigate a review of the CS, the process is at an early stage. The SHMA has yet to be tested and so the weight I give to its findings are limited<sup>5</sup>. However, they indicate that the District's housing requirement may well need to be increased.
23. The Council and appellant have set out, in a Statement of Common Ground<sup>6</sup>, a series of calculations in order to illustrate the potential effect of these 3 factors on the 5 year housing land supply position. In the context of the backlog recovery and buffer level assumptions that I have set out above, the results suggest that whilst it may be possible to demonstrate a 5 year supply of deliverable housing sites in relation to RotD, supply is likely to fall well short of that level both for Didcot and the District as a whole. This serves to reinforce the conclusions that I have already drawn on the basis of the CS.
24. I conclude that the Council is unable to demonstrate a 5 year supply of deliverable housing sites in relation to at least some of its requirements, contrary to the aims of the Framework, and so relevant policies for the supply of housing are considered to be out-of-date. These include CS Policies CSH1, CSC1, CSS1 and CSR1, and as a consequence, conflicts with those Policies would not be sufficient to justify withholding planning permission in this case.

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<sup>3</sup> PPG para ID 3-037.

<sup>4</sup> CD4.5.

<sup>5</sup> PPG para ID 3-030.

<sup>6</sup> Inquiry document 7.

25. My attention has been drawn to a number of appeal decisions dealing in part with the legitimacy of taking into account disaggregation when assessing housing land supply and/or whether the findings of Strategic Housing Market Assessments that post-date the Development Plan should be given more weight. However, the circumstances in those other cases referred to are not directly comparable to those in the case before me. For example, in appeal decision Refs. APP/T4205/A/12/2170192, 2170201 and 2170207 reliance was placed on a disaggregated approach to housing supply set out in the emerging *Blaby District Local Development Framework Core Strategy*, which had yet to be adopted. In the case before me a disaggregated approach to housing land supply is set out in a core strategy adopted following examination of its consistency with the Framework. Furthermore, with respect to the implications of the findings of the SHMA, its findings do not alter the conclusions I have reached on the basis of the CS. Therefore, I have found the previous appeal decisions to be of little assistance.

*Safety and convenience of highway users*

26. Neither the Council nor the Highway Authority object to the scheme on the basis of its effect on the *safety and convenience of highway users*. Nonetheless, I have had regard to the concerns raised by other interested parties, including Shiplake Parish Council.
27. The Transport Assessment (TA) submitted in support of the appeal scheme indicates that there would be two pedestrian routes between the appeal site and Lower Shiplake village centre. These would comprise: a crossing of Reading Road, A4155, to the north of the proposed site access, with a footway link along the eastern side of the highway to public footpath 242/26, which runs across a field to Northfield Avenue; and, a new footway along the western side of the A4155 between the southeastern corner of the site and a new crossing point to the war memorial traffic island at the junction with Station Road. I will refer to the second of these as route A.
28. Whilst the scheme makes provision for a contribution towards surfacing of footpath 242/26, it would not be lit and is relatively narrow, features which to my mind are likely to discourage, if not prevent, future appeal site pedestrians from using it. At the Inquiry the appellant confirmed that the main intended pedestrian route between the site and Lower Shiplake would be along route A.
29. At the request of the Highway Authority, route A has been the subject of a Stage 1 Road Safety Audit (RSA). The RSA identifies that *'although the A4155 is subject to a 30 mph speed limit in this location, it is semi-rural and has a straight alignment on the southern approach to the junction with Station Road. If drivers travel at speeds greater than 30 mph, there may be insufficient stopping sight distance (SSD) in the event that a pedestrian steps out to cross the road from the inside of the bend at the proposed pedestrian crossing. There is a risk, therefore, that pedestrians may be struck by passing vehicles with resultant serious injury. Checks should be made to ensure the 43 metre visibility envelope shown on the application plans is adequate for vehicle approach speeds.'*
30. The *Designer's Response to Stage 1 Road Safety Audit* suggests that the proposed visibility envelope *'has been shown for the posted speed limit of the road and the proposed pedestrian crossing is well within the 30 mph speed limit zone and at a sharp-bend in the road alignment, therefore vehicle speeds*

*should be at or below the posted 30 mph speed limit.* However, based on what I have read, heard and seen, I consider that little reliance can be placed on this view. Records of speed surveys undertaken along the 30 mph section of Reading Road in the vicinity of the appeal site show 85<sup>th</sup> percentile speeds significantly in excess of the 30 mph speed limit. Whilst the appellant has indicated that the proposed highway works in the vicinity of the appeal site entrance would be likely to have a traffic calming effect, there is no evidence before me to show that this would be likely to significantly depress traffic speeds approaching the proposed crossing point at the war memorial island, which is some distance away. I have had regard to the guidance set out in *Manual for Streets* to the effect that reduced forward visibility tends to reduce average speeds. Nonetheless, based on my own observations, both as a driver and pedestrian travelling along Reading Road, I saw little evidence that the bends in the road in the vicinity of the proposed crossing point caused traffic to slow to any significant degree.

