
APPLICATION NO.	P11/E0006/RET
APPLICATION TYPE	Minor
REGISTERED	6 January 2011
PARISH	Watlington
WARD MEMBER(S)	Angie Paterson Anna Badcock
APPLICANT	Ken Dijksman (agent) for Mr & Mrs Solomons
SITE	Ploughmans, Howe Hill, Watlington
PROPOSAL	Retrospective application for new access and drive to serve agricultural land and private dwelling.
AMENDMENTS	Including the closure of the existing access with 1.8m high closeboard fence and continuation of hedge and fence line in front to match existing (As amended by email dated 26/04/2011)
GRID REFERENCE	469998/191134
OFFICER	Susannah Mangion

1.0 **INTRODUCTION**

1.1 This planning application has been referred to Planning Committee because there is a conflict between the officer's recommendation and the views of Watlington Parish Council, and at the request of the local councillor, Angie Paterson.

1.2 There are two related planning enforcement investigations: EE10/123 which alleged the creation of an unauthorised access and driveway; and EE11/021 which alleges the erection of a fence in excess of 1 metre in height adjacent to a highway.

1.3 Ploughmans is a former public house, which was granted planning permission for change of use to a private dwelling house in the 1980s. It is located adjacent to the B480 at Howe Hill and the site is located in an area of open countryside within the Chilterns Area of Outstanding Natural Beauty (AONB). The site is understood to be in mixed use for residential and agricultural purposes (small holding).

1.4 A site location plan can be found **attached** at Appendix A. The plans, including photographs can be found **attached** at Appendix B. Supporting information including the Design and Access statement and a Transport Assessment can be found **attached** at Appendix C. Access to all information provided as part of this application is available on the Council's website.

2.0 **PROPOSAL**

2.1 There are two parts to the current proposal:

- It is proposed to form a new access and drive to serve the site to be taken from the Christmas Common road. The gravel drive is proposed to run close to the eastern boundary of the site and extends to approximately 210 metres in length. The drive is approximately 4 metres in width. A timber post and rail fence has been erected alongside the agricultural land to the west of the drive to secure the applicant's livestock.
- It is proposed to close the existing vehicular access to the B480 by means of a 1.8m high closeboard fence. Additional associated landscaping is proposed to be undertaken, specifically the continuation of the existing hedge line with

native species and the erection of paling fence in front of the closeboard fence to match the existing.

- 2.2 The site is generally well screened by hedges and trees alongside its boundaries. The closeboard fence that has been erected alongside the B480 is to be accompanied by associated landscaping to ensure the appearance of the closed access onto the B480 will match the adjacent boundary treatment. Public views of the new access and driveway are limited to those taken from the Christmas Common road.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 Watlington Parish Council – Object.

The proposal represents an extension of domestic land use into open countryside. This is inappropriate development that would be detrimental to the natural beauty and landscape quality of the Chilterns AONB. There has also been a loss of native hedgerow. The (lapsed) planning permission (ref. P04/E1426) was for an access and drive which was less obtrusive, narrower in width and of more appropriate material.

3.2 Oxfordshire County Council Highways Area Liaison Officer - No strong views.

The proposed access is better than the existing access. As this is the case, there is no sustainable objection to the proposal on the grounds of visibility. If there was to be any intensification of the use of the site, a further planning application would be required. Planning conditions should be imposed to ensure: i) the existing access is permanently closed; and ii) 70m vision splays be provided to each side of the proposed access.

3.3 Campaign for the Protection of Rural England – Object.

The gravel driveway appears as a scar across the field and harms the landscape of the AONB. The previous planning permission (ref. P04/E1426) was for a driveway next to the hedge alongside the west of the field and was to be constructed of turf with a reinforced structure beneath, and which was less intrusive than the proposed driveway. There has been a loss of hedge to create the new access. The close-board fence around part of the site is out-of-keeping with the area.

