



Appeal Decision

Inquiry Held on 15 - 21 September 2020

Site visit made on 22 September 2020

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/V3120/W/20/3244645

Land at A34 Chilton Interchange, Chilton.

- 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 Mrs Hilary King-Thompson and Mrs Helen Shorthouse against the decision of Vale of White Horse District Council.
 - The application Ref P18/V3052/FUL, dated 12 December 2018, was refused by notice dated 11 July 2019.
 - The development proposed is the erection of a new roadside service area comprising petrol filling station, retail shop (Class A1), electric car charging points, drive-through unit (Class A3/A5), parking and associated works.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The reason for refusal refers to saved policies within the Vale of White Horse Local Plan 2011 as well as policies within the Vale of White Horse Local Plan 2031 Part 1 Strategic Sites and Policies Adopted December 2016 (VWHLP P1) and the emerging Vale of White Horse Local Plan 2031 Part 2. In both the statement of common ground (SOCG) and at the inquiry it was confirmed that part 2 of the local plan had been adopted and is now the Vale of White Horse Local Plan 2031 Part 2 Detailed Policies and Additional Sites adopted October 2019 (VWHLP P2). It was also confirmed that the saved policies of the former local plan have now been superseded. I have, therefore, considered the appeal on the basis of policies contained within VWHLP P1 and VWHLP P2 only.
3. The appeal was submitted with a set of plans that seek to amend the proposed drive-through building, substituting the green standing seam roof with a sedum roof. The SOCG confirms that a consultation exercise was undertaken and I have seen the representations made as a result of this. At the inquiry the Council confirmed that, whilst the amended plans do not overcome its objections to the development, it had no objection to the amended scheme being considered.
4. Having regard to the nature of the amendments to the scheme and the consultation exercise undertaken, I am satisfied that the amended plans and the representations received following the appellants' consultation exercise can be considered without prejudice to any party.

5. I visited the site and the surrounding area both before the inquiry and then after. I visited the site itself and then viewed the site from the agreed viewpoints shown in the site visit itinerary¹. On the visit after the inquiry I also viewed the site at night from the night time viewpoints suggested in the itinerary.

Main Issues

6. The main issues in this appeal are as follows:
- Whether the development would be 'major development' within the North Wessex Area of Outstanding Natural Beauty, with regard to paragraph 172 of the National Planning Policy Framework;
 - If the development is major development, whether there are exceptional circumstances in this case, and whether it can be demonstrated that the development is in the public interest;
 - The effect of the development on the AONB and its statutory purpose of conserving and enhancing the natural beauty of the area within its boundary;
 - Whether the location of the proposed development is acceptable, having regard to the local and national planning policies on the location of a roadside service area; and
 - Whether there is a need for the development.
7. Whilst I have identified the matter of need for the development as a main issue, this is a matter that is promoted by the appellants as weighing in favour of the development. I have, therefore, considered this under 'other matters', along with all other material considerations that have been identified in this case.

Reasons

Area of Outstanding Natural Beauty

- Policy and Guidance

8. The appeal site is a triangular parcel of land located at the Chilton junction off the A34 trunk road. The site lies within the North Wessex Area of Outstanding Natural Beauty (the AONB).
9. Core Policy 44: Landscape (Policy CP44) of the VWHL P1 is the Council's landscape protection policy for the district. It states:
- 'The key features that contribute to the nature and quality of the Vale of White Horse District's landscape will be protected from harmful development and where possible enhanced, in particular:
- i. features such as trees, hedgerows, woodland, field boundaries, watercourses and water bodies

¹ ID 06

- ii. important landscape settings of settlements
 - iii. topographical features
 - iv. areas or features of cultural and historic value
 - v. important views and visually sensitive skylines, and
 - vi. tranquillity and the need to protect against intrusion from light pollution, noise, and motion.'
10. With regard to the AONB, the policy states that 'High priority will be given to conservation and enhancement of the natural beauty of the North Wessex Downs AONB and planning decisions will have regard to its setting'.
11. The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024 (AONBMP) is also of relevance. Of particular relevance to this appeal are its landscape policies and development policies. These include, but are not limited to the following:
- LA 03 - Use the North Wessex Downs Integrated Landscape Character Assessment to inform policy and decision making across the AONB and its setting.
 - LA 06 - Ensure that all development in or affecting the setting of the AONB conserves and enhances the character, qualities and heritage of the North Wessex Downs landscape.
 - DE 01 - Encourage all proposals for new development, redevelopment and re-use to conserve and enhance the natural beauty of the North Wessex Downs. Oppose forms of development that fail to conserve and enhance the character and quality of the AONB and its setting and to make reference to the AONB's published guidance.
 - DE 02 - Encourage high standards of design, comprehensive landscaping where required, traditional building styles, energy conservation and innovation that respect historic settlement patterns and the distinctive character of the North Wessex Downs.
 - DE 08 - Avoid and reduce light pollution, including control of lighting schemes or other developments that threaten the integrity of dark night skies over the North Wessex Downs.
12. Paragraph 172 of the National Planning Policy Framework (the Framework) informs that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. It states that 'the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest'. The Framework provides a list of matters that should be assessed when determining applications for proposed development within an AONB.
13. Guidance is also provided in the Planning Practice Guidance (PPG) on the Natural Environment. At paragraph 039 it confirms the duty when exercising any function in relation to land in an AONB, regard shall be had to their purposes for which these areas are designated. It also provides advice at

