



# Appeal Decision

Site visit made on 7 April 2009

**by Robin Jacques** MSc BSc(Hons Arch)  
RIBA FRSA

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

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**Decision date:  
14 May 2009**

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**Appeal Ref: APP/C3105/A/09/2095056**  
**Begbroke Science Park and land including part OS0004 and OS0028**  
**adjacent to Woodstock Road, Yarnton, Oxfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by University of Oxford against the decision of Cherwell District Council.
- The application (Ref 08/00899/F), dated 31 March 2008, was refused by notice dated 31 October 2008.
- The development proposed is widening and southern extension of access road, including public highway junctions, alterations and associated works.

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## Procedural matters

1. It is not in dispute that the proposed development would constitute inappropriate development in the Green Belt, and I have treated the appeal on that basis, having regard to the guidance of Planning Policy Guidance Note 2: Green Belts (PPG2), in which paragraph 3.12 is of particular relevance, and my findings set out below.

## Main issue

2. With reference to the above, I consider that the main issue in this case is whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposed development.

## Decision

3. I dismiss the appeal.

## Reasons

4. PPG2 contains a presumption against inappropriate development within the Green Belt, and the resultant harm should be given substantial weight in determining the appeal.
  5. The proposal would widen the existing length of single-track access road from the Science Park to Sandy Lane, and extend it in a two-lane road via a new crossroad junction across existing agricultural land, to a new junction with the A44. The appellant's Design and Access Statement (DAS) indicates that a 7.3m wide carriageway with a 3m wide shared footway/cycleway to one side, a 2m wide margin on the other side, and a 3m margin provided either side for earthworks has been allowed for. I consider that the increased width and length of the existing single-track access road, the substantial new length, and the impact of traffic using it, which is expected to increase in frequency, would
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significantly detract from openness. This would be reinforced by the associated junctions and highway paraphernalia, and would add to the harm to the Green Belt by reason of inappropriateness.

6. I recognise that the site is some distance from Oxford itself and that, given the location of the Science Park, any vehicular access route would be within the Green Belt, and involve crossing the countryside. However, I consider that the effects of the proposal would be contrary to the first three indents of paragraph 1.5 of PPG2, and thus in conflict with the purposes of including land in the Green Belt. In my view, it would be an urbanising development and a change in the use of land that would contribute to the sprawl of the built-up area and the merging of the neighbouring settlements of Yarnton and Kidlington, and fail to safeguard the countryside from encroachment.
7. I saw on my site visit that, due to the sloping terrain and notwithstanding its irregular shape, the field is particularly visible and presently forms part of an attractive rural landscape when seen from public viewpoints. The new length of road would cut an obtrusive swathe across the expanse of agricultural land, dividing the relatively large field. Associated landscaping and planting are proposed, to which I return below. However, in my view, the road itself and its traffic as well as the new junctions would be highly conspicuous in the landscape, particularly as seen in public views from the A44 and adjacent residential development. Notwithstanding the existing lighting poles and other highway paraphernalia such as signage, and electricity pylons nearby, it would detract significantly from the character and appearance of the area and the visual amenity of the Green Belt, constituting additional significant harm.
8. Whilst not a material factor in the protection of Green Belt land, I also consider that the proposal would not play a positive role in the achievement of any of the objectives for the use of land in the Green Belt as set out in paragraph 1.6 of PPG2. As well as occupying land presently in agricultural use, the proposal would leave a relatively narrow strip between the road and the rear of the existing residential development on the south side of Sandy Lane. I share the Council's view that this would tend to sterilise its agricultural value, notwithstanding the incorporation of a crossing point.
9. Paragraph 3.2 of PPG2 indicates that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations, and I now turn to these.
10. In February 2002 the Council resolved to grant outline planning permission for the long-term expansion of the Begbroke Science Park. The application was subject to an alternative access being provided between the A44 and the Science Park to relieve congestion/highway safety concerns along Sandy Lane. It is not in dispute that the Council gave considerable weight to the benefits to the University, particularly its research needs, and to the local and national economy, and I understand that it considered that these outweighed the presumption against the development. In permitting the Science Park, the benefits of its progressive development included recognition of the need to have, in due course, an alternative route of access in the Green Belt. In my

view the benefits identified remain a consideration that carries substantial weight in favour of the appeal.