31. With reference to the speed survey results, the appellant indicated at the Inquiry that vehicles may require SSDs of up to around 63 metres northbound and 87 metres southbound. I have not been provided with any compelling evidence to show that this could be achieved in the vicinity of the proposed crossing at the war memorial and consider it unlikely on the basis of my own observations.
32. Whilst the *Highways and Transport Statement of Common Ground (SoCGH)* indicates that the detailed design process may reveal a more suitable point at which to cross Reading Road, no details of likely alternatives have been provided to me. Given the winding nature of the highway hereabouts, which restricts intervisibility between drivers and pedestrians crossing the road, I am not convinced that a suitable alternative could be found. I give the unsupported assertion contained within the SoCGH little weight.
33. The TA indicates that over 50 pedestrians are likely to travel to, and a similar number away from, the site each day. I saw that in the morning and early evening, when pedestrians would be most likely in my view to want to travel between the appeal site and facilities within Lower Shiplake, such as the train station and school bus pick-up points, traffic conditions along the A4155 were busy. I have no reason to believe that these conditions were unusual. Due to the limited intervisibility between pedestrians starting to cross the highway in the vicinity of the war memorial and drivers approaching along the A4155, I consider that there would be a significant risk of pedestrians crossing when approaching drivers have insufficient time to react to avoid a collision. Furthermore, drivers who are able to stop in time to avoid a pedestrian part way across the highway would themselves potentially interrupt the free flow of traffic. In my judgement, the use of the proposed crossing would be likely to pose a serious threat to the safety and convenience of highway users.
34. I conclude that the proposal would be likely to have a severe adverse residual cumulative effect on the safety and convenience of highway users. In this respect it would conflict with the aims of Policy T1 of the *South Oxfordshire Local Plan 2011 (LP)*, which are consistent with the Framework insofar as it seeks to ensure that safe and suitable access to the site is provided and that conflicts between traffic and pedestrians are minimised. This harm weighs heavily against the grant of planning permission in this case.

*Character and appearance*

35. I deal first with landscape. Whilst the appeal site comprises for the most part a grassed field, there are strips of woodland along sections of the eastern and northern boundaries of the site which are protected by a Tree Preservation Order. The site is not the subject of any formal landscape designations. However, it lies within the *Thames Valley and Fringes* character area identified by the *South Oxfordshire Landscape Assessment*, adopted in 2003 (SOLA)<sup>7</sup>, and more specifically it forms a substantial part of one of three limited areas categorised as falling within a *Parkland and Estate Farmland* landscape type, which the SOLA indicates should be conserved; confirming it is of value.
36. *Estate Farmland* is characterised by a mature, well-managed and usually well-wooded character; a description that fits the appeal site reasonably well in my view, notwithstanding the appellant's and Council's views to the contrary. The area of *Parkland and Estate Farmland* of which the appeal site forms part lies to the west of the A4155. The built up area of Lower Shiplake lies to the east of Reading Road. Whilst there are some properties to the south, west and north of the site, for the most part they occupy substantial curtilages giving rise to a low density and sporadic pattern of development. I consider that the appeal site lies in the countryside, outside the built up area of Lower Shiplake. My view, in this respect, is consistent with the finding of my colleague concerning the relationship between the barn neighbouring the northeastern corner of the site and Lower Shiplake<sup>8</sup>.
37. Much of the existing tree belt across the Reading Road frontage of the site would be removed as a consequence of the vehicular and pedestrian routes proposed. This prominent roadside tree belt makes a positive contribution to the character and appearance of the surroundings and so the scheme would conflict with LP Policy C9. However, it is largely unmanaged at present and therefore, its condition and contribution to the character and appearance of the surroundings may well diminish over time. The proposed planting along the eastern side of the site, which would include some semi-mature trees, would provide a greater depth of woodland than exists at present, the woodland area being approximately doubled. Establishment and maintenance of the new woodland area over the longer term would be secured by condition and provisions set out in the s106.
38. Therefore, whilst in the short term the sylvan character of the eastern frontage of the appeal site would be significantly harmed, I agree with the appellant that in the medium term the proposed planting scheme would be likely to enhance frontage tree cover. In the longer term the proposal would establish a more extensive, diverse and sustainable woodland across the frontage of the site, the landscape benefits of which would outweigh the negative arboricultural impacts of the removal of parts of the existing woodland. In this respect the scheme would accord with the conservation aim of the SOLA and the conflict I have identified with LP Policy C9 would not be sufficient to justify withholding planning permission in this case.
39. However, the proposed woodland area represents less than 15% of the appeal site area and the vast majority of the remainder, which is predominantly grassland, would be replaced by housing development. As the planning

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<sup>7</sup> CD4.6.

<sup>8</sup> CD5.11 Appeal decision Ref. APP/Q3115/A/11/2160528.

application in this case is in outline, with all detailed matters except access reserved for future consideration, detailed design of the scheme may provide an opportunity for its impact on the character and appearance of its surroundings to be mitigated to a greater extent than is suggested by the illustrative plans before me. However, planning permission is sought for up to 110 dwellings and I consider that any substantial reduction of that number would significantly alter the proposal for which planning permission is sought in this case. It would not be reasonable to seek to secure such a reduction through the imposition of a condition, as those with an interest in the scheme, including those not represented at the Inquiry, could reasonably expect to have an opportunity to comment on such a change, which would consequently necessitate a new application. I have borne these matters in mind.