paragraph 041 on how development in an AONB should be approached. It reinforces the Framework and states that this 'makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty'. Finally, advice is provided on the Government web site entitled 'Areas of outstanding natural beauty (AONBs): designation and management'.

14. In addition to the above, the Council suggest that the development in this case is 'major development' for the purposes of paragraph 172 of the Framework. The Framework does not provide a definition of what constitutes major development in the context of paragraph 172. Footnote 55 provides some assistance and confirms that 'whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'. In view of this, I have firstly considered the effect of the development on the AONB before determining whether or not the development would be regarded as major development where only exceptional circumstances would allow permission to be granted for it.

- *Landscape Effects*

15. The AONBMP identifies the purpose for which the AONB has been designated. This is also set out in the SOCG. At page 10 of the AONBMP it describes the AONB as 'vast, dramatic, undeveloped and distinct chalk downlands with nationally significant areas of semi-natural chalk grassland, contrasting with well-wooded plateaux, arable lands and intimate and secluded valleys, all rich in wildlife and cultural heritage'. It confirms that the AONB is 'a high quality landscape of national and international significance'.
16. The landscape witnesses for both parties identify the various layers of assessment that have been undertaken, ranging from the national landscape character areas to the local level assessments. Although not provided, both parties refer to the North Wessex Downs Area of Outstanding Natural Beauty Landscape Character Assessment (2002), within which they say the appeal site is located in character area 5: Downs Plain and Scarp, and within sub area 5C: Hendred Plain. They list some of the key characteristics of the Hendred Plain sub-character area, which are identified as including a generally level surface which dips gently to the north; largely under arable cultivation within large regular Parliamentary enclosure fields with insignificant boundary features; a settled landscape with many springline villages; and overall, a quiet rural character.
17. In its evidence the Council has also included extracts of the most local level of the published landscape assessments, referred to as the Vale of White Horse Landscape Character Assessment published 2017. The Council suggest that this was prepared to support Policy CP44 of the VWHL P1 and to inform the VWHL P2. This assessment identifies the appeal site as being within the FS8 South Harwell Downs Footslopes character area and the extract of the assessment provided by the Council includes a plan² showing the boundary of the FS8 character area. The appeal site is in the southernmost part of this area. The area is bound to the east by the A34 and to the west by the Harwell Campus. It also extends as far north as the settlement of Harwell.

² Appendix 6 (Page 44) of Avril Williams proof of evidence.

18. The assessment identifies a list of the key characteristics of South Harwell Downs Footslopes. The Council have identified the following from the list:
- The southern portion of the Character Area flattens out at approximately 120m AOD, to form a local plateau to the north of Chilton and Harwell Campus.
 - The Character Area abuts the edges of Harwell, Rowstock and Harwell Campus, forming the gap between the three areas.
 - The area is surrounded by main roads, including the A4185, and the A34 dual carriageway which is partly in cutting. The A34 Chilton junction is located to the south.
 - This is an open, largely undeveloped area which provides a relatively rural setting to Harwell, and has a degree of tranquillity towards its centre. However, surrounding human influences particularly towards the edges of the Character Area, such as the adjacent A34 and Harwell Campus, reduce the sense of remoteness, despite the large scale landscape.
19. Having viewed the site and surrounding area from the vantage points agreed by the parties, I was able to appreciate many of the characteristics of the character area listed in the local assessment.
20. The appeal site itself is a triangular parcel of land located at the Chilton junction off the A34. The site is wholly contained within the road network with the eastern boundary shared with the A34 and defined by a line of mature trees. The western boundary is shared with the north bound slip road from the Chilton junction and the southern boundary is shared with the western part of the Chilton junction. Although void of any buildings, it is suggested that the appeal site was used to store materials and plant during the construction of the slip road. It also contains engineered features, in particular a bank rising up to the southern boundary to meet the Chilton junction.
21. There is a mature tree line along the boundary of the site with the A34 and new tree planting along the highway verge adjacent to the southern and north west boundary of the site. In addition to this I noted a row of mature trees on land opposite the appeal site along the new slip road, as well as an area of mature trees and vegetation within the quadrant of the junction to the south of the site.
22. The original village of Chilton is on the opposite side of the A34 (to the south east), whereas the settlement of Chilton Field and the Chilton Garden Centre is to the south west of the site, accessed off Newbury Road which joins the Chilton junction. The garden centre buildings are separated from the appeal site by part of the Chilton junction. Harwell Campus is the vast science, technology and innovation park further along Newbury Road and to the west of the appeal site. The area to the north of the appeal site, towards the settlement of Harwell, is characterised by large, mostly level and undeveloped field parcels. These are for the most part bound by hedgerow and intersected with unmade tracks and footpaths.
23. The Council describe the appeal site as agricultural land, which is part of the open countryside. However, the appellants suggest that the site is entirely contained by the road network and that it is disconnect from any former agricultural land use. Whilst I acknowledge the open agricultural land to the