3.4 Chilterns Conservation Board (CCB) – Object.

The loss of hedgerow onto the road and the loss of the character of the rural road have not been properly taken into account by the applicant and concerned that other parts of the hedgerow are likely to be affected by potential changes to the current visibility splays. Based on the small size of the holding, the CCB remains to be convinced that the applicant has permitted development rights to construct the access and driveway for agricultural purposes. With regard to the erection of closeboard fence alongside the southwest boundary of the site, this has a detrimental effect on the natural beauty of the AONB. The access and drive are inappropriate and urbanise the area, neither conserving nor enhancing the natural beauty of the AONB. The site should be returned to its former condition and the hedge and any bank reinstated. The previously approved scheme (P04/E1426) did not give rise to similar harm.

3.5 Other Objectors (4)

The site with its hedgerows and hedgerow trees adds to the character of the area. It is unfortunate that established hedgerow has been removed to facilitate this development. The drive which runs across the field does not look like a farm track, but appears like a more grand formal drive and is not in keeping with the character of the area and harms the natural beauty of the AONB. The previously allowed access route was less visible close to the hedge and tree line to the west of the site. There is no need for the new driveway for agricultural purposes as there is an existing field gate. The close board fence alongside the B480 is out of keeping with the character of the area.

The development will harm the amenities of the property, 'Wild Wings' and head lights leaving the site will shine into the cottage.

The position of the proposed exit gives rise to poor visibility in both directions.

Concerns expressed that footings are in place which may be intended to support brick piers for entrance gates, and that lighting alongside the driveway may be planned.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P82/S0502/CU: Planning permission was granted on 9 March 1983 for change of use from licensed premises to private dwellinghouse.
- 4.2 P87/S0183: Planning permission was granted on 15 May 1987 for change of use from public house to residential dwelling.
- 4.3 P87/S0733: Planning permission was granted on 18 November 1987 for the demolition of existing extensions and the construction of a new extension.
- 4.4 P88/S0035: Planning permission was granted on 16 March 1988 for a change of use from agricultural land to residential and for alterations to the vehicular access to site.
- 4.5 P88/S0625: Planning permission was granted on 6 October 1988 for the erection of a single storey garage.
- 4.6 P90/S0010: Planning permission was granted on 14 March 1990 for the erection of a stable block and for the enlargement of domestic curtilage from former agricultural land.
- 4.7 P03/E0308: Planning permission was granted on 6 January 2004 for a two storey and single storey extension to the house.
- 4.8 P04/E0763: Planning permission was refused on 28 July 2004 for a new access and driveway. The drive was to run alongside the western boundary of the site and be surfaced with scalplings with a tarmac bell mouth at the junction with the Christmas Common road. The refusal reason stated,
'That the proposed new driveway would result in an extension of domestic land use into open countryside, resulting in an inappropriate form of development that would be detrimental to the natural beauty and special landscape quality of the Chilterns Area of Outstanding Natural Beauty. Therefore the development would be contrary to the provisions of the Council's Adopted South Oxfordshire Local Plan, particularly policies G1, G5 and C2 and the South Oxfordshire Local Plan 2011 (Second Deposit Draft), particularly policies G2, G4 and C2P. Whilst it is accepted that the proposed access would be an improvement on the existing access, no evidence has been provided

with the application to demonstrate that the use of the existing access causes problems and it is therefore considered that there is insufficient justification for setting aside the Council's planning policies on development in the Chilterns Area of Outstanding Natural Beauty.'

- 4.9 P04/E0764: Planning permission was granted on 17 July 2004 for a stable extension.
- 4.10 P04/E1426: Planning permission was granted on 25 January 2005 for a new access and drive. The drive was to run alongside the western boundary of the site and be turf surfaced (using a honeycomb plastic structure beneath) with a finish of rolled scalplings at the access.
The delegated report stated, 'The proposal complies with the relevant Development Plan policies and it is considered that, subject to the attached conditions, the proposed development would not materially harm the character and appearance of the Chilterns Area of Outstanding Natural Beauty and would result in improvements to highway safety.'
- 4.11 EE10/123: Planning enforcement investigation alleging the creation of an unauthorised access. This matter is addressed within the current planning application.
- 4.12 EE11/021: Planning enforcement investigation alleging the erection of a fence in excess of 1 metre, adjacent to the highway. This matter is addressed within the current planning application.

