

APPLICATION NO.	P16/S3672/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	4.11.2016
PARISH	ROTHERFIELD GREYS
WARD MEMBER(S)	David Nimmo-Smith Charles Bailey
APPLICANT	Dr Margaret Thomson
SITE	The Strip, Shepherd's Green, RG9 4QW
PROPOSAL	Construction of detached private house (as amended by plans received 20 December 2016 re-siting the dwelling and external groundworks further to the north to avoid the root protection area of protected trees)
AMENDMENTS	As above
GRID REFERENCE	471468/183351
OFFICER	Victoria Butterworth

1.0 **INTRODUCTION**

- 1.1 I recommend this application for refusal because the principle of the proposed development is contrary to policies in the development plan.
- 1.2 The application has been called to committee by ward councillor, Cllr David Nimmo-Smith for the following reasons:
- Permission was granted less than two years ago for an additional house on a plot at "Shepherds" (P14/S1748/FUL & P15/S1059/FUL) on the Green in Shepherd's Green, which is no different to the current proposal.
 - Core Strategy Policy CSR1 allows for infill development within "other villages" such as this.
- 1.3 The application site is identified on the Ordnance Survey extract **attached** at Appendix 1. The application site is a field that is located to the north-east of the main nucleus of the settlement of Shepherd's Green and to the east of residential property, The Strip. The site is accessed via a lane which runs along the frontage (southern boundary) of the site and serves three dwellings and some farm buildings to the east. The site is largely open with the exception of two garage buildings and a derelict shed, the ancillary nature of which do not detract from the site's open appearance.
- 1.4 The land slopes downhill from the front to the rear of the site. There are mature trees along all of the boundaries of the site but the northern (rear) boundary of the site is partly open to fields beyond. The access lane along the frontage of the site is also designated as a public footpath, and a second public footpath runs along the eastern boundary of the site.
- 1.5 The application site falls within Shepherd's Green Conservation Area and the Chilterns Area of Outstanding Natural Beauty. It is also in an area of Shepherd's Green where post medieval buildings were potentially sited.

2.0 **PROPOSAL**

- 2.1 The application seeks planning permission for a new detached dwelling.
- 2.2 Amended plans re-siting the dwelling a few metres further to the north were submitted

in response to an objection raised by the Forestry Officer.

- 2.3 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 *Rotherfield Greys Parish Council* - Approve

- 3.2 *Highways Liaison Officer (Oxfordshire County Council)* - No objection, subject to conditions requiring the improvement of the existing vehicular access, vision splay details, and the retention of parking and manoeuvring areas.

3.3 *Conservation Officer (South Oxfordshire District Council)* - Object:

- The site is part of the rural open landscape that surrounds the designated conservation area and is notably included within it, suggesting the open space here is an important contributor to the area's historic interest.
- The development would result in some harm to the special interest of the conservation area and its character and appearance because it does not conform to the established pattern, sits outside of the main nucleus of built development and would diminish the contribution that the open character of the site adds to the rural character of Shepherd's Green.
- The harm to the conservation area would be less than substantial in the context of paragraph 134 of the NPPF but less than substantial harm is not a less than substantial objection. Officers should be satisfied that the benefits of delivering just one new dwelling on the site would outweigh the harm to the special interest of Shepherd's Green Conservation Area, the character and appearance of which should be preserved or enhanced by development as per the enabling Planning Act and the NPPF.

- 3.4 *Forestry Officer (South Oxfordshire District Council)* - No objection to the amended siting of the proposed dwelling, subject to tree protection and landscaping conditions.

- 3.5 *Drainage Engineer (South Oxfordshire - MONSON)* - No objection to means of drainage proposed.

- 3.6 *Thames Water Development Control* - No strong views. Informative recommended.

- 3.7 *County Archaeological Services (Oxfordshire County Council)* - No strong views: The proposal would not appear to have an invasive impact on known archaeological sites or features.

- 3.8 Eight letters of comment have been received from neighbours and other interested parties:

- Six letters of objection
- Two letters of support

The comments made are summarised in the following paragraphs.