north of the site, the construction of the north bound slip road has had the effect of severing the appeal site from this land. As a field parcel, the size of the site and its containment within the road network does not reflect the vast open parcels that characterise the agricultural land within the vicinity of the site. Although void of any built development and occupied by shrubs and vegetation, the engineered bund at the south of the site serves to visually connect the land to the road network and the junction; the site does not function or appear as part of the open countryside to the north.

24. Having regard to the above, I find that the site fits within the description of the edge of the South Harwell Downs Footslopes Character Area, in that it is within the area affected by human influences, being adjacent to the A34, and does not possess a sense of remoteness, as would other areas of the AONB.
25. Notwithstanding the above, whilst the land is viewed as part of the Chilton junction, it is nevertheless undeveloped and contains a degree of landscaping. In view of this, the site provides visual relief amongst the engineered features of the A34 and the road network at this junction. Indeed, the site is dominated by the mature tree line along the boundary shared with the A34. In its current form the site assists in softening the appearance of this junction within the wider AONB. Whilst the site does not contribute to the 'large scale landscape' of the South Harwell Downs Footslopes Character Area, it makes a limited contribution to the AONB in its function as an undeveloped part of the Chilton junction.
26. Having regard to the above, I consider the landscape value of the site to be low. Furthermore, having regard to the immediate setting of the site, its functional relationship with the junction and its topography resulting from this relationship, I consider its landscape sensitivity to also be low.
27. The proposed scheme would introduce two new buildings, a petrol filling station canopy, associated parking, lighting and internal road within the site. I acknowledge that this development would take place on a site that is currently void of buildings or hard surfacing. However, I cannot disregard its immediate setting or that the development would be entirely contained within the road network and junction interchange that itself contains hard surfacing, level changes, lighting, engineering features and, of course, the bridge over the A34 itself. In this regard the scheme would not result in the encroachment of built form into the wider undeveloped landscape.
28. Notwithstanding the above, by introducing built development onto the site, the scheme would compromise the visual relief provided by the site amongst the Chilton junction. However, in doing so I note that the height of the development is comparable with that of buildings at the nearby garden centre and that the development would similarly be set at the lowest level of the site, with the slab level below the level of the roundabout at the site's entrance. The buildings would be dominated by the existing tree lined boundary with the A34 and I note the substantial, albeit fairly immature landscaping at the roundabout and along the slip road. This would be further enhanced with the landscaping proposed in the site.
29. The development would also result in vehicle movements in and around the site where currently there are none. This activity would, however, be confined to within the site and the surrounding highway network, and would not result in activity into the surrounding high value landscape.

30. Whilst the magnitude of change to the site's character would be high, as I have found the sensitivity of the site to be low, I agree with the appellants with regard to the significance of the effect of the development on the site³. Furthermore, I acknowledge that the countryside to the north of the site has a high landscape value. However, as I have found the site to be divorced from this open countryside and more associated in its character with the Chilton junction, I cannot agree with the Council with regard to the effect of the development on the surrounding countryside and the landscape character area⁴.
31. With regard to the effect of the development on the wider landscape, I have found the site to be associated in character to the junction, contained within the road network and within the area of the South Harwell Downs Footslopes Character Area that is most affected by human influences. Accordingly, the magnitude of change when considered in the context of the wider landscape would be low to negligible, with the significance of the effect on the character area and the AONB similarly being low to negligible.
- *Visual Effects*
32. I was provided with an agreed set of viewpoints⁵ from where the parties considered the visual effects of the development. This included night time viewpoints. Whilst the parties generally agreed the sensitivity of the views, which ranged from the road users on the A4185 to walkers on public rights of way in the vicinity, there was disagreement with regard to the magnitude of the impact of the development (MOI) from these viewpoints as well as the subsequent significance of the effect of the development (SOE).
33. I viewed the site from all viewpoints agreed by the parties. Those closest to the appeal site⁶ were from a point elevated above the majority of the site and, therefore, the hard surfacing and slab level of the proposed buildings. As such, whilst the development would be most visible from here, the MOI would be medium at most. However, the SOE would only be moderate as the sensitivity of those viewing the site from these viewpoints would be medium, being either drivers, or pedestrians walking on the footway adjacent to the site. I cannot agree with the Council that the sensitivity of these pedestrians walking on a footway adjacent to the Chilton junction is likely to be comparable to recreational walkers on the nearby public footpath network.
34. I note the appellants visual representation of the site at years 1 and 15, from the closest viewpoint A. Whilst I acknowledge the Council's concerns with regard to the accuracy of the illustrated tree planting, the appellants acknowledge that the tree planting is not intended to completely screen the development. From this view I note that the buildings would sit entirely below the mature tree line along the eastern boundary of the site. As such, both existing and proposed tree planting would dominate the site.
35. Viewpoint 4 was close to the junction of Newbury Road with the A4185. From here it was only possible to see the site access and the tree line within the site along the A34 boundary. The level of the roundabout at the site entrance together with existing and proposed landscaping would make it difficult to view

