

SONNING COMMON PARISH COUNCIL

Parish Office

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To all members of South Oxfordshire District Council

Thursday 29 July 2021

Dear Councillors

We, the Parish Councils of Sonning Common, Rotherfield Peppard, Highmoor, Kidmore End, Eye & Dunsden, Binfield Heath, Rotherfield Greys, Stoke Row and Nettlebed are united in our distress at the outcome of the planning appeal which will allow a retirement complex to be developed within an Area of Outstanding Natural Beauty (AONB) on the edge of Sonning Common. Therefore, we urge SODC to apply to the High Court for a review of the inspector's decision on this appeal.

On 25 June a Government-appointed planning inspector allowed this major development on an unallocated site within the Chilterns AONB, after South Oxfordshire District Council lost an appeal against its refusal of planning permission for a 133-unit Inspired Villages retirement complex, known as Little Sparrows.

In the same week as the appeal inspector's report was published, SODC Communications issued a press release welcoming the Government's plans to enlarge, protect and enhance the country's areas of outstanding natural beauty, including the Chilterns AONB.

The district council has until **Friday 06 August 2021** to apply to the High Court for a judicial review of the appeal inspector's decision.

Appeal decision sounds a death knell to the AONB

The inspector's decision has serious repercussions not just for Sonning Common and surrounding parishes but for the whole of South Oxfordshire and further afield.

The Parish councils listed above call on South Oxfordshire District Council to act now to ask the High Court to intervene and review the inspector's judgement, which they consider to be seriously flawed.

Inspector Harold Stephens held virtual planning inquiry APP/Q3115/W/20/3265861 Little Sparrows, Sonning Common, Oxfordshire RG4 9NY from 27-30 April and 4-7 and 11-12 May 2021.

In his report Mr Stephens identifies the Chilterns AONB as '*a valued landscape*' and a main issue in his determinations. He references the AONB in approximately 34 paragraphs.

In paragraph 53 (page 12) of his judgement he correctly states: "*Planning policy and statute give equal protection to all parts of the AONB*". However, even in the same paragraph he begins to judge the AONB and provide his subjective opinion on it saying: "*It seems to me that the appeal site is more typical of an agricultural landscape that is commonplace around many settlement fringes. Plainly the appeal site and its local landscape context is less sensitive than other parts of the AONB.*"

By paragraph 58 (page 13) he says: "*It is clear to me that there is a difference between the parts of the AONB in the dry valley and those on the plateaus*".

In paragraph 69 (page 15) he assesses: *“The appeal site is located on the very fringe of the AONB and Sonning Common is excluded from it. This is not a core part of the Chilterns AONB and its special qualities are largely absent”*.

In paragraph 130, page 28, he claims to have *“given great weight to conserving and enhancing landscape and scenic beauty in the AONB”*. However, judging by some of his earlier comments, outlined above, his claim cannot be supported.

The Chilterns Conservation Board, together with local councillors and residents, some of whom provided evidence at the inquiry, disagree vehemently with the inspector’s highly subjective assessments of the AONB.

Their considered view is that the proposed development would create a prominent, permanent and incongruous intrusion into Sonning Common’s valued rural setting and cause material harm to the landscape character of the AONB.

They believe that the inspector’s role is to apply planning policy, not to re-write it and to apply protections equally to all parts of the AONB, as policy demands. If development is permitted in AONB areas on settlement edges, then a new edge is created and so where does the erosion of that AONB edge end?

Inspector’s judgements on housing need are seriously flawed

In his report the inspector gives ‘significant weight’ to the appellant’s ludicrous claim that up to 64 local householders would sell up and move to Little Sparrows, where the average price of a leasehold property will be £600,000 (paragraph 111, page 24).

“The sale of the 133 units in the appeals proposals would release 133 family houses of three bedrooms or more. The appeal scheme would be likely to free up 39 family dwellings locally but it could be as high as 64”. (Evidence supplied by appellant from Roland Bolton’s report).

The inspector states (paragraph 111): *“Significant weight can be given to this”* and uses this ‘evidence’ to support his judgement that the case meets the exceptional circumstances test for allowing development within the AONB.

Local estate agents could be forgiven for scratching their heads and wondering how such assertions could be made by someone with much less knowledge than them about the local housing market.

Housing supply figures are disputed

While SODC officers claimed at the Inquiry that the district had a 5-year housing land supply the appellants successfully argued that it had a 4.2-year supply. The precise level of housing land supply may be debatable but there remains an issue over the level of evidence that SODC can be reasonably required to produce to prove that developers intend to develop land in line with their planning permissions.

At the Inquiry SODC provided completed pro formas from developers confirming their intentions to build on land as per permissions given. However, the inspector concluded that this evidence was insufficient and dismissed it as not being credible.

In the absence of legislation to force developers to develop land, rather than sit on their permissions until the market becomes more favourable to them, what is reasonable evidence for local planning authorities to provide? And should planning inspectors decide what is and what is not credible evidence? Shouldn’t this be policy or legislatively-driven?

The Sonning Common Neighbourhood Plan is dismissed

While the inspector accepts the appellant's case on housing need, he dismisses the Sonning Common Neighbourhood Plan - endorsed by 94 per cent of the residents who voted on it - and says that "*no weight*" can be given to the Plan's review (paragraph 13, page 3).

The hundreds of residents who raised around £11,500 through a crowdfunding appeal to go towards paying professional fees to support the community's case at the planning inquiry were justifiably outraged by the inspector's dismissal of their neighbourhood plan.

The chairman of the Sonning Common Neighbourhood Plan was so disillusioned with the planning appeals' process and the inquiry decision that he resigned as parish councillor, so the community has lost an excellent public servant.

Impact on local health care provision

The inspector's judgement can be called into question again with this assertion (paragraph 125, page 27): "*I consider that extra care housing benefits elderly people in terms of health and wellbeing. The secure community environment and sense of independence can reduce social isolation and encourage greater fitness and health lifestyles. It is reasonable to assume that these factors would likely result in a lower number of visits to the GP, reduced hospital admissions and overall savings to the NHS. This is borne out in the research submitted to the Inquiry.*"

This claim, which sounds as though it could come from a retirement village marketing brochure, was vigorously disputed by local GP Dr Kim Emerson who provided the inquiry with evidence to the contrary. She ably represented the concerns of Sonning Common Health Centre about the adverse impact the retirement village would have on her practice and health care provision locally.

Conclusion

The local parishes are convinced that there is a case to answer here. We consider that many of the inspector's judgements are flawed, biased and based on dubious evidence.

We all urge SODC to apply to the High Court for a review of the inspector's decision on this appeal. If a High Court judge determines at the preliminary hearing that the review should not proceed then costs will be contained.

So, there is nothing to lose and everything to gain in terms of protecting our district and AONB from speculative development.

Yours sincerely

Michael Cann

Chairman
Sonning Common Parish Council