



Appeal Decision

Inquiry Held on 10 - 13 April 2018

Site visits made on 12 and 13 April 2018

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2018

Appeal Ref: APP/Q3115/W/17/3183391

Land off Kennylands Road, Sonning Common.

- 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 Gallagher Estates Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P16/S3142/0, dated 16 September 2016, was refused by notice dated 20 March 2017.
 - The development proposed is the construction of up to 95 dwellings including affordable housing; new public open space; landscaping; surface water attenuation; access with Kennylands Road; services, utilities and associated works.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline form with all matters reserved for future consideration. The submitted plans included a Development Framework Plan, DE 195_002 Rev D, which it was confirmed formed part of the submission and to which I have had regard in my determination of the appeal. An amended illustrative plan was also submitted DE 195_007 Rev D, but this was only for illustrative purposes as one way in which the site could be developed and I have treated it in that regard.
3. I made an unaccompanied visit to Sonning Common and the surrounding area on 12 April and visited those wider locations identified by the parties on Inquiry Document GEL 2. I carried out an accompanied visit on 13 April, following the agreed route as identified on GEL 2.
4. The Council refused planning permission for four reasons; reasons three and four related to the lack of a planning obligation to secure affordable housing and various elements of infrastructure. Agreement was reached regarding the planning obligation prior to the opening of the Inquiry and I was informed that those objections raised by the Council in relation to the provision of infrastructure and affordable housing had fallen away and were no longer contested by the Council (Planning Statement of Common Ground para 7.1).
5. A finalised engrossed but undated draft planning obligation under section 106 of the Town and Country Planning Act (as amended) was submitted and discussed towards the end of the Inquiry. A completed signed and dated

agreement was submitted after the close of the Inquiry (SODC 12). I return to the obligation below.

6. The Council published a Housing Land Supply Statement, April 2018 on the 30 April 2018, after I had closed the Inquiry. The main parties were given the opportunity to make representations on this new information and I have had regard to those representations in the determination of this appeal.

Main Issues

7. The main issues are:

- Whether the location of the proposed housing would be consistent with the spatial strategy in the development plan, including the Sonning Common Neighbourhood Development Plan, and thereby be sustainably located; and
- The effect of the proposed development on the character and appearance of the countryside, the setting of Sonning Common and the landscape setting of the Chilterns Area of Outstanding Natural Beauty (Chilterns AONB).

Reasons

8. Sonning Common is a larger village located in South Oxfordshire, north of Reading and west of Henley-on-Thames. It is situated along the southern fringe of the Chilterns AONB.
9. The development plan for the area comprises the South Oxfordshire Core Strategy 2027 (CS) (adopted 2012), saved policies of the South Oxfordshire Local Plan 2011 (LP) (adopted 2006) and the Sonning Common Neighbourhood Development Plan 2012-2027 (SCNDP) (made October 2016).

Consistency with Spatial Strategy

10. The overall spatial strategy identifying the amount and distribution of housing for the district is set out in the CS at policy CSH1 which states that planning permission will be granted to meet housing requirements in table 7.1 in accordance with tables 7.2 to 7.3. Table 7.3 provides for the housing provision in the rest of the district other than Didcot and includes some 1,154 units to be provided on sites to be allocated in the sites allocation DPD for the larger villages. Sonning Common is identified as one of the larger villages listed.
11. Subsequently the Site Allocations DPD approach was abandoned and a new Local Plan is in preparation, which I return to later. The development plan does however include the made SCNDP which includes housing allocations for Sonning Common. I turn to the detail of the SCNDP in greater detail below.
12. Policy CSR1 in the CS provides detail on housing in villages and states housing will be allowed where the scale and nature of the development is as set out in the table in the policy. This includes 'larger villages' and in effect allows for housing developments on allocated sites, in infill locations and on rural exception sites. In my view the later paragraphs of the policy, following on from the table, relate to the housing in the settlements in the table and do not allow for further or alternative assessments of development to allow for further housing developments. Rather those paragraphs circumscribe and advise on the considerations of the development proposals that may come forward under the policy in all the categories of settlements set out in the policy.