3.9 a) *The National Trust* - Objection

- The National Trust owns nearby Grey's Court, the estate of which includes the open land at the centre of Shepherd's Green and its adjacent lanes and verges. There could be serious implications for future development in the area if the proposal were to be granted planning permission.
- Proposal fails to meet the local and national policies for a raft of different

reasons, including it being a greenfield site within the Chilterns AONB and an isolated site in a rural location.

- Clearly not a sustainable form of development, a concept which is at the heart of planning policy, and there are no overriding material considerations that would outweigh the harm caused by it.

3.10 b) *Council to Protect Rural England (Committee of South Oxfordshire) – Objection*

- Contrary to policy CSR1 of the South Oxfordshire Core Strategy: the site is 0.34 hectares, more than three times the size permitted for development in a village such as Shepherd's Green, and it cannot be described as an infill site.

Unsustainable rural location, there being few public services in the village, and the proposal fails to meet the requirements of policy CSS1.

- The single, large detached house which is proposed will do nothing to meet the genuine local need for affordable housing and will hardly contribute towards remedying the shortfall in the District's supply of housing land.
- Contrary to policy CSEN1 because it would set a dangerous precedent for development within the Chilterns AONB, and it could be very damaging to the AONB.

3.11 c) *Objections and concerns raised by neighbours / local residents:*

- Contrary to the Development Plan for South Oxfordshire and the National Planning Policy Framework by virtue of the size, scale and location of the proposal.
- Greenfield site that lies outside the limits of the built up area in an isolated location.
- Unsustainable and inappropriate development in the open countryside as defined by paragraph 7 of the National Planning Policy Framework.
- Inappropriate development that will impact on the natural landscape beauty of the Chilterns Area of Outstanding Natural Beauty contrary to paragraph 115 of the National Planning Policy Framework which states such areas have the highest status of protection in relation to landscape and scenic beauty.
- Lack of demonstrable benefits arising from the development which would outweigh the significant adverse consequences of the proposal.
- Loss of agricultural / meadow land.
- Not infill.
- Intensification of vehicular movements along a public footpath.
- "The Strip" already has a second house attached to it and another is unnecessary
- Surrounding area belongs to the National Trust and is kept in a natural state. Development of this site will affect this character making it more like a housing estate.
- Unsustainable development on a greenfield site.
- Piecemeal development that is unsustainable and has no public interest.
- Construction period should be very sensitively handled to avoid damage to the tracks over the Green and inconvenience to the other residents. Turning space should be provided within the site for construction lorries.

3.12 d) *Comments of support from neighbours / local residents:*

- Will not detrimentally affect the overall ambience of the area.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P98/S0410](#) - Approved (12/08/1998)

Demolition of some redundant, derelict buildings. Erection of wooden shed for storage of vehicles and equipment used to maintain the land.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

National Planning Policy Framework Planning Practice Guidance

5.2 **South Oxfordshire Core Strategy (SOCS) 2027**

CS1 - Presumption in favour of sustainable development

CSS1 - The Overall Strategy

CSR1 - Housing in villages

CSEN1 - Landscape protection

CSEN3 - Historic environment

CSQ3 - Design

5.3 **South Oxfordshire Local Plan (SOLP) 2011 saved policies**

C4 - Landscape setting of settlements

C9 - Loss of landscape features

CON7 - Proposals in a conservation area

D1 - Principles of good design

D4 - Reasonable level of privacy for occupiers

D10 - Waste Management

EP6 - Sustainable drainage

G2 - Protect district from adverse development

H13 - Extension to dwelling

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

5.4 **South Oxfordshire Design Guide (SODG) 2016**

Part 2, section 3 - Parking

Part 2, section 7 - Buildings and plots

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered are:

1. The acceptability of the principle of the development
2. The impact on the Chilterns Area of Outstanding Natural Beauty
3. The impact on Shepherd's Green Conservation Area
4. Whether the development would result in wider environmental, economic or social benefits
5. The impact on neighbouring properties
6. Other matters

6.2 The acceptability of the principle of the development

The relevant policies for assessing the acceptability of the principle of the proposed development are SOCS Policy CSR1 and SOLP Policy H4.