³ Paragraph 5.8 of the Aspect Landscape Planning - Landscape & Visual Impact Assessment November 2018.

⁴ Paragraph 8.3.4 of Avril Williams Proof of Evidence.

⁵ ID 06.

⁶ View points 1, 2 and A.

the majority of built development from this point. As such, I agree with the appellants' assessment of the MOI and SOE from here.

36. As I note above, there is a row of mature trees opposite the appeal site, along part of the new slip road. These partly obscure views of the site from viewpoint 5 so that only the southern part of the site is visible. Accordingly, from here it is likely that only the drive-through building would be visible as the petrol filling station and canopy are likely to be obscured by the tree line. Having regard to the sensitivity of motorists on the A4185, again I agree with the appellants with regard to the MOI and SOE from here.
37. As for views from the footpath network to the north of the site, the majority of views towards the site from Icknield Way were obscured by the hedgerow adjacent to this footpath. Where there were gaps in the hedgerow, views of the site were further obscured by other mature vegetation. For example, from viewpoint B the view was obscured partly by the tree line along the new north bound slip road and partly by the coppice of trees adjacent to the A4185, opposite Harwell Campus. The row of trees and the mature landscaping along the A34 itself obscured views of the site from viewpoints 6, 7 and 8 and the band of trees running north to south in the large field parcel to the north of the site obscured views between viewpoints B and 6. Where it was possible to see a part of the site, I could only appreciate it within the context of the A34 and the Chilton junction. From these viewpoints I was also acutely aware of the expanse of development contained within the Harwell Campus.
38. Whilst I acknowledge that the sensitivity of the views from the footpath network is very high, walkers are likely to only catch glimpses of the proposed built development as a result of the existing intervening vegetation and that proposed as part of the scheme. The development would be viewed within the context of the Chilton junction and within the wider context, which includes Harwell Campus. For these reasons the MOI would be negligible with the SOE being moderate, rather than major as suggested by the Council.
39. Although elevated, views from viewpoints C and 9 are again limited as a result of the Chilton Junction itself and extensive vegetation on the quadrant of the junction on the opposite side of the A34. Similarly, the site itself was not entirely visible from the Ridgeway public footpath and the Ridgeway car park. This is due to the bank of trees to the south of the site, as noted earlier. It is unlikely that the development would be discernible from these vantage points. Accordingly I find the appellants' assessment of the MOI and SOE to be accurate in this regard.

- Summary on Landscape and Visual Effects

40. The site is contained within the road network associated with the Chilton junction. Its character is associated with the junction rather than part of the wider open countryside to the north. As such, the effect of the development on the wider landscape would be limited. It is only when considered in its localised setting that the development would result in a moderate effect on landscape character, bringing development onto a site where currently there is none. However, having regard to the site's character and association with the junction, the resultant harm caused to the landscape character would be limited.

41. Similarly, only in local views of the site would the development be most visible. However, having regard to the sensitivity of those viewing the site at close range, I have found the SOI to be moderate. Views of the site from further afield are limited, in particular from viewpoints with a high degree of sensitivity. For these reasons, the harm caused with regard to the visual effect would also be limited.

- Effect on the AONB

42. An AONB is designated 'for the purpose of conserving and enhancing the natural beauty of the area'⁷. The Council have highlighted certain characteristics identified in the AONB Landscape Character Assessment and in the assessments of the Hendred Plain Character Area and South Harwell Downs Footslopes Character Area⁸, which it suggests provide the building block of the landscape within the AONB. The Council suggests that the development would conflict with these characteristics. Having regard to these, the site itself does not possess natural beauty and whilst it is undeveloped, I have found that it makes a limited contribution to the purpose of the AONB designation. As the site is divorced from the high value landscape to the north of the site and is more associated in character to the junction, I cannot agree that the development would decrease rural character and tranquillity; increase a form of development and associated materials that are not found in the character area; and introduce sporadic development to the character area.
43. The development would increase built form where currently there is none and would increase human influences on the edge of the South Harwell Downs Footslopes Character Area. However, it is likely that these effects would only be appreciated from local viewpoints.
44. With regard to the effect of the development on the dark skies of the AONB, I was able to view the site at night from the viewpoints agreed by the parties. When looking towards the site at each viewpoint, either lighting on the road network, vehicle lights or the spotlight at the adjoining garden centre were particularly prominent. Whilst I acknowledge that the site does not currently contain a source of light, its immediate setting cannot be regarded as tranquil at night, particularly in view of the vehicle movements and vehicle lights around the site. Indeed, the appellants have referred to the England's Light Pollution and Dark Skies document⁹, which shows the dark skies as being located further to the south of the site, within the less developed areas of the AONB.
45. The development would introduce additional sources of light from the new buildings and from the parking and internal road. However, when this is considered in the existing context, as described above, I agree with the appellants, that the development would have a limited impact on the dark skies and the tranquillity of the wider AONB setting.
46. All things considered, whilst I have identified limited harm with regard to the landscape and visual effects of the development, I cannot conclude that the development would conflict with the purpose for which the AONB was designated.