40. Notwithstanding the enhancement of woodland, the *Estate Farmland* character of the locality to which the site makes a significant contribution would be lost, contrary to the aims of the SOLA. I consider that overall, the proposed housing scheme, which would urbanise a notable section of the countryside around Lower Shiplake, would have a detrimental impact on the locally valued character of the area.
41. Turning to visual impact, I consider that the attention of users of local public rights of way is likely to be focussed on the surroundings and I regard them as high sensitivity receptors. I do not share the view of the appellant that the appeal site is perceived as lying within the settlement edge of Lower Shiplake. The undeveloped and predominantly open nature of the appeal site makes a significant contribution towards the impression of being within the countryside when using the public rights of way along Upper Bolney Lane and the section of footpath 242/26 which crosses a field to the northeast of the appeal site on the opposite side of the A4155. The prevalence of mature planting to the west of the road greatly limits the visual impact of the limited development that exists thereabouts. The site contributes positively to the countryside setting of Lower Shiplake, adding to the local value of the site.
42. The impression of being within the countryside when using the sections of public rights of way that I have referred to would be lost through the urbanisation of the appeal site as proposed. I acknowledge that from vantage points along footpath 242/26 the proposed planting would be likely to soften the visual impact of the proposed housing in the medium term and potentially screen the structures from view in the longer term. However, at night, site lighting would still be likely to be visible. Furthermore, the housing would be likely to remain a dominant feature of the surroundings when viewed from a number of public vantage points along Upper Bolney Lane. Overall, the significance of the visual effect when seen from local public rights of way would be moderate and adverse.
43. Whilst accepting that vehicle drivers passing along Reading Road are most likely to be focussed on the highway, the attention of their passengers, including those travelling by bus along this route, are more likely to take an interest in their surroundings. I therefore regard people travelling along the highway as medium sensitivity receptors overall, rather than low as suggested by the appellant. Views of the site from vehicles passing along the A4155 are intermittent. Development, such as the neighbouring barn, and groups of trees restrict views when approaching from the north and roadside planting, including the woodland along the eastern side of the site, limit views when

approaching from the south. However, clear views through the trees to the site are available from the adjacent section of the highway. The impression gained is one of a settlement to the east of the highway, with countryside including scattered development to the west.

44. In the short term a substantial area of the proposed housing within the appeal site is likely to be clearly visible from the adjacent section of the A4155. I acknowledge that this visual impact would be reduced significantly over time, as the proposed planting becomes established. However, clear views would remain when passing the site entrance. Furthermore, the proposed widening of the A4155 in the vicinity of the site entrance and the formation of a ghost island, would urbanise the associated section of Reading Road to a limited extent. In my view, over time the significance of the adverse visual effect would change from moderate to minor.
45. Nonetheless, I consider overall, that the significance of the visual effect of the proposal would be moderate and adverse.
46. Whilst the proposed woodland measures would enhance the character and appearance of the area to a degree, in my judgement, the benefits in that respect would not outweigh the harm caused by the substantial housing development. I conclude that the proposal would cause significant harm to the character and appearance of the area. In this respect it would conflict with the aims of the SOLA and the Framework insofar as it recognises the intrinsic character and beauty of the countryside and seeks to conserve the natural environment.
47. The scheme would also conflict with LP Policies G2, G4 and C4. However, I consider that they are inconsistent with the Framework, as they seek to place far greater restrictions on development in the countryside. Furthermore, the efficacy of those policies is diminished by paragraph 49 of the Framework, in light of my conclusion on housing land supply. The conflict between the scheme and those particular policies of the Development Plan would not be sufficient to justify withholding planning permission in this case.

#### *Housing supply*

48. There is no dispute that there is a significant need for Affordable Housing in the District, as set out in the reasoned justification for CS Policy CSH3 and reinforced by the findings of the SHMA. Such a need is likely to exist in Lower Shiplake, given the high average price of property in the local area. Consequently, with the aim of maximising the provision of Affordable Housing while making sure that housing schemes are deliverable, CS Policy CSH3 seeks 40% Affordable Housing on all sites within the District where there is a net gain of three or more dwellings. The s106 would make provision for that level of Affordable Housing. It would also ensure that a reasonable mix of dwelling types and sizes is provided, as required by CS Policy CSH4. I conclude that the effect on housing supply, with reference to Affordable Housing and housing mix, would be acceptable and it would accord with the aims of CS Policies CSH3 and CSH4. The provision of Affordable Housing attracts substantial weight.

#### *Biodiversity*

49. In addition to the EDP *Ecological Appraisal, March 2013*, submitted in support of the planning application, the appellant has provided an EDP *Reptile and*

*Great Crested Newt Survey Report, September 2014* as well as an *EDP Bat and Dormouse Survey Report, September 2014*. In light of these reports the Council has confirmed<sup>9</sup> that, subject to the imposition of appropriate conditions to secure the mitigation measures recommended in the reports, the objections set out in its 4th reason for refusal have been overcome. I have no compelling reason to take a different view. I conclude that, subject to conditions, the effect of the proposal on biodiversity would be acceptable and in this respect the scheme would not conflict with LP Policies C6, C8 and C9, CS Policy CSB1 or the aims of the Framework as regards conserving and enhancing biodiversity.

50. The measures proposed to mitigate the likely impacts of the scheme on biodiversity may result in some enhancement of the biodiversity value of the site. Furthermore, other features of the scheme, such as surface water drainage ponds, would add to the range of habitats. However, the scheme would involve residential development across the vast majority of the site. I have not been provided with any compelling evidence to show that the benefits to biodiversity would be significant and so I give this matter limited weight.