11. Outline planning permission was granted on 22 August 2005 for an interim expansion of the Science Park prior to the construction of the new access road. On the same date outline planning permission was granted for a direct access to the A44 to the north of Yarnton, which has now expired. I understand that planning permissions were released on 12 October 2005 for two research buildings and an advanced processing laboratory which brought the interim expansion phase to completion (Council Refs 03/02468/REM and 03/00845/F).
12. In association with the applications, a s.106 planning obligation required that the permitted access road be constructed when peak traffic flows on Sandy Lane reached 80 vehicles per hour. The obligation required the developer to use all reasonable endeavours to limit the peak hour flow so as not to exceed 80 vehicle movements. The appellant indicates that in spite of the implementation of a travel plan to actively manage private vehicles travelling to and from the site, the traffic threshold was reached in June 2006.
13. The Council does not dispute the need for an improved access road to the Science Park. A condition attached to the permission required that the roadway approved under 01/01872/OUT be constructed on a timetable to be agreed, once the traffic reference level was exceeded. The planning obligation recognised that the vehicle threshold may be reached and the new road implemented, and allowed for an alternative agreed route and works.
14. The appellant indicates that the University was not able to procure the land on the original alignment, but was able to agree terms for the alignment which is the subject of this appeal. Given the importance of the road, the University determined to proceed with a scheme that was deliverable. The appellant argues, amongst other things, that the principle of an access through the Green Belt has been accepted by virtue of the previous consents, which supports the application by having already established that very special circumstances exist that outweigh the harm to the Green Belt. However, it has not been argued by either main party that the originally approved route of the access road is a part of the major development site itself, and I have not treated it as such.
15. Nevertheless, the Council's Reason for Refusal is that the proposed roadway would have a significantly increased detrimental impact upon the openness and visual amenity of the Oxford Green Belt over that associated with the previously proposed roadway. The Council reports that it considered the route proposed at that time to be the best available and that neither the road itself nor the vehicles running along it would be harmful to the purposes or the objectives of the Green Belt. In my view, that judgement was specific to the route proposed.
16. I have considered the appellant's argument that the Council should not have assessed the present proposal on a comparative basis with the access road previously approved. The Court's decision in the case of *R (on application of Jones and another) v North Warwickshire BC* is cited in support of the principle that consideration of alternative sites would only be relevant to a planning application in exceptional circumstances. In laying down no fixed rule, such

circumstances will particularly arise where the proposed development, though desirable in itself, involves on the site such conspicuous adverse effects that the possibility of an alternative site lacking such drawbacks necessarily becomes, in the mind of a reasonable local authority, a relevant planning consideration upon the application in question.

17. The appellant's DAS included an analysis of four main alternative possible routes for the access road. These included the originally approved route, and I note that three other than the appeal proposal would be independent of the use of Sandy Lane. This and the supporting Planning Statement dated October 2007 indicates that the University considers the previously permitted alignment to be sub-optimal, and the current application to be the best solution, and aims to assess the difference between the proposed and previously approved access road alignments. Other specialist studies and reports have also been submitted, some of which refer to the relative merits of the routes examined.
18. I acknowledge the Council's observation that the previously approved route would enable the existing link between the Science Park and Sandy Lane to be closed, and would be more beneficial to highway conditions on Sandy Lane. Conversely, the appellant draws my attention, amongst other things, to the highways analysis which demonstrates that the appeal proposal would be a superior highway arrangement. No details are provided of non-planning obstacles to the procurement of alternative routes, but the appellant indicates that the appeal proposal is the only deliverable scheme of those considered. Therefore, to my mind, whilst the appellant's studies seem to me to indicate that alternative routes are not impossible in principle, no specific alternative site can be said to exist. Neither the previously approved scheme nor any of the other options is before me, and I have considered the appeal proposal on its own merits in the light of all the information available to me.
19. The appellant has submitted a number of expert reports including those on transport, flood risk, hedgerows, drainage, landscape, and archaeology. The Council does not dispute that the appeal proposal would be capable of overcoming those relevant technical and policy requirements. Measures have been proposed to discourage use of Sandy Lane by site traffic, although the proposal would not separate Sandy Lane from the Science Park access entirely. I note the technical details of the road junction designs and resolution of highways considerations, and that the Council does not object on these grounds. The design criteria and policies detailed in the supplementary studies and reports relate to matters to be met in any such proposal, and I have given them only little weight in favour of the appeal proposal.
20. The appellant indicates that the route of the new length of access road would leave some space between the road and the rear of the existing residential development on the south side of Sandy Lane. I acknowledge that this would assist in limiting detrimental effects on living conditions that may arise from noise and disturbance from traffic in what is presently a rural setting. The proposed landscape planting would also assist in screening the moving vehicles and the effects of headlights at night.
21. I also recognise that the landscape planting would be extensive. I saw that the planting to each side of the existing access road has matured to provide

greenery and screening, and one side of this would be retained in widening the existing part of the route. However, the sweep of the substantial road and its traffic in the particular terrain and landscape would be highly visible, and have a significant detrimental impact on the openness and visual amenity of the Green Belt, and the quality of the rural landscape. I do not consider that the mitigating effects of landscape planting would overcome this, and I have given this minimal weight in favour of the proposal.

22. The harm by reason of inappropriateness, harm to openness and the purposes of including land in the Green Belt, and further harm that I have found to the character and appearance of the landscape and the visual amenity of the Green Belt, carry substantial weight. Paragraph 1.4 of PPG2 sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the most important attribute of Green Belts is their openness. Paragraph 3.2 indicates that very special circumstances to justify inappropriate development in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Notwithstanding the importance of a new access road to achieving the benefits of the Science Park, and having regard to all other matters raised, I find that the considerations in favour of the appeal proposal do not amount to the very special circumstances necessary to justify the development.
23. For the above reasons, the proposal would be in conflict with the aims and objectives of Government guidance in PPG2, saved Policies G2 and G4 of the Oxfordshire Structure Plan and Policy GB1 of the Cherwell Local Plan adopted in November 1996, as well as Policy GB1 of the Non-Statutory Cherwell Local Plan.
24. I have considered all other matters raised, including the representations by interested parties, and the effect on the setting of listed buildings. Neither these, nor any other matter that has been brought to my attention is of such significance as to alter my conclusion on the main issue. I conclude, therefore, that the appeal should not succeed.

*Robin Jacques*

INSPECTOR