⁷ Section 82 (1) of the Countryside and Rights of Way Act 2000.

⁸ Paragraph 11.4.4 of Avril Williams proof of evidence.

⁹ Extract provided at appendix 4 of Ben Wright's proof of evidence.

- Major Development

47. As noted above, footnote 55 of the Framework explains that whether a proposal is major development is a matter for the decision-maker, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
48. I have concluded that the development would not have a significant adverse effect on the purposes for which the area has been designated. Its scale and setting are such that it would have a limited adverse effect, but only in the local context and with regard to its role as providing a visual break within the built form of the junction. As the development would provide a road site services on the major A34 route adjacent to the existing settlement of Chilton, the nature of the proposal would be in keeping with its context. For these reasons I conclude that the scheme would not amount to major development referred to within the context of paragraph 172 of the Framework. Accordingly, the requirements regard to exceptional circumstances in this case are not engaged.

- Overall AONB Conclusions

49. I have concluded that the proposal is not major development within the AONB and that it would not conflict with the purposes for which the AONB was designated. As such, the effect of the development on the AONB and its statutory purpose of conserving and enhancing the natural beauty of the area within its boundary is acceptable. For this reason the development would not conflict with the Framework.
50. I have, however, identified limited harm with regard to the landscape and visual effects of the development. Earlier in this decision I note that the most relevant part of Policy CP44 of the VWHLP is to protect the key features of the Vale of White Horse District's landscape from harmful development. Indeed the policy lists certain key features of the landscape. I have had regard to these, the character of the site and its contribution to the local landscape character and wider AONB. Whilst I have found limited harm in this case, I conclude that the development would not conflict with the purpose of the policy to protect key features that contribute to the nature and quality of the District's landscape.
51. Finally, in view of the conclusions above, the development would not conflict with the AONBMP, in particular those policies identified earlier in this decision.

Location

52. The appeal site is a triangular parcel of land located at the Chilton junction off the A34 trunk road. The appellants describe the appeal site as being wholly within an existing grade separated road junction of the A34. In this regard I note that the site is bound on one side by a new slip road onto the A34 and on the other by the A34 itself. The site is accessed from a roundabout that links both the on and off slip road for north bound traffic on the A34. The A34 is recognised as a nationally important strategic route. The Council also consider it a vital part of the local road network.

53. The scheme proposes the provision of a roadside service area (RSA) comprising a petrol filling station, a convenience store, a drive through restaurant, charging points electric vehicles, and associated parking and service areas.
54. The supporting text of Development Policy 19: Lorries and Roadside Services (Policy DP19) of the VWHL P2 states that the A34 is one of the two main routes in the district where roadside service improvements will generally be supported. The policy itself identifies three sites where additional service facilities will be permitted, one of these is on the A34 at the Milton interchange. Whilst the list does not include the appeal site or any land at the Chilton junction, it is common ground that the development proposed would be a service facility, as described in the policy.
55. Policy DP19 does not prohibit the provision of other RSAs along the A34. It states that:
- ‘In line with Core Policy 34: A34 Strategy, the Council will continue to work with Highways England, the County Council and others on assessment of proposals for any new lorry and/or RSAs along the A34 and A420 in the Vale of White Horse where these are seen as required as part of the on-going development of the Route Based Strategy and/or other highway safety reviews’.
56. The supporting text of Core Policy 34: A34 Strategy of the VWHL P1 recognises the importance of the A34 as a strategic route and highlights the need for the route based strategy to overcome such issues as congestion on this route. The policy itself includes the Council’s commitment to working with its partners to develop and implement the strategy.
57. A route based strategy has been published. The Highways England Solent to Midlands Route Strategy dated March 2017 (SMRS) identifies congestion as the largest problem on the Solent to Midlands route with 46% of users experiencing problems using the route with congestion and busy roads/high volume of traffic being cited as the two main causes¹⁰. The SMRS states that the number of road merges along the route contribute to capacity issues and it identifies fatal accidents at the M40 junction 9, and the A4185 Chilton Junction and the A34¹¹. The lack of HGV parking is also identified as a problem along the route¹².
58. The SMRS does not, however, identify a particular need for service areas for the general road user along the A34. Whilst this is acknowledged by the appellants, it is suggested that it is not the purpose of the SMRS to establish whether there is a highway safety need for a new RSA. The appellants point to annex B of Circular 02/2013¹³. Paragraph B1 identifies the purpose of annex B, which is to set out policy on the provision, standards and eligibility for signing of roadside facilities on the strategic road network. The appellants refer to paragraph B9 which states that ‘it is for the private sector to promote and operate service areas that meet the needs of the travelling public’. They also refer to paragraph B8 which states that decision makers should not ‘seek to