5.0 **POLICY & GUIDANCE**

5.1 SOLP 2011 policies:

G2 – Protection and enhancement of the environment;
G4 – Development in the countryside and on the edge of settlements;
G6 – Promoting good design;
C1 – Landscape character;
C2 – Areas of Outstanding Natural Beauty;
C9 – Landscape features;
EP3 – Light pollution;
T1 & T2 – Transport requirements for new developments.

5.2 Government Guidance:

PPS7 - Sustainable development in rural areas;
PPG18 – Enforcing Planning Control.

5.3 South Oxfordshire Design Guide (SODG)

5.4 South Oxfordshire Landscape Assessment (SOLA)

5.5 Chilterns Building Design Guide

6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations are the following:

- (Lapsed) planning permission ref. P04/E1426;
- The impact of the development on the character and appearance of the site, which is within the Chilterns Area of Outstanding Natural Beauty;
- Highway safety considerations;
- Impact of the proposal on the amenity of neighbouring residents.

Lapsed planning permission granted under ref. P04/E1426

- 6.2 Planning permission was granted in January 2005 for the construction of a new access and drive. The proposed drive was to run alongside the western boundary of the site and be turf surfaced (using a honeycomb plastic structure beneath) with a finish of rolled scalplings at the access. The application was submitted in respect of the proposed operational development only and not for a change of use as the site is considered to be a small holding with a mixed use for agricultural and residential purposes.
- 6.3 The planning permission granted under P04/E1426 took access into the site via an existing field gate, close to the junction of the B480 with the B481 and the Christmas Common road. The drive was to extend for approximately 210 metres within the site alongside the B480.
- 6.4 The decision to grant planning permission took into consideration that the existing access on the B480 was substandard, and therefore from a highway safety perspective, the proposed access would have been a substantial improvement.
- 6.5 Although the permission was not implemented, and has now lapsed, it remains a material consideration.

Character and appearance of the site and the AONB

- 6.6 Policy G4 of the SOLP 2011 states, 'The need to protect the countryside for its own sake is an important consideration when assessing proposals for development. Unless permitted by other policies in the plan, new built development in the countryside, in the open gaps between settlements and on the edge of settlements where the built-up area would be extended, will not normally be permitted except for agriculture and forestry'.
- 6.7 Policy C1 of the SOLP 2011 states, 'The conservation and where possible, enhancement of the landscape of the district will be sought. Development that would adversely affect the distinctive features of the landscape character areas will not be permitted. Where development is acceptable in principle it should: i) be integrated into the landscape character of the area; ii) protect important local features; and iii) where possible, contribute to local distinctiveness. Measures will be sought to integrate new development sensitively, mitigate impacts and where appropriate, enhance local landscape character through conditions and agreements attached to planning permissions.
- 6.8 The site lies within character area 9 of the SOLA, 'Chilterns Ridges and Valleys'. In respect of landscape management issues, the landscape of this area is rich in terms of its mosaic of woodland and farmland and its semi-natural habitats, picturesque settlements and buildings. A general strategy to conserve these resources is considered appropriate.
- 6.9 Policy C2 of the SOLP 2011 states, 'In the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty, the primary aim is to conserve and enhance the natural beauty, special landscape quality and distinctiveness of the area. Development which would harm the beauty or distinctiveness of the area will not be permitted. To be acceptable, development must be of a scale and type appropriate to the area, and be sympathetic in terms of its siting, design and materials used'.
- 6.10 Designation of an AONB means that the landscape of the area is of national significance and it is important to ensure there is no harm to the natural beauty,

landscape quality and distinctiveness of the area.