13. These policies set a clear strategic hierarchical approach to the distribution of housing in the district.
14. The SCNDP is a recently made Neighbourhood Development Plan. It takes forward the shared vision of the community for the neighbourhood area. The foreword notes that at its heart is the key issue of how many new homes should be built in the village, what kind of homes they should be and where they should be built.
15. The plan identifies a requirement for a minimum of 138 new homes. This figure had not been identified from a higher order development plan document but had been advised by the South Oxfordshire District Council who had, by way of a cabinet decision, distributed the allocated 1,154 homes identified in policy CSH1 of the CS amongst the larger villages in the district. The SCNDP had regard to this figure, but it is evident that in its preparation regard was also had to the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA). The SHMA made it clear that housing need in the district and wider area was greater than planned for through the CS and that thereby there would be likely to be greater pressure for additional requirements over and above those set out in the CS.
16. The SCNDP clearly sets out its Development Strategy, pages 30 -36 and its Spatial Strategy on page 37. It is clear from this that the Plan seeks to promote coherent development providing for a clear natural boundary between the village and the AONB countryside. The key principle to maintain the separate village of Sonning Common within the AONB landscape is identified. At page 33 it notes that the use of available and suitable sites in the southern and north western areas of the village will satisfy the strongly expressed desire for several small developments. Importantly it goes on that this distribution will ensure a balanced growth of the village and make it better connected. Policy H1, entitled Housing distribution, is formulated in this context. The policy states that planning permission will be granted for a minimum of 138 homes to be distributed across the sites listed. The sites listed are identified as allocated sites, providing for some 195 homes, and reserve sites providing for a further 44 homes. The substantial uplift in allocation numbers above the minimum, 138, is as a consequence of the potential likely additional requirement that may occur through the SHMA assessment.
17. The allocation sites are provided with references and that referred to as SON6 allocates some 26 homes on part of the appeal site. Policy HS4 is a specific policy detailing considerations for the development of housing on SON6
18. The proposed development, including some 95 dwellings, seeks permission to develop a 6.65 hectare site towards the south of Sonning Common and part of which is allocated, for some 26 units, as SON6. The appeal site is not allocated in the SCNDP, only a small part of it is. The strategy in the SCNDP, in my view, sets out a clear identification of where there is an expectation that development will go – on the allocated sites, under policy H1, or infill development, under policy H3.
19. Whilst it is right that the plan identifies a minimum number of units to be provided in policy H1, with no upper limit, it allocates well in excess of the minimum number. The plan must be read as a whole with focus on its relevant objectives and the policies which give effect to those objectives. The allocations in policy H1 represent the acceptable location and level of housing

- development. The allocations have been the result of a selection process, as detailed in the document, and subject of public consultation. The general levels of housing numbers for each of the allocations are also established through the subsequent individual policies for each allocation. The SCNDP allocates sites for housing and the strategy identifies development opportunities across the village. The strategy is for a number of sites spread across the village with constrained scale. The development would not be on an allocated site and would be substantially greater in housing numbers than anything else allocated in the village.
20. The SCNDP however goes still further and provides for additional housing provision to come forward through infill development, which is controlled through Policy H3. On this basis it is clear that the plan sets out a strategy identifying where there is an expectation for housing development and how that should come forward. It is in accordance with the CS and takes on board the potential uplift that was identified through the SHMA.
 21. The proposed development of 95 units cannot be said to fall within the definition of infilling set out in the SCNDP or indeed within the definition in the CS. The appeal site is not allocated in the SCNDP. On this basis therefore the appeal proposals would conflict with the made SCNDP and with policy CSR1 of the CS. On that basis the proposal would conflict with the development plan.
 22. I accept that the SCNDP includes other policies including criteria based landscape/ environmental policies but those need to be read in the context of the allocations and infill policy and the general spatial strategy.
 23. The SCNDP is the most recent development plan policy document and forms part of the development plan and is therefore a significant element setting out the spatial strategy for this area.
 24. Whilst I accept that the SHMA from 2014 indicates that there is a greater need for housing than set out in the CS, this has not been taken forward through the development plan process in support of a development plan document as yet, and therefore has not been rigorously tested.
 25. The emerging development plan, the Draft South Oxfordshire Local Plan 2011-2033 (DSOLP), although identified as having moderate weight by the parties hasn't been to examination and has been recently delayed adding further uncertainty. The time period for the plan is also to 2033 whereas that for the SCNDP is until 2027. In essence The DSOLP maintains the settlement hierarchy approach from the CS. Policy H4, dealing with larger villages, identifies a further 150 additional housing units to be provided in Sonning Common. However, this is an emerging plan that has not been the subject of examination and whilst there is a reasonable expectation that additional housing may be required to be identified in Sonning Common this would be in the period to 2033 and the policy includes a mechanism to address situations where neighbourhood plans have not progressed adequately. The additional need identified through the SHMA and the emerging plan allocation do not significantly undermine the spatial strategy in the extant development plan.
 26. A recent survey has been circulated in the village which is the start of a review process for the SCNDP to ensure that it keeps pace with the DSOLP. I return to this matter in my balancing exercise below.