¹⁰ Table 1.1 and page 3 of the SMRS – CD27.

¹¹ Page 9 of the SMRS – CD27.

¹² Page 9 and 12 of the SMRS – CD27.

¹³ Department for Transport Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable development.

prevent competition between operators; rather they should determine applications on their specific planning merits’.

59. Whilst I note the above, Circular 02/2013 recognises the need to consider proposals for RSAs in the context of planning policy and it refers to the Framework in this regard. The planning policy in this case includes Policy DP19 of the VWHLP P2. This is a permissive policy that recognises the importance of RSAs for the reasons set out in both Circular 02/2013 and footnote 42 of the Framework, which informs that the primary function of roadside services should be to support the safety and welfare of the road user. The Policy not only allocates land for the provision of RSAs, it also sets out the circumstances within which other new RSAs will be permitted. The supporting text confirms that, in addition to the need to ‘guard against the unnecessary proliferation of sites’, there is also a ‘need to ensure that high standards of provision can be achieved on existing sites before looking to new sites’.
60. The local plan and policy have been adopted since the determination of the application and, as such, have recently been taken through the examination process. I have been provided with an extract of the report on the examination of the VWHLP P2¹⁴ in which the Inspector considered whether the development management policies, including Policy DP19, are positively prepared, justified, effective and consistent with national policy. The Inspector did not raise any issues with Policy DP19 in this regard and, as such, the control this policy places on the provision of RSAs is sound. Accordingly, whilst I note the appellants’ reference to paragraph B8 and B9 of Circular 02/2013, I have no reason to conclude that the control imposed by Policy DP19 should not be applied in this case.
61. Furthermore, the Council’s evidence at the Inquiry is that the proposal to extend the RSA at Milton is advanced, with outline permission having been granted for the scheme and permission granted for the detailed reserved matters application, subject to the necessary legal agreement. On this basis I cannot regard to the policy as failing to deliver the intended development.
62. Notwithstanding the above, the appellants suggest that the evidence of its highway engineer is a form of a highway safety review referred to in Policy DP19. It is suggested that, as the evidence concludes that there is a need for additional RSA provision along the route of the A34 and in the vicinity of the appeal site, the scheme proposed in this case is in compliance with the policy.
63. With regard to the provision of new RSAs, in addition to those allocated, the policy states that the Council will assess such proposals (working with Highways England, the County Council and others) where these are seen as required as part of the on-going development of the Route Based Strategy and/or other highway safety reviews. The supporting text of the policy provides some explanation of what is meant by a highway safety review. At paragraph 3.129 it states that ‘central government has identified concerns over safety in relation to the A34, and in line with Core Policy 34: A34 Strategy, the district will continue to work with Highways England, the County Council and others on exploring and reviewing route improvements on this road’. This explains that the exploration and review of route improvements to the A35 is a task to be achieved in collaboration with Highways England, the County Council and others.

¹⁴ CD 29.

64. The SMRS was published by Highways England following the adoption of Policy DP19. At page 2 it explains that its purpose is to 'provide a high level view of the current performance of the SRN [strategic road network] as well as issues perceived by our stakeholders that affect the network'. The SMRS was produced following stakeholder engagement, as set out on page 3 of the document. This is, therefore, the sort of review or route based strategy that is envisaged by the Policy. In contrast to this, the evidence of the appellants' highway engineer was prepared in support of the appeal. Whilst it refers to detailed transport evidence that was considered by Highways England and the County Council, it was not prepared in collaboration with these bodies. I do not disregard the evidence, but I cannot conclude that it is a highway safety review of the sort referred to in the Policy.
65. The Council have identified a site within Policy DP19 for the provision of an RSA on the A34, which is considered by the Council and, of course, the VWHLP P2 examining Inspector to be an appropriate location for its provision. This allocation forms part of the Council's overall strategy for the location of development within the district. Indeed, the supporting text of Policy DP19 confirms that an objective to be achieved through the Policy is to ensure that high standards of provision can be achieved on existing sites before looking to new sites, as noted above. The development subject of this appeal would not be permitted by Policy DP19, it would conflict with one of the objectives to be achieved through the Policy, and it would not accord with the Council's strategy for the location of development. If I were to allow the appeal despite the conflict with policy, this would result in harm to the Council's strategy. That the development would not result in the proliferation of new RSAs along the A34 does not change this conclusion.
66. Having regard to all of the above, I conclude that the location of the development would be unacceptable and would not accord with Policy DP19 of the VWHLP P2.