*Public water supply*

51. The Thames Water Sewer Impact Study<sup>10</sup>, commissioned by the appellant, indicates that subject to identified improvement works to the existing foul network, foul flows from the appeal scheme could be accepted into the public sewerage network without adversely affecting service levels. The appellant has confirmed that she would be willing to fund the identified improvement works and I consider that it would be possible to ensure, through the imposition of a condition, that the works would be carried out before the development commences. Under these circumstances, the Environment Agency has withdrawn its objection. Furthermore, the Council has confirmed that the objections set out in its 5<sup>th</sup> reason for refusal, to the effect that the scheme may adversely affect Harpsden public water supply abstraction due to inadequate waste water infrastructure, have been overcome. I have no reason to take a different view. I conclude that, subject to conditions, the proposal would not have an unacceptable effect on public water supply and in this respect it would not conflict with LP Policies EP6 or EP7 or the Framework as regards avoiding unacceptable levels of water pollution. LP Policy EP4, which is referred to in the Council's 5<sup>th</sup> reason for refusal, appears to me to be of little relevance as it is concerned with the adequacy of water resources.

*Provision of infrastructure and facilities*

52. The s106 would secure contributions sought by the Council from the appellant towards: open space maintenance; surface water drainage maintenance; play area maintenance; woodland maintenance; community facilities; street naming; waste and recycling bins; outdoor sport; Police facilities; and, indoor sport.
53. The establishment and future management of the proposed public open spaces and play areas would be key aspects of the proposed scheme, in keeping with

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<sup>9</sup> CD3.6 para 1.

<sup>10</sup> Thames Water Sewer Impact Study X4503-704 SMG 1568 Proposed connection at Thames Farm, Reading Road, Shiplake Foul Water System.

the aims of: LP Policies R2 and R6; the Framework regarding the promotion of healthy communities; and, the Council's *Interim Planning Guidance-Services and Facilities for New Development, September 2008* (IPG). Other key elements of the scheme include the establishment and future management of the site's surface water drainage, in order to safeguard the environment, and, woodland areas, in the interests of the character and appearance of the area and biodiversity. These are also matters supported by the Framework. The Council has provided evidence in support of the associated contributions and I am satisfied that these obligations would meet the tests of paragraph 204 of the Framework.

54. With reference to the IPG, the increase in population resulting from the proposal would be likely to increase demand for the use of community facilities, which provide opportunities for a variety of social, welfare and leisure facilities. An assessment provided by Shiplake Parish Council indicates that the closest facility to the site, Shiplake Memorial Hall, is in a poor state of repair, which is likely to limit its use. The Council has provided evidence in support of the required contribution, which would be used to enhance existing facilities to meet the needs of the scheme, in keeping with the aims of the Framework regarding the promotion of healthy communities. I am satisfied that the contribution would meet the tests of paragraph 204 of the Framework.
55. The proposed scheme would necessitate the provision of adequate waste management facilities, in the form of waste and recycling bins, in accordance with LP Policy D10 and the aims of the Framework as regards waste minimisation and street nameplates, in keeping with the Framework's aim of securing good design. The Council has provided evidence in support of the required contributions, which would be used to provide that infrastructure. I am satisfied that those contributions would meet the tests of paragraph 204 of the Framework.
56. In relation to the proposed outdoor sport contribution, the Council's *Leisure and Sports Facilities Strategy, March 2011* (LSFS11) and *Infrastructure Delivery Plan Rest of District Live Document, February 2012* (IDP12) identify existing shortfalls in outdoor sports provision, in both quantitative and qualitative terms. The increase in population resulting from the proposal would be likely to generate additional demands for facilities, the provision of which necessitates a contribution in keeping with the aim of LP Policy R2 and the Framework to ensure facilities are available to support healthy communities. The Council has provided evidence in support of the required contribution and I am satisfied that it would meet the tests of paragraph 204 of the Framework.
57. LP Policy D6, CS Policy CSQ3 and the Framework promote the creation of safe environments, where crime and disorder do not undermine quality of life or community cohesion. The Council has provided evidence from Thames Valley Police concerning the likely impact of the scheme in terms of increased incidents to which it would need to respond and the consequential additions to its infrastructure that would be necessary to support the service. Based on the evidence provided, I consider that the contributions sought, with the exception of the element associated with automatic number plate recognition (ANPR) cameras, are directly related to the proposed development and meet the other tests of paragraph 204 of the Framework (£23,441.07 minus £5,500). However, there are no ANPR cameras in the area and consequently it appears that that element of the contribution (£5,500), which equates to the cost of a

camera, would be addressing for the most part an existing issue unrelated to the scheme. Therefore, I consider the ANPR camera element of the contribution sought would not meet the tests of paragraph 204 of the Framework and so I have not taken it into account.