27. For these reasons, I consider that the proposal would not be in compliance with and would conflict with the Core Strategy and the Sonning Common Neighbourhood Development Plan and in particular Policy CSR1 of the CS and policies H1 and HS4 of the SCNDP. The location of the proposed housing would not be consistent with the spatial strategy in the development plan, including the Sonning Common Neighbourhood Development Plan, and thereby would not be sustainably located.

Character and appearance

28. Sonning Common is a larger village in South Oxfordshire at the edge of the Chilterns AONB. The built up area of the village is for the most part contiguous with the AONB boundary around the north, west and east of the village. There is a cone of open countryside to the south of the village which does not lie within the designated AONB area, and is evidently outside of the built up area of the village.

29. It is within this heavily constrained landscape environment that the SCNDP seeks to operate. The surrounding landscape setting of the village is identified in the SCNDP as part of the very important overall setting of the village and is to be retained by not developing the village to the east in the AONB, with a similar aim to the west and to the south to retain the gap from Reading (page 31 SCNDP).

30. The general locality is identified as falling within National Character Area 110 (Chilterns) (NCA). At a district level the site is located in Landscape Character Area 10 - Chiltern Plateau with Valleys (LCA) as defined in the South Oxfordshire Landscape Assessment (SOLA). The character area has five separate sub-character types (LCTs) with the appeal site being located within the semi-enclosed dipslope type.

31. The key characteristics of the semi-enclosed dipslope type sub-character type are set out in the SOLA and include:

- level or more gently sloping ground;
- comparatively open fields contained within a strong structure of woods hedgerows or trees to form a loose mosaic;
- dominance of arable cultivation;
- a strong structure of woods and hedgerows generally provides visual containment and results in moderate to low inter-visibility;
- generally rural and unspoilt character but with some 'suburbanising' influences within rural settlements and along main roads and localised intrusions of built development and power lines (eg around Sonning Common and Caversham).

32. The appeal site is part of a large arable field with a boundary to the east adjacent to Kennylands Road and the existing houses fronting onto it. It is enclosed by a strong woodland feature formed by Rudgings Plantation and Bur Wood to the west. It has as a gently sloping landform. It is influenced by the suburbanising features of the settlement edge of Sonning Common. In my view it is very representative of the semi-enclosed dipslope character type. The site is part of a larger field which extends to the south and which forms