Other Matters

67. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. Whilst I have found that the development would not cause harm to the purpose for which the AONB is designated, I have found harm with regard to the effect of the development on the Council's strategy for the location of new development. In doing so I have found that the development fails to accord with the development plan. It is, therefore, necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. The need for the development is one such consideration that is promoted by the appellants. I have also considered other factors that are suggested to weigh in favour of the development.

Need

- *Spacing of RSAs along the A34*

68. With regard to the distances between signed services, paragraphs B5 and B6 of Circular 02/2013 are relevant, as follows:

'B5. The network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. However the timing is not prescriptive as at peak hours, on congested parts of the network, travel between service areas may take longer.

B6. The Highways Agency therefore recommends that the maximum distance between motorway service areas should be no more than 28 miles. The distance between services can be shorter, but to protect the safety and operation of the network, the access/egress arrangements of facilities must comply with the requirements of the Design Manual for Roads and Bridges including its provisions in respect of junction separation.'

69. The SOCG provides a map¹⁵ showing the location of signed services along the A34 in the vicinity of the appeal site and the distance between each. It is common ground that the distances between signed service areas on the A34 do not exceed the maximum distance indicated. However, the appellants have pointed to the issue of congestion along the A34, as identified in the Highways England Solent to Midlands Route Strategy March 2017. It is suggested that the second sentence of paragraph B5 of the Circular is relevant to the prevalence of congestion along the section of the A34 between the M4 and Oxford¹⁶.

70. I acknowledge that Circular 02/2013 does not set minimum distances, save for the need to ensure that access and egress to an RSA is safe. However, the appellants have not suggested what the separation distances should be along the stretch of the A34 in question, taking into account congestion along the route. Notwithstanding this, I note that none of the distances separating the RSA's between Tot Hill and Family Farm come close to the 28 mile separation distance suggested in Circular 02/2013. All are close to or less than half the recommended distance. I am also mindful of the advice in paragraph B8 of Circular 02/2013 which states that 'in determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons'. I have no reason to conclude that the spacing between the RSAs along the identified stretch of the A34 is such that there is a need for the proposed RSA at the appeal site in the interests of highway safety.

- *Function and Performance of Existing RSAs*

71. The appellants have suggested that some of the existing RSA provision along the A34 in the vicinity of the appeal site is not performing the primary function set out in footnote 42 of the Framework (to support the safety and welfare of the road user) and that there is need for the RSA at the appeal site to accommodate the under-performing RSAs. Taking this into account, it is

¹⁵ Drawing number 174799-01 attached to the SOCG.

¹⁶ Page 23 of the Highways England Solent to Midlands Route Strategy March 2017.

suggested that there is a need for the development proposed having regard to the advice in Circular 02/2013 on spacing, which they say is a permissive approach to new provision.

72. The appellants have considered the existing provision, assessing the current levels of use by motorists on the A34 and the limitations of these 24 hour RSA facilities. The evidence does not identify any concern with regard to the levels of use at Tot Hill and Chieveley to the south of the appeal site, or Family Farm to the North. It is suggested that both Pear Tree and Milton (both to the north of the site) are the RSAs that are not performing. These conclusions come from the ANPR surveys that were undertaken and provided with the appellants' evidence¹⁷.
73. Surveys undertaken on two separate days of the inbound and outbound traffic to the RSAs identified on the plan number 17479-01¹⁸ indicate that Chieveley, Milton and Tot Hill receive the most traffic¹⁹. The appellants have also provided turning proportions for Tot Hill, Milton, Pear Tree and Chieveley RSAs²⁰. These compare local highway traffic with A34 traffic to and from these RSAs. The results show that there is a greater proportion of local highway traffic to and from the RSAs at Milton and Pear Tree when compared with the RSAs at Tot Hill and Chieveley. The popularity of Chieveley and Tot Hill, as well as family farm, over Milton and Pear Tree is also demonstrated in the tables showing the turn-in rates of A34 traffic²¹.
74. The appellants suggest the reasons for this are, in short, that the routes to the Peartree and Milton RSAs from the A34 involve navigating convoluted road junctions (particularly if accessing these RSAs while travelling north along the A34), and that these junctions are regularly congested. It is suggested that these RSAs have become destinations in their own rights. For these reasons, the appellants say that the RSAs at Milton and Pear Tree do not fulfil the needs of the travelling public on the A34.
75. Whilst the Council did not dispute that the Milton and Pear Tree junctions are at times congested, to my mind the survey results do not entirely support the appellants' suggestion that congestion may be a cause for a lower percentage of use by A34 motorists. All of the tables include the results of one hour surveys taken during the morning and afternoon peak periods²² as well as a 12 hour survey, which would include periods when congestion is less likely to have occurred. If congestion were a factor in influencing A34 motorists' use of the Pear Tree and Milton RSAs, I would have expected to see the proportion of use of these RSAs by in bound and out bound A34 motorists to be less during the rush hour period than is the case over the whole 12 hour period surveyed. If the appellants were correct, the proportion of use of these RSAs by inbound and out bound A34 motorists would have been higher during non-peak periods, and would, therefore, have increased the overall proportion of inbound and out bound A34 motorists over the 12 hour period. However, the proportion over the 12 hour period for use by inbound and out bound A34 motorists is broadly similar to, and occasionally below, the percentages given for the one hour peak periods on the same day.