58. In relation to the proposed indoor sport contribution, the Council has indicated that it is required to make improvements to Henley Leisure Centre, with reference to its LSFS11. However, that document indicates Henley is well endowed with sports facilities and a recent upgrade of the Leisure Centre has dealt with previously identified qualitative issues. The IDP12 repeats this position and the *Infrastructure Delivery Plan Update, October 2014*, indicates that further requirements have yet to be identified in up to date leisure strategies and policies. At the Inquiry, the Council indicated that whilst there appears to be spare capacity at the leisure centre at present, it anticipates that, if the rate of increase in use over recent years continues, the spare capacity will be utilised in the foreseeable future. However, no compelling evidence has been provided to show that recent trends are likely to continue. It appears to me that the indoor sport contribution sought by the Council is not necessary, it does not meet the tests of paragraph 204 of the Framework and so I have not taken account of the contribution set out in the s106.
59. The s106 would also secure contributions sought by OCC from the appellant towards: bus stops/shelters; public transport; public rights of way; education; libraries; Oxfordshire's Museum Resource Centre; and, adult day care.
60. The no. 800 Reading-Henley-High Wycombe bus route, which runs past the site along Reading Road, operates on a broadly hourly basis between 07:00 and 19:00 hours during the week, with a slightly reduced service on Sundays. OCC has indicated that an extension of the service to provide additional early morning and late evening links would make it a more credible service for people travelling to and from work. The public transport contribution sought would fund that extension and the bus stop/shelters contribution would provide bus stop facilities close to the site, encouraging the use of public transport by future appeal site residents. These contributions are necessary in order to improve the accessibility of public transport from the site, thereby encouraging sustainable transport modes in keeping with the aims of the Framework. Furthermore, some increased use of local public rights of way, such as Upper Bolney Lane, would be likely to result from the scheme, which would be likely to cause deterioration in the condition of those routes. The contribution sought would fund the upgrading of the surface treatment, thereby mitigating the impact of the scheme, in keeping with the aims of LP Policy T1. OCC has provided evidence in support of the contributions sought and I am satisfied that they would meet the tests of paragraph 204 of the Framework.
61. OCC has confirmed that in relation to education, the proposed development would be likely to generate additional demands for primary school and special educational needs school places, which would necessitate expansion of existing capacity funded by the proposed contributions. Each contribution is calculated on the basis of the extra places required and using Department for Education pupil capital cost multipliers. I am satisfied that the contributions would meet the tests of paragraph 204 of the Framework.
62. The increase in population resulting from the proposal would also be likely to place additional demands on the services of Henley Library, which OCC has

confirmed is already undersized for the existing population served. The identified contribution is sought towards library services to allow the impact of the appeal scheme to be mitigated. I am satisfied that the contributions would meet the tests of paragraph 204 of the Framework.

63. OCC has day care centres across the county which provide a range of facilities for older people with the aim of enabling them to live independently in their own homes and become better integrated with their communities. I acknowledge a number of the future residents of the scheme may well be elderly and they may wish to attend a local day care facility. However, the OCC has indicated that the contribution sought would be used to fund a facility in the Wallingford area. Wallingford is some distance from the appeal site, well beyond what I would regard as the community within which the proposed development would be situated. In the absence of any compelling evidence to the contrary, I consider it unlikely that elderly residents associated with the appeal scheme would travel that far for day care services. In my judgement, the purpose for which the contribution is sought would not be directly related to the appeal scheme and so it would not meet the tests of paragraph 204 of the Framework. I have not taken account of the contribution set out in the s106.
64. The OCC also sought a contribution towards an extension to the County Museum Resource Centre (MRC). This is on the basis that when schools are expanded, the demand on museum resources increases. However, no compelling evidence has been provided to show a link between increased pupil numbers arising from the scheme and the scale of works proposed at the MRC and the associated contribution sought. I am not convinced that the contribution is either directly related to, or reasonably related in scale and kind to the proposal and so it would not meet the tests of paragraph 204 of the Framework. I have not taken account of the contribution set out in the s106.
65. I conclude that insofar as planning obligations would be necessary to make the development acceptable in planning terms, with particular reference to: open space maintenance; surface water drainage maintenance; play area maintenance; woodland maintenance; community facilities; street naming; waste and recycling bins; outdoor sport; Police facilities; public transport; existing public rights of way; education; and, library facilities, adequate provisions are made by the s106 in relation to infrastructure and facilities. In this respect the scheme would accord with the aims of CS Policies CSI1 and CSG1 as well as LP Policies C6, R2 and R6. LP Policy R3, referred to in the Council's 7<sup>th</sup> reason for refusal, appears to be of little relevance, as it relates to indoor sports schemes.
66. The transitional period under CIL Regulation 123(3) (as amended), after which section 106 planning obligations designed to collect pooled contributions may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015. The Council and the OCC have confirmed, in relation to the contributions I have identified as meeting the tests of paragraph 204 of the Framework, that the contributions sought would not conflict either with the 'five obligation limit' or otherwise with the CIL Regulations. I have no reason to dispute this.
67. Whilst some of the infrastructure and facilities made necessary by the scheme, such as an extension to the local bus service, may also benefit the wider

community to an extent, I have not been provided with any evidence to demonstrate that the effects would be significant and so I give potential benefits in those respects little weight.