- and feeds into part of the open countryside beyond, which also reflects many of these characteristics. The development of the appeal site would result in a significant urban intrusion into this landscape which would be readily apparent from a number of views, albeit that these would be more localised.
33. I heard contradictory evidence from all parties in respect of the landscape and visual effects but all agreed that an on-site assessment was critical to my decision making and I conducted an accompanied visit towards the end of the Inquiry. This has played an important consideration in my overall assessment of the landscape and visual effects. I am of the view that in the main, in general, the appellant's expert landscape witness underplayed the localised and more immediate effects of the development and the value of the site, whilst the Council's expert landscape witness overstated the effects on the longer views.
34. The appeal site is in the semi enclosed dipslope landscape character type. The site displays many of the characteristics of the LCT. The site is located adjacent to the Chilterns AONB and to the south is part of a wider area of open countryside. The site and the wider area of open countryside to the south have many of the attributes of the LCT and indeed incorporate some of those that are identified as the special qualities of the AONB, in particular the dry valleys, ridges and plateaus and wooded areas. These are physical attributes which lead me to conclude that in itself, and in its wider context, the site is more than ordinary countryside and is in my view part of a valued landscape. The site fulfils an important function in maintaining the rural setting of Sonning Common and the setting of the built up area in the wider landscape, including with the AONB.
35. It is reasonable to consider that as part of the site is allocated in the SCNDP, as SON6, this is an appropriate base line for assessing the effects of the proposed development. Son6 would however only allow for a modest infill development along the Kennylands Road frontage that would not significantly intrude beyond a line created by the existing rear residential boundaries of properties fronting Kennylands Road. If that portion of the site were developed in line with SON6 it would result in an infill development along the road frontage with limited depth. The proposed scheme for 95 dwellings would have a significant depth of development which would be readily apparent from views into the site which are available from Kennylands Road, given the change in levels in the area, the levels across the site and the land form. It would also be readily apparent at any proposed new access on Kennyland Road. According to the Development Framework Plan the access would give views into the heart of the development and expose the full depth of development. On this basis I am satisfied that the proposal would result in a material adverse effect on the character of the area when viewed from Kennylands Road.
36. Moving round to the south of the appeal site there is a public right of way that runs through the existing field of which the appeal site forms a part. The proposed development would be readily apparent along the section of this public right of way from the edge of the settlement until it enters Rudgings Plantation and Bur Wood. Whilst there is a substantial area of landscaping land identified in the Development Framework Plan this would not totally screen the development and would take time to mature. Moving along the public right of way into the wooded area and beyond, the site would still be glimpsed through the trees in closer views. It is only once the receptor moves well beyond the

tree belt on the other side that the screen of the tree belt, along with changes in ground level and understorey planting, becomes that much more effective. These would in summer months significantly reduce any views of the development from these mid-range views. Even in winter months the woodland belt would provide screening and with maturing landscaping the proposal would substantially mitigate any significant effect. On this basis I would conclude that there would be a material adverse visual effect along the part of the public right of way adjacent to the appeal site and within the Rudgings Plantation and Bur Wood, which are within the AONB. There would be limited or no material harm once one had moved further along the public right of way to the west, well beyond the wooded area.

37. The development would result in substantial urbanisation of the field comprising the appeal site this would be particularly visible along Kennylands Road frontage and to a much greater extent than would be visible should SON6 come forward. Similarly along the public footpath that dissects the existing field in two. From these locations there would be no disguising that there was a substantial housing estate that significantly extends the built up area of Sonning Common into the countryside both towards the south and south west.
38. I viewed the appeal site from longer views from the south beyond cucumber plantation, which is in the open countryside and not part of the AONB, and from the public footpath between Sonning Common and Kidmore End to the north west, which is within the AONB. Here limited views of the site were available and any development would be integrated within the wider backdrop of the settlement and the extensive wooded areas. Again landscaping within the scheme would mature and reduce the effect of any such glimpses and would assist in integrating the development with the settlement in the longer term. The appropriate use of materials and design details would also effectively reduce any visual effects, and these would be the subject of reserved matters.
39. The effect of the development on the longer views would be more glimpsed and discreet given the nature of the undulating land form and wooded elements. The overall effect would be to increase the urbanisation in the wider landscape, although this effect would be at the moderate or lower end of the scale and would be less in summer and reduced over time with maturing landscaping.
40. The site forms an important landscape and visual element in the locality and there is harm to it. It adds positively to the setting of the village in the countryside. It assists in the separation of the settlement from the Chilterns AONB boundary. Moreover, it is an attractive area of countryside in association with the wider countryside to the south, not in the designated Chilterns AONB. The harm would be material and significant. There would be an adverse effect on the Chilterns AONB, in that the views from within and immediately to the west beyond the woods would be of a more urbanised settlement edge closer to the AONB. These are views from within the AONB.
41. Consequently the development would conflict with policies C2, G2 and G4 of the LP which seek to protect the attractive landscape setting of settlements, the districts countryside settlements and environmental resources and the countryside for its own sake. It would also conflict with CS policy CSEN1 which seeks to protect the districts landscape character and key features against inappropriate development and SCNDP policy ENV2 which requires

development proposals to take account of the locally valued landscape setting of the village.