6.3 In the context of Policy CSR1, Shepherd's Green is designated in the Core Strategy as an "other village" where infill development is permitted on sites of up to 0.1 hectare (equivalent to 2-3 houses). Infill is defined as the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings.

- 6.4 The application form states that the site is 0.34 hectares. Officers' measurements indicate that the site is closer to 0.39 hectares in size. Whichever measurement is used, the site is clearly in excess of the 0.1 hectares outlined by the policy. Officers contend that the site is too large to be considered a small gap in an otherwise built up frontage and that it is not closely surrounded by buildings. The dwelling "The Strip" is approximately 146 metres from the next building along the frontage of the lane which is the garage to Lane End House and is approximately 177 metres from Lane End House itself. The two garages and derelict shed on the site would not closely surround the proposed dwelling. The proposed development and site characteristics do not meet the criteria to be considered as infill.
- 6.5 The example provided by Councillor Nimmo-Smith in which planning permission was granted for a new dwelling at "Shepherds", differed to the current application in a number of ways. It related to a site that was on the edge of the main core of the village. That site contained a collection of ancillary buildings, including a garage and stables, which were associated with the residential property Shepherds and much of the site was hard surfaced. That site had a much smaller site area of 0.1 hectares, was considered to be within the built up frontage because it was close to (within 15 metres) of existing residential properties, and the development involved the demolition of four existing outbuildings. That proposal was therefore considered by officers to meet the criteria for infill / redevelopment and the site was very different in character to that of the current planning application on land adjacent to The Strip.
- 6.6 Policy H4 allows for new housing on sites within villages provided that:
- (i) an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt;
 - (ii) the design, height, scale and materials of the proposed development are in keeping with its surroundings;
 - (iii) the character of the area is not adversely affected;
 - (iv) there are no overriding amenity, environmental or highway objections; and
 - (v) if the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement.
- 6.7 Officers consider that, although the site is partly enclosed by mature trees, it is an important open gap within Shepherd's Green because it is an area of undeveloped land that separates the distinct core of the village around the green from the few properties that lie to the east. The site also contributes an important view – from points along the public footpaths that run adjacent to the site – of agricultural land with woodland beyond. The erection of a dwelling on the site would result in the loss of an important gap and public view and would harm the open character of the site contrary to SOLP Policy H4.
- 6.8 The Council's lack of deliverable five-year housing land supply means that policies for the supply of housing such as SOCS Policy CSR1 and SOLP Policy H4 are considered out-of-date and should be given less weight. However, where relevant policies are out-of-date, the National Planning Policy Framework (NPPF) states at paragraph 14 that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or if specific other policies in the NPPF indicate development should be restricted. The footnote relating to specific other policies in the NPPF states: for example, those policies relating to sites designated as an Area of Outstanding Natural Beauty and designated heritage assets i.e., conservation areas.

6.9 The impact on the Chilterns Area of Outstanding Natural Beauty (AONB)

The lack of a deliverable five-year supply of housing land is only one factor to be balanced against the “great weight” that the NPPF states should be given to the conservation of the landscape and scenic beauty of AONBs “which have the highest status of protection”. SOCS Policy CSEN1 (Landscape) and the SOLP 2011 Policy C4 (the landscape setting of settlements) therefore continue to have full weight.

6.10 The proposed development site is a large area of open land that, in officers’ opinion, is a significant gap which contributes to the character of the piecemeal development of the area and the landscape, scenic character and openness of this part of the Chilterns AONB.

6.11 The impact on the site and the Conservation Area

Under the NPPF, conservation areas are designated heritage assets and their conservation is to be given great weight in planning decisions.

6.12 There is no up-to-date conservation area appraisal for Shepherd’s Green. However, in line with Historic England’s Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1 (2016) and with paragraph 129 of the NPPF, the significance of the designated conservation area and other assets has been assessed and the potential impact of the application scheme on the heritage assets has been duly considered.