#### *Accessibility*

68. Other than the train station, a small convenience store incorporating a post office, a butcher's and 2 public houses, Lower Shiplake has few facilities or services. School buses take pupils from Lower Shiplake to the nearest primary and secondary schools, which are in other settlements. The closest large supermarket is in Henley.
69. The TA indicates that only a small number of trips to and from the site each day would be likely to be by bicycle. I have no reason to disagree. On the contrary, the absence of any dedicated cycle routes hereabouts, the speed of highway traffic and winding nature of Reading Road to the south of the site would be likely to discourage cyclists. As I have indicated, bus stops close to the site, at the junction of Reading Road and Upper Bolney Lane, would provide future residents of the site with access to a bus service between Reading- Henley-High Wycombe. Furthermore, Lower Shiplake has a train station providing regular links to Henley as well as Twyford, where the line connects to the London Paddington to South Wales main line. I consider that a range of 10-15 minutes provides a reasonably accurate indication of the time needed to walk from the site to the village facilities and station. Furthermore, the view expressed by local residents that there are limited parking opportunities at the station and on nearby streets has been confirmed by my own observations and so future residents would be unlikely to drive to and from the village/station. The relatively close proximity of public transport services to the site would be likely to encourage the use of sustainable modes of transport by some.
70. Nonetheless, the TA indicates that approximately 78% of the total daily trips to and from the site would be likely to be by vehicle. While a Travel Plan would be implemented to encourage other more sustainable modes of transport, the resulting reductions in vehicle use anticipated are modest. The predominant mode of travel to and from the site is likely to remain by vehicle. I conclude overall that the degree to which facilities and services would be accessible from the site by sustainable modes of transport would be poor to moderate.
71. Appeal decision Ref. APP/D3830/A/14/2215289, which involved housing development at Pease Pottage in West Sussex, has been drawn to my attention by the appellant, with particular reference to the range of facilities available close by. I agree with the Council that when the range of national food and retail outlets at the local Pease Pottage service station are taken into account and that some of the facilities are available 24 hours a day, Pease Pottage residents are likely to benefit from a better range of facilities within walking distance than those that are within a reasonable walking distance of the appeal site before me. Consequently, the cases are not directly comparable and I have found the previous decision to be of little assistance.

#### *Other matters*

72. The appeal site is situated within the Parish of Harpsden and the neighbourhood area the subject of the emerging *Joint Henley and Harpsden Neighbourhood Plan* (JHHNP), the preparation of which is underway. It will

include making allocations for around 400 additional homes at Henley in accordance with need identified by CS Policy CSH1. The *JHHNP Vision, Objectives and Options Consultation Results Report, February 2014* indicates that around 60%<sup>11</sup> of respondents felt that the appeal site would be suitable for development. However, at the Inquiry, a County Councillor suggested that the consultation report findings were statistically invalid, as the numbers who responded were a small proportion of the population within the JHHNP boundary. This view was echoed by Harpsden Parish Council and appears to be reasonable to me. In any event, the appeal site was not amongst those supported by the subsequent *JHHNP Draft Neighbourhood Plan (Pre-submission Consultation Version) May 2014*. Since that time further sites have come forward and it has been decided that the plan should undergo a further pre-submission consultation period in order that they can be fully considered.

73. I have had regard to the concerns raised that the appeal proposal would undermine that Neighbourhood Plan making process. However, the PPG indicates that refusal of planning permission on grounds of prematurity will seldom be justified before the end of the local planning authority publicity period for a Neighbourhood Plan. The JHHNP timetable provided at the Inquiry, by Harpsden Parish Council, indicates that the plan will not be submitted to the Council until May 2015, with consultation taking place in July/August 2015, examination in September 2015 and a referendum in October 2015. Under these circumstances, I agree with the Council and appellant that, as the JHHNP, has not reached an advanced stage, refusal of planning permission in this case on the basis of prematurity would not be justified.
74. Although my attention has been drawn to a document entitled '*South Oxfordshire Local Plan 2031 Issues and Scope Stage One of the Process, June 2014*', that consultation document represents an early stage in Local Plan preparation and so I give its contents little weight.
75. I acknowledge that there is some history of fly-tipping inside the entrance to the appeal site, which is unsightly. However, it appears, based on correspondence between the appellant and the Council, that such incidents may be addressed by blocking the entrance more effectively. Whilst development of the site as proposed may also reduce the likelihood of such incidents re-occurring, I give that argument little weight. To do otherwise could give encouragement to landowners seeking a beneficial permission not to manage their land in a diligent manner.
76. I understand that the appellant allowed the site to be used by a neighbouring land owner for seasonal grazing by polo ponies for a number of years from 2005, during periods when his own land was flooded. The appellant has indicated that that particular use necessitated the employment of security personnel due to the risk of theft of polo ponies from the site, which is accessible and prominent from the highway. Therefore, the appellant considers that such a use would be impractical in the longer term. Nonetheless, a previous tenant of the site has indicated that it was used for grazing prior to the appellant's ownership of the site. Furthermore, I also understand that in the past it was in agricultural use as part of Thames Farm, which was once a poultry and then a nursery enterprise. Although the site is not currently part of an agricultural holding, around 89% of the land within it comprises Best and

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<sup>11</sup> Excluding addresses outside JHHNP boundary.

Most Versatile Agricultural Land as defined by the Framework, 15% of which in this case is Grade 2 and 74% Grade 3a. Land use to the north and west of the site appears to me to be predominantly agricultural and so I have no reason to believe that the site could not be used as part of a larger agricultural holding. Under the circumstances, I give little weight to the appellant's view that, other than for residential development, there is no commercially viable use to which the site could be put.