42. Overall therefore I conclude that the proposed development would result in a significant material adverse effect on the character and appearance of the countryside, Sonning Common and the landscape setting of the Chilterns Area of Outstanding Natural Beauty.

Other matters

43. At the start of the Inquiry the main parties had signed a Housing Land Supply Statement of Common Ground that agreed that South Oxfordshire District Council could not demonstrate a 5 year supply of available housing land. The parties agreed that the District could only identify a 4.1 years housing land supply. Subsequently, after I closed the Inquiry, the Council published a Housing Land Supply Statement, April 2018 which claimed a 5.4 years housing land supply. The appellant disputes the Council's assessment and provides reasons why the supply from various sites should be reduced as well as providing an alternative requirement figure. The appellant argues this would reduce the figure to 4.69 years supply, or 4.18 years supply if SODC's apportionment of Oxford City's unmet housing need is included in the calculation.
44. I address the consequences of the resolution of this matter in my planning balance below.
45. The proposal provides for 95 dwellings, 40% of which would be provided as affordable housing and this is secured by a planning obligation. The additional housing is a significant positive benefit of the scheme, which would be further increased in the absence of a 5 year housing land supply. The provision of a substantial amount of affordable housing in a District with a significant shortfall of affordable housing is also a significant positive benefit of the scheme.
46. The appellant has contended that there would be economic benefits associated with building out the development for the local economy. It is further contended that the development would also bring economic benefits by virtue of the future occupation of the development and the support this would provide for local shops businesses and services. I agree that these are positive benefits of the scheme and I give them moderate weight.
47. The appellant contends that there would be a net positive ecological enhancement through wildlife improvements and ecological enhancements that would come forward as part of the development. This is a benefit of the scheme, but I give it limited weight given the limited nature of the likely benefit and much of which is required by policy.

Planning Obligation

48. An agreed Planning Obligation was submitted and discussed during the Inquiry and I subsequently received a signed and dated copy of the executed agreement. The covenants of the owner and developer are set out with reference to the attached schedules and also to require notification of various stages of the development.
49. The First schedule addresses affordable housing and broadly secures at least 40% of the dwellings to be constructed on site to be affordable, of which 75%

would be affordable rented and 25% shared ownership. The schedule sets out the detail of the type of accommodation to be provided and an allocations policy schedule. This is consistent with Policy CSH3 of the CS is necessary to deliver the number and mix of units, is directly related to the development and is fair and reasonable. Given the significant shortfall of affordable housing in the district this is afforded significant weight in my decision.