6.13 The special interest of the Shepherd’s Green conservation area is its well preserved character of housing fronting the road and surrounding the green that forms the main focal point of the settlement. Moving through the conservation area the pattern of development becomes more and more sparse with very little development beyond the green to the north-east and the land notably giving way to open countryside and contributing to the rural and secluded character of the settlement. The application site is beyond the green along the lane leading to the last three dwellings at the termination of the settlement. The site is largely open with the exception of two garage buildings, the ancillary nature of which do not detract from the site’s open appearance.

6.14 The application site feels very much a part of the rural open landscape that surrounds the designated conservation area and is notably included within it (see map attached at Appendix 3), suggesting the open space here is an important contributor to the area’s historic interest as a rural settlement with a number of open spaces and green areas adding to its rural quality.

6.15 SOLP Policy CON7 states that planning permission will not be granted for development which would harm the character or appearance of a conservation area and that the contribution made to a conservation area by existing open spaces and important views will be taken into account.

6.16 Development of the site would be isolated from the main nucleus of the conservation area, falling outside of the main built up area. The Conservation Officer considers there would be some harm to the special interest of the conservation area as a result of development here. The proposal would compromise the character and appearance of the designated asset as a result of development that does not conform to the established pattern, sits outside of the main nucleus of built development and would diminish the contribution that the open character of the site adds to the rural character of Shepherd’s Green.

6.17 Overall, the conservation officer considers that there would be harm to the conservation area as a result of this proposal. In line with NPPF and accompanying NPPG, the Conservation Officer considers that this harm would be less than substantial in the context of paragraph 134 of the NPPF. However, less than substantial harm is not a less than substantial objection and officers and members of the Planning Committee must be satisfied that the benefits of delivering just one new dwelling on the site would outweigh the harm to the special interest of Shepherd's Green, the character and appearance of which should be preserved or enhanced by development as outlined in the enabling Planning Act and the NPPF.

6.18 Whether there are wider environmental, economic or social benefits that would result from the proposed development

Shepherd's Green has very limited existing facilities and therefore the site is considered to have very limited sustainability. Officers are of the opinion that the proposal, which would deliver just one large dwelling, would not deliver economic or social benefits for the wider community. Any benefit that it would provide would not significantly and demonstrably outweigh or justify the environmental harm to the AONB or the conservation area. The proposed development should therefore be strongly resisted.

6.19 Impact on neighbours

The proposed dwelling would be sited a significant distance from other residential properties and would not therefore harm the amenities of the occupiers of neighbouring dwelling by way of loss of light, by being overbearing or loss of privacy.

6.20 Other matters

The impact on trees

The trees within the site are protected because the site is within the Conservation Area. Amended plans re-locating the dwelling and associated external landscaping works were submitted in response to the Forestry Officer's objection to the initial siting of the proposed dwelling. Subject to a tree protection condition and a condition requiring the details of the routing of services, the Forestry Officer has no objection to the proposal.

6.21 **Community Infrastructure Levy (CIL)**

The council's CIL charging schedule has been adopted and applied to relevant proposals since 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. In this case the development is CIL liable because the proposal involves the creation of a new dwelling. However, the applicant has submitted a self-build exemption form.

7.0 **CONCLUSION**

7.1 Officers recommend that this application is refused planning permission. In their opinion, the principle of the proposed development is unacceptable because it does not meet the criteria to be considered infill development. In addition, the proposed development would fail to conserve and enhance the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty and would damage the attractive character and landscape setting of Shepherd's Green by undermining an important open gap in the Shepherd' Green Conservation Area which contributes to the visual and historic character and appearance of the village.

8.0 **RECOMMENDATION**

8.1 **That planning permission be refused for the following reason:**

The proposed development is unacceptable because it does not meet the criteria for infill development, would fail to conserve and enhance the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty and would damage the attractive character and landscape setting of Shepherd's Green by undermining an important open gap in the Conservation Area which contributes to the visual and historic character and appearance of the village, contrary to South Oxfordshire Core Strategy 2027 policies CSR1, CSEN1 and CSEN3 and South Oxfordshire Local Plan 2011 saved policies H4, D1, G2, G4, C4 and CON7.

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