77. I have had regard to the consultation responses to the planning application and appeal. Whilst the *JHHNP Vision, Objectives and Options Consultation Results Report, February 2014* indicated some support for the development of the site, consultation responses from members of the public in response to the appeal proposal are almost entirely in opposition to the scheme and many raise valid planning considerations to which I have had regard.
78. At the Inquiry, the appellant gave evidence to the effect that, subject to the grant of planning permission, there would be no impediments which would prevent implementation of the scheme. On the last sitting day of the Inquiry this was disputed by a resident of a property that adjoins the appeal site, who suggested that legal covenants to which the appeal site is subject would prevent the proposed development. Whilst that local resident was given an opportunity to submit evidence in support of his claim during the adjournment of the Inquiry, he chose not to do so. Under these circumstances, I give the unsupported assertion of the local resident, which was disputed by the appellant's legal representative at the Inquiry, no weight.
79. The Council and appellant agree that the provision of public art within the site, in accordance with the requirements of LP Policy D12, could be secured by condition. I have no reason to disagree.
80. A significant number of previous appeal decisions have been drawn to my attention. I have referred to those which I consider to be of particular relevance in this case, but as a general principle, whilst consistency is desirable each proposal must be considered on the basis of its own merits and site specific circumstances. None are directly comparable to the proposal before me.

*Whether the proposal would amount to sustainable development*

81. The Framework indicates that at its heart is a presumption in favour of sustainable development. For decision taking this means, where relevant policies of the Development Plan are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
82. I have found that the Council is unable to demonstrate a 5 year supply of deliverable housing sites in accordance with the requirements of the Framework and so relevant policies for the supply of housing are considered to be out-of-date. These include CS Policies CSH1, CSC1, CSS1 and CSR1, and insofar as I have identified conflicts with those Policies they would not be sufficient to justify withholding planning permission in this case.
83. Nonetheless, the scheme would have a severe adverse residual cumulative effect on the safety and convenience of highway users. I attach great weight

to this harm, which weighs very heavily against the scheme. Furthermore, it would have an adverse effect on the character and appearance of the area, which also weighs significantly against it.

84. In terms of benefits, the appeal proposal would add to the supply of market and Affordable housing within the District and, given the aim of the Framework to boost supply, these factors attract substantial weight. However, this is diminished to a degree as the accessibility of facilities and services from the site by sustainable modes of transport would be moderate at best. The scheme would make adequate provision for an appropriate mix of dwelling types and sizes as well as other facilities and infrastructure needs generated by the appeal scheme. However, these are common requirements of housing development and so I give them limited weight.
85. I give little weight to the potential benefits to the wider community arising from the infrastructure and facilities provided for by the scheme, as there is no evidence to show that they would be likely to be significant. Furthermore, I consider it unlikely that the benefits to biodiversity would be significant and so I give this matter limited weight.
86. The scheme would provide some benefits to the local economy, such as through the creation of construction jobs and the spending power of future residents. However, the construction jobs would be limited in duration. Furthermore, there is no evidence to show that without the appeal scheme the viability of any of the facilities or services within Lower Shiplake or the wider area would be under threat. I give these benefits limited weight.
87. Having had regard to the social, environmental and economic impacts of the scheme, I consider on balance that the benefits of the proposal would be significantly and demonstrably outweighed by its adverse impacts. Whilst I have had regard to the conditions suggested, in my judgement, it would not be possible through the imposition of reasonable conditions to mitigate the harm that I have identified sufficiently to make the development acceptable in planning terms. I conclude overall, with reference to the Framework, that the scheme would not amount to sustainable development.

*Conclusion*

88. I conclude, for the reasons given above, that the appeal should be dismissed.

*I Jenkins*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Miss S Ornsby QC	Instructed by Mrs N Ireland, South Oxfordshire District Council Planning Appeals Officer.
She called	
Mrs P Jarvis	Philippa Jarvis Planning Consultancy Ltd.
BSc(Hons) DipTP	
Mr D O'Neil	Nortoft Planning and Land Development.
BSc(Hons) DipTP MRTPI	

### FOR THE APPELLANT:

Mr D Cooper LLB(Hons) LARTPI	Instructed by Harvey Jaskel Solicitors.
He called	
Mr L Durrant	DPDS Consulting.
DipTP MRTPI FRICS MInstD	
Mr P Griffiths	DPDS Architecture Ltd.
BSc(Hons) MLI	
Mr B Farmery	Cole Easdon Consultants.
MEng(Hons) CEng MICE	
MCIHT	
Mr H Jaskell	Harvey Jaskel Solicitors.

### INTERESTED PERSONS:

Mr T Taylor	Shiplake Parish Council.
Mr K George	Harpsden Parish Council.
Councillor D Bartholomew	Oxfordshire County Council.
Miss R Nixon	Oxfordshire County Council.
Mr D Taylor	Oxfordshire County Council.
Ms B Chillman	Oxfordshire County Council.
Mr I Prosser	Oxfordshire County Council.
Mr D Bryant	Local resident.