50. The second schedule secures the payment of a recycling contribution and a street naming contribution to be made to the district council. Given the scale of the development and the likely additional streets and additional infrastructure required to service the additional properties these contributions are fair and reasonable, necessary and directly related to the development. They are in accordance with policy D10 of the LP and CSI1 of the CS and seek to mitigate the impact of the development.
51. The third schedule, in association with the fourth schedule which secures a management company, addresses open space. The agreement secures the provision of a locally equipped area for play and public open space. The long term management and maintenance of these areas and facilities are secured. The play area and public open space are required for the future residents of the development and in the interest of the appearance of the development. They will add to the overall resources of the village. I am satisfied that they are necessary to make the development acceptable, are directly related to the development and are fair and reasonable requirements.
52. The fifth schedule addresses covenants with Oxfordshire County Council. These include the provision of a bus shelter contribution to fund bus stop infrastructure including a bus shelter, bus stop pole and flag and timetable cabinet serving the development. The schedule also includes a contribution towards maintenance of the bus shelter and a further contribution to monitor the travel plan. The contributions are required to ensure that the development is provided with alternative means of transport other than the private car and that suitable monitoring is undertaken. I am satisfied that these are directly related and required to mitigate the effects of the development and directly related to the development and are fair and reasonable.
53. The Council have confirmed that the financial contributions would not be put towards schemes or projects that are in receipt of other contributions and that they are compliant with regulation 123 of the Community Infrastructure Levy Regulations 2010.
54. The agreement includes provision of monitoring fees for both the District and County Council. Given the scale of development, the nature of the obligations and the minor scale of the monitoring fees, I am satisfied these are reasonable in the context of the development and the agreement.
55. The obligations of the agreement are all related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The planning obligation therefore complies with the tests set out in the Framework, the advice in the National Planning Practice Guidance and with Regulation 122 of the CIL Regulations 2010 (CIL). There is no conflict with CIL Regulation 123(3).

Overall conclusions and planning balance

56. I have concluded that the landscape is a valued landscape in terms of Paragraph 109 of the Framework and this is an important consideration in the planning balance. I am mindful of the recent Secretary of State decision (APP/P2935/V/16/3158266) where he concluded that paragraph 109 is not a restrictive policy in terms of paragraph 14 of the Framework. For the reasons that he gave I conclude that paragraph 109 is not a restrictive policy in the context of paragraph 14, and my finding regarding the valued landscape would therefore not disengage a tilted balance assessment. I also conclude that there would be some harm to the AONB and its setting, and again paragraph 115 requires I give this great weight. However, the site is not within the AONB and therefore paragraph 116 is not operative and would not disengage a tilted balance.
57. The development plan does include a recently made neighbourhood development plan. The Written Ministerial Statement on neighbourhood planning published on 12 December 2016 (WMS) is a relevant matter. The WMS states that, where there are relevant policies for the supply of housing in a recently made neighbourhood plan, those policies should not be considered out-of-date unless there is a significant lack of supply. There will not be a significant lack of supply, and relevant neighbourhood plan policies will not be out of date, if the following specific circumstances all apply at the time the decision is made:
- the WMS is less than two years old, or the neighbourhood plan has been part of the development plan for two years or less; and
 - the neighbourhood plan allocates sites for housing; and
 - the LPA can demonstrate a three-year supply of deliverable housing sites.
58. All made neighbourhood plans are in scope until 12 December 2018 (two years after the date of the WMS) as long as they also meet the second two bullet points. Then after 12 December 2018 only those neighbourhood plans that have been part of the development plan for two years or less are in scope (ie those that have been made since the WMS was issued).
59. At the Inquiry all parties accepted that the SCNDP is covered by the WMS and met the specific circumstances set out.
60. The appellant sought to argue that the SCNDP was out of date on other grounds, predominantly related to the SHMA identifying a higher housing need figure and the Neighbourhood Plan being based on out of date information which now demonstrated that a higher requirement would be forth coming. However, this is a housing land supply issue and all parties had accepted a 4.1 year supply and that the WMS is applicable. In these circumstances there would not be a significant lack of supply and the housing policies would not be out of date and I would therefore afford the housing supply policies in the SCNDP full weight. Those circumstances would not change even if I adopted the appellant's full criticisms of the Council's latest claimed housing land supply position as that would result in a 4.18 years supply, similar to the position in the Housing Statement of Common Ground, and which would mean the WMS would still be applicable.