- 6.11 The Chilterns Building Design Guide states, as part of the Good Practice Guide to Boundary Treatments and Surface Materials (at Chapter 3), that bound gravel or similar is suitable for driveways within the AONB. The Guide also discourages the use of closeboard fence (paragraph 3.89) and notes that it is usually too dominating in appearance.
- 6.12 Concern has been expressed by local residents and others about the loss of hedgerow that has occurred where the access has been taken, the materials used as part of the development, the 'domestic' nature of the use and that the access and driveway have an urbanising effect on the area.
- 6.13 With regard to the current (retrospective) proposal, whilst the new access and drive have affected the character of the area, the use of gravel in creating the new access and driveway makes use of appropriate materials for the rural area, and is low key in nature. The use of simple timber fencing alongside the paddock land, and a timber five bar gate at the entrance are simple and typical of farm gates in the local area. As the proposed access runs close to the eastern boundary of the site, the agricultural land remains viable for use in association with this smallholding. It is unfortunate that a length of hedgerow extending to approximately 10.5 metres has been removed to create the new access, but the applicants' position is that the location of the proposed access is significantly better in terms of highway safety than the location of the previously approved point of access, or of the location of the access from the B480 on Howe Hill.
- 6.14 The impact of the proposed access and drive on the character and appearance of the local area, and the AONB is comparable to that which would have arisen had planning permission granted under ref. P04/E1426 been implemented.
- 6.15 Concerns have also been expressed regarding the use of 1.8m high closeboard fence to close the existing entrance. The use of closeboard fence is discouraged in both the Chilterns Buildings Design Guide and the South Oxfordshire Design Guide.
- 6.16 However, although closeboard fence has already been erected alongside the B480 to close off the existing entrance, the landscaping proposed at this location includes the continuation of the existing timber paling fence line along this stretch of highway, together with the planting of new native hedge plants to align with the existing hedgerow. Once this landscaping measure becomes established, the closeboard fence will not be a prominent feature.
- Highway safety considerations
- 6.17 As part of the information supplied with the current application, a transport assessment was provided. This document is **attached** at Appendix C. The document concludes that the recently constructed access is preferable to the location of the previously permitted access/drive (planning permission ref. P04/E1426).
- 6.18 It was established as part of the planning consent granted under planning permission ref. P04/E1426 that the access on the B480 at Howe Hill was substandard and that the proposed access (to be taken at the location of the field gate) opposite 'Hunters Moon' would be an improvement. It was also considered, that the benefits in terms of highway safety improvements contributed towards the justification for the previous grant of planning permission.

6.19 The transport assessment submitted indicates that the location of the currently proposed access is the best location for facilitating safe access to the site. This is not disputed by the Highways Liaison Officer.

Impact on the amenity of neighbouring residents

6.20 The owner of the nearby property, 'Wild Wings', has expressed concern that the proposed development will harm the amenities of the property and particularly that head-lights of cars leaving the site will shine into the cottage. Concerns have also been raised that there may be an intention to install lighting alongside the drive.

6.21 There is no intensification of the use of the site as a result of the proposed new access and driveway, and therefore it is not anticipated that there will be significant numbers of vehicle movements associated with the use of the site, particularly at night time. The use of the proposed access and drive is not anticipated to give rise to any unacceptable level of harm to the amenity of occupants of 'Wild Wings'.

6.22 With regard to lighting, policy EP3 of the SOLP 2011 states, 'Proposals for new floodlighting and other external lighting that would have an adverse effect on neighbouring residents, the rural character of the countryside, or biodiversity will not be permitted, unless effective mitigation measures will be implemented.'

6.23 There is not understood to be any current proposal to erect lighting at the access or alongside the drive. However, so as to protect local amenities and to ensure there is no light pollution which would affect the character and appearance of this rural area and the amenity of local residents, a planning condition should be imposed to preclude the installation of any lighting, except as may be permitted in accordance with a lighting scheme which is first approved in writing by the Local Planning Authority.

7.0 CONCLUSION

7.1 Subject to the implementation of the proposed landscaping alongside the closed entrance on the B480, the proposal preserves the rural character of the area and the natural beauty and landscape quality of the area, which is located within the Chilterns Area of Outstanding Natural Beauty. The location of the proposed access would result in improvements to highway safety and does not give rise to any material to the amenity of neighbouring residents.

7.2 The (retrospective) proposal accords with the aims of development plan policies, particularly policies G2, G4, G6, C1, C2, C9, EP3, T1 & T2.

8.0 RECOMMENDATION

8.1 **Planning permission subject to conditions:**

- 1) **Condition listing the approved drawings;**
- 2) **Condition to preclude lighting of the access or driveway, unless in accordance with a scheme that has been previously approved in writing by the Local Planning Authority;**

- 3) Condition to require landscaping at the closed access on B480 to match the existing boundary treatment, i.e. a continuation of the existing hedge line with native species and the erection of paling fence, within 6 months of the date of consent.**

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