## **DOCUMENTS**

- 1 Letters notifying interested parties of the appeal and Inquiry arrangements.
- 2 Appeal consultation responses.
- 3 Draft section 106 agreement.
- 4 Statement-Shiplake Parish Council.
- 5 Transport Assessment-Appendix 4.
- 6 Email from the appellant to the Planning Inspectorate (PINS), dated 8 December 2014 (ecology).
- 7 Statement of Common Ground agreed between the Council and appellant-Housing Land Supply Summary Tables.
- 8 Les Durrant Rebuttal 2: Response to South Oxfordshire District Council Revised

- Housing Figures.
- 9 Appeal decision Ref. APP/P0119/14/2218717.
- 10 Statement-appellant's opening submissions.
- 11 Statement-Harpsden Parish Council.
- 12 List of relevant plans.
- 13 Appendices A and B of the Council's Assessment of Five Year Housing Supply, April 2014.
- 14 Plan showing public rights of way.
- 15 Natural England Standing Advice-Great Crested Newts.
- 16 Email from D Lamb to J Mathews, dated 9 December 2014 (ecology).
- 17 Letter from the Chiltern Society to PINS, dated 8 December 2014.
- 18 Letter from the Henley Society to PINS, dated 5 December 2014.
- 19 Joint Henley and Harpsden Neighbourhood Plan Timetable: Updated September 2014.
- 20 Extract from the Council's Design Guide.
- 21 Extract from Trees and Development Best Practice Guidance 2008.
- 22 Appeal decision Ref. APP/V3120/A/13/2203341.
- 23 Email from R Nixon to N Ireland, dated 10 December 2014 (highways/public rights of way).
- 24 Tree works consent ref. 13S12-1766 and associated documents.
- 25 Signed Statement of Common Ground-drainage, ecology trees and highways (CD3.6).
- 26 Signed Statement of Common Ground – Housing land calculations.
- 27 South Oxfordshire Submission Core Strategy-Infrastructure Delivery Plan-Rest of District –Live Document, February 2012.
- 28 South Oxfordshire District Council Adopted Core Strategy-Infrastructure Delivery Plan Update, October 2014.
- 29 Cole Easdon Consultants Technical Note, 15 December 2014.
- 30 Pease Pottage Service Station photos.
- 31 Appeal decision Ref. APP/P2935/A/14/2212989.
- 32 Extracts from the national Planning Practice Guidance.
- 33 List of planning application and appeal plans.
- 34 Drawing no. C11748.14.951 rev E.
- 35 Email from D Lamb to N Ireland, dated 16 December 2014.
- 36 Web page - Pease Pottage Service Station facilities.

- 37 Plan showing the locations of the Highland Farm and Jet Garage sites.
- 38 Agricultural land classification note.
- 39 Council's suggested conditions.
- 40 Note concerning historic use of the site for grazing.
- 41 Correspondence concerning historic fly tipping.
- 42 Department for Transport Local Transport Note 2/95.
- 43 South Oxfordshire District Council (SODC) public transport and public rights of way contribution notes.
- 44 SODC Interim Planning guidance-Services and Facilities for New Development.
- 45 Oxfordshire County Council (OCC) drainage contribution notes.
- 46 Land Registry title details.
- 47 Extract-Oxfordshire Local Transport Plan, revised April 2012.
- 48 Email from Thames Valley Police to DPDS, dated 22 October 2014.
- 49 Shiplake Memorial Hall-Update on committed & anticipated major works & their funding.
- 50 Cole Easdon Consultants Technical Note, 17 December 2014.
- 51 OCC additional supporting information for Transport Infrastructure & Services Contribution.
- 52 Email from Arriva to Mr D Taylor, dated 2 December 2014.
- 53 Additional copy of Appendix 3 to Mr D O'Neil's proof of evidence.
- 54 Addendum to the statement of justification for OCC planning obligation requirements (non-transport).
- 55 Harpsden Parish Council's closing statement.
- 56 Shiplake Parish Council's closing statement.
- 57 Council's closing statement.
- 58 Appellant's closing statement.
- 59 Email from the Council to PINS, dated 22 December 2014 (Ministerial letter).
- 60 Email from the appellant to PINS, dated 31 December 2014 (contributions).
- 61 Email from the appellant to PINS, dated 16 January 2015 (section 106).
- 62 Email from the appellant to PINS, dated 19 January 2015 (contributions).
- 63 Email from OCC to PINS, dated 20 January 2015 (contributions).
- 64 Email from OCC to PINS, dated 20 January 2015 (section 106).
- 65 Email from the appellant to PINS, dated 28 January 2015 (section 106).

- 66 Letter from Darbys Solicitors LLP to PINS, dated 17 February 2015 (formally completed section 106).
- 67 Email from Darbys Solicitors LLP to PINS, dated 17 February 2015 (formally completed section 106)
- 68 Email from OCC to PINS, dated 17 February 2015 (contributions).
- 69 Email from OCC to PINS, dated 18 February 2015 (contributions).
- 70 Email from the Council to PINS, dated 24 February 2015 (no further comments).
- 71 Email from the appellant to PINS, dated 24 February 2015 (no further comments).
- 72 Email from PINS to the Council, the appellant and the Parish Councils, dated 25 February 2015 (closing the Inquiry).
- 73 Email from PINS to the main parties, dated 13 April 2015 (CIL transition period).
- 74 Email from the Council to PINS, dated 29 April 2015 (CIL transition period).
- 75 Email from the appellant to PINS, dated 1 May 2015 (CIL transition period).
- 76 Email from OCC to PINS, dated 1 May 2015 (CIL transition period).
- 77 Email from the appellant to PINS, dated 5 May 2015 (CIL Transition period).