61. The fact that those involved in the neighbourhood plan are embarking on a review of the plan demonstrates the communities desire to keep on top of the process and ensure they are aware of the implications and potential effects of emerging policy. It does not suggest that they consider their plan is out of date, or indeed that the plan is out of date.
62. Turning to the housing land supply and the consequences of a resolution of the issue. The Council originally accepted that they cannot demonstrate a five year supply of available housing sites, indeed the parties all agreed that the Council had, at that time, a 4.1 year housing land supply. The subsequent publication of the latest Housing Land Supply Assessment by the Council has changed that position, although this is disputed by the appellant. If I accept all the appellant's criticisms and adjustments the position would be similar to that agreed in the Housing Statement of Common Ground. The Council could not demonstrate a 5 year housing land supply, but could identify in the region of a 4.1 years supply, taking account of the Council's apportionment of Oxford City's unmet need.
63. Paragraph 49 of the Framework advises that where the Council cannot demonstrate a 5 year supply of available housing sites relevant policies for the supply of housing should not be considered up to date. This would have the consequence of engaging the second bullet point of decision taking in Paragraph 14 of the Framework – what is known as the tilted balance. This means where the development plan is absent silent or out of date granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. There are no specific policies in the Framework that would indicate development should be restricted in this case.
64. I have identified a conflict with policy CSR1 in the CS. Policy CSR1 is a policy for the supply of housing and would therefore, in the circumstances where there was not a demonstrable five year supply of housing land, be out of date. The weight I give to the conflict with the policy would therefore not be that of full development plan policy. It does form part of the settlement strategy which has been brought forward from the LP and is maintained in the emerging Draft SOLP I do not therefore discount it completely and afford conflict with it moderate negative weight. I have also concluded that the proposed development would conflict with the SCNDP and in particular its strategy and housing and allocations policies including H1 and HS4. I give this conflict significant weight in my determination of this appeal and am conscious of the advice at paragraph 198 of the Framework which states that where a planning application conflicts with a neighbourhood development plan that has been brought into force, planning permission should not normally be granted. In the tilted balance scenario all the policies of the Framework are engaged and I also therefore have regard to those other policies at paragraphs 183 to 185 which set out the purpose and intent of neighbourhood planning.
65. I have concluded that the proposal would result in harm to the local landscape, which is a valued landscape, and result in visual harm when viewed from the public footway to the south of the site and from Kennylands Road. Albeit I also conclude that the harm from further afield would be limited. I have identified that this harm would result in a conflict with LP policies C2, G2 and G4. On the face of the policies they do not have the balanced and nuanced approach that

is defined in the Framework with regard to recognising the intrinsic beauty of the countryside and the protection afforded to matters such as valued landscapes. In this regard these policies are not consistent with the Framework. They still however seek to ensure the countryside is recognised and therefore although I reduce the weight to the conflict with these policies it is not to no weight but to limited weight. I give full weight to the conflict with SCNDP policy ENV2 and Policy CSEN1 in the CS which are consistent with the Framework. Moreover I have had regard to the advice in paragraph 109 of the Framework which indicates that valued landscapes should be protected and to paragraph 115 of The Framework which advises that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, also reflecting my statutory duty.

66. I am satisfied that the landscape and visual harm, albeit somewhat localised, is significant as the field plays a particularly important role in the setting of Sonning Common, and the setting of the AONB at this location. The harm is therefore material and significant.
67. These are the adverse impacts of granting permission which I need to set against the benefits of the proposal.
68. The benefits of the scheme include the significant benefit to the supply of housing, increased in the situation where there is not a five year supply of housing land, and the affordable housing in the area; I give these significant positive weight. There are moderate economic benefits associated with the implementation of the development and limited positive ecological benefits.
69. On the basis of the above therefore the tilted balance would be engaged if I adopted all of the appellant's critique of the Council's latest Housing Land Supply Assessment and concluding that there is a 4.18 years housing land supply; policies for the supply of housing in the CS would be out of date. However, as outlined above policies for the supply of housing in the SCNDP would not to be considered out of date.
70. Applying the tilted balance I am satisfied that the harm that would arise from the conflict with the SCNDP, taking on board the advice in paragraph 198 of the Framework, and the harm to the character and appearance of the area, including the setting of the AONB, the setting of Sonning Common, and the valued landscape of which the site forms a part would, in my mind, significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as whole. This would be no different a conclusion if I maintained the position in the agreed Housing Statement of Common Ground. Moreover, if I do not accept all of the reductions in supply and the challenges to the requirement as put forward by the appellant the housing land supply position would improve. The consequence of which would be to strengthen the justification to dismiss the appeal. On that basis there is no practical need to come to a definitive conclusion on the housing land supply as it would not change my overall conclusion or decision.
71. The proposal would not therefore amount to sustainable development, would conflict with the development plan as a whole and there are not material considerations that indicate a decision otherwise would be appropriate.

72. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Tom Cosgrove QC Instructed by Ian Price, Head of Legal South
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He called
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FOR THE APPELLANT:

Paul G Tucker QC Instructed by Michael John Knott of Barton
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He called
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Michael John Knott Director of Barton Wilmore LLP
BA(Hons) DipTP, MRTPI

FOR SONNING COMMON PARISH COUNCIL:

Megan Thomas Of Counsel instructed by Emily Temple of ET
Planning

She called
Emily Temple BSc ET Planning
(Hons), MSc MRTPI.

INTERESTED PERSONS:

Tom Fort	Local resident
David Winchester	Local resident
Julia Whitelaw	Local resident
Heather Mullin	Local resident
Joanne Shanagher	Local resident

DOCUMENTS

DOCUMENTS SUBMITTED BY GALLAGHER ESTATES LTD (GEL)

- GEL1 List of appearances and opening submissions on behalf of GEL
- GEL2 Site Visit Itinerary - accompanied route and unaccompanied points to visit
- GEL3 Closing submissions and copies of referenced judgements

DOCUMENTS SUBMITTED BY SOUTH OXFORDSHIRE DISTRICT COUNCIL (SODC)

- SODC1 List of appearances on behalf of SODC
- SODC2 Position Statement of the Chiltern Conservation Board on Setting of the AONB (this was duplicate of CD10.10)
- SODC3 Paper on methodological approach for landscape and visual assessment under taken by Michelle Bolger
- SODC4 High Court decision [2018] EWHC 33 (Admin) Richborough Estates and others v SoS for Housing Communities and Local Government
- SODC5 Statement on compliance with Community Infrastructure Regulations (2010) as amended.
- SODC6 Planning Statement of Common Ground
- SODC7 Opening submissions on behalf of SODC
- SODC8 Secretary of State appeal decision for land at Highthorn
- SODC9 Draft copy of planning obligation
- SODC10 Revised set of planning conditions, with reasons
- SODC11 Closing submissions on behalf of SODC
- SODC12 Copy of signed and dated planning obligation

DOCUMENTS SUBMITTED BY SONNING COMMON PARISH COUNCIL (SCPC)

- SCPC1 Copy of a neighbourhood plan revision community survey pro forma
- SCPC2 Opening submissions on behalf of SCPC
- SCPC3 Letter from Chiltern Edge School confirming school's intention to sell part of its site, allocated as SON 15a in the SCNDP, for housing development.
- SCPC4 Letter from Barton Wilmore to SODC policy team providing representations on the Sonning Common Neighbourhood Development Plan
- SCPC5 Letter from SCPC to Pro Vision acting on behalf of TA Fisher regarding discussions related to development of land allocated as SON 5 in the SCNDP
- SCPC6 Closing submissions on behalf of SCPC

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED (PID)

- PID1 Email dated 2 May 2018 from South Oxfordshire District Council enclosing the Housing Land Supply Statement for South Oxfordshire District Council, April 2018.
- PID2 Email dated 2 May 2018 from Barton Wilmore providing initial comments on the Council's new evidence contained in PID1.
- PID3 Email dated 8 May 2018 from Barton Wilmore enclosing covering

- letter and legal note.
- PID4 Email from Emily Temple on behalf of Sonning Parish Council dated 11 May 2018.
- PID5 Email From SODC dated 14 May 2018 enclosing a legal note.
- PID6 Email from Barton Wilmore dated 24 May 2018 identifying the issues that will be addressed in respect of the new evidence submitted in PID1.
- PID7 Email from SODC containing attachments that set out the Council's comments on the implications of the Housing Land Supply Statement.
- PID8 Email from Barton Wilmore dated 4 June 2018 enclosing attachments that set out he appellant's response to the Council's Housing Land Supply Statement

Richborough Estates