¹⁷ Appendix 4 of Simon Tucker's Proof of Evidence.

¹⁸ Attached to the SOCG.

¹⁹ Results of the survey are shown on table 1 and 2 of Appendix 4 of Simon Tucker's Proof of Evidence.

²⁰ Appendix 4 of Simon Tucker's Proof of Evidence – Tables 3 to 10.

²¹ Appendix 4 of Simon Tucker's Proof of Evidence – Tables 11 to 12.

²² Paragraph 4.1.8 of Appendix 4 of Simon Tucker's Proof of Evidence.

76. In addition, the appellants acknowledge that the junctions at Pear Tree and Milton are not unique amongst those surveyed in being off-line RSAs. In particular, I note that both inbound and outbound motorists travelling north on the A34 have to negotiate a series of roundabouts and the A34/M4 junction to use the RSA at Chieveley.
77. The appellants point to the lack of northbound services for nearly 50km along the stretch of the A34 in question and that the appeal proposal would serve northbound travellers. It was, however, clarified during the inquiry that, despite the RSAs at Pear Tree, Milton and Chieveley being located on the southbound side of the A34, they are signposted and can be accessed by motorists travelling north.
78. The Council suggest that there might be other reasons to explain the survey results and that no evidence of the factors that influence the choice of A34 motorists has been provided. Whilst I do not discount congestion and ease of access as factors that might influence A34 motorists' choice of where to stop, I am not persuaded that these provide the only explanation for the survey results. Indeed, when visiting the Milton RSA, I noted the lack of parking for customers using the facilities at the petrol filling station store, which includes the w.c.
79. As I note earlier in this decision, the proposals to extend the RSA at Milton in accordance with the Policy DP19 allocation are advanced. I note the appellants suggest that access to the extended RSA is still convoluted and that for this reason A34 motorists would be discouraged from using it. However, greater parking provision and variety of offer that is likely to result from the extended RSA might well have the opposite effect. There is, therefore, a degree of uncertainty with regard to the effect of the extended RSA at Milton on the turn-in rates for A34 motorists.
80. Notwithstanding the above, I cannot ignore that motorists on the A34 are using the existing RSAs at Pear Tree and Milton in significant numbers. For example, taking the survey results for Saturday 18th January, at the Pear Tree RSA 55% of inbound motorists were from the A34 and 36% of outbound motorists headed to the A34. At the Milton RSA the figures were 23% and 53% respectively, although I note that there may have been some error in the inbound figures presented as the A34 motorists together with the motorists from the local highway network only add up to some 89%. Nevertheless, the results show that the RSA is still providing a service to A34 motorists. I cannot, therefore, conclude that Milton and Pear Tree do not fulfil the function of an RSA. For this reason I have not disregarded them from the RSA provision along the identified stretch of the A34 in reaching my decision.
- *Accidents and Fatigue*
81. In support of their case regarding the need for the development, the appellants have referred to the Department for Transport Report on the Effectiveness of Motorway Service Areas in Reducing Fatigue-related and other Accidents, April 2006²³. The study concludes that motorway service areas (MSAs) reduce sleep-related crashes by an average of 22% over a 16km distance downstream of an MSA compared with 16km upstream of an MSA. The appellants have

²³ ID 02

submitted collision data from Oxfordshire County Council²⁴ which identifies 14 accidents with a causation factor relating to fatigue on the chosen stretch of the A34 between September 2014 and June 2018. The document identifies that fatigue related collisions accounts for 4.9% of total collisions along the stretch of the A34 in question and that the national average for fatigue related accidents in 2018 for A roads was 2.18%. The appellants suggest that the development would reduce fatigue related accidents on a road where such accidents are higher than average.

82. The data was interrogated during the Inquiry and the Council have suggested that for vehicles travelling towards the appeal site, any accidents that occurred before the site should be discounted as the proposal would not have any influence on them, leaving 8 of the 14 accidents identified. Taking this approach, the Council suggest that a 22% reduction, as identified in the Department for Transport Report referred to above, would mean that the development would reduce the number of fatigue related accidents by 1 or 2 over the 70 month period that was considered in the data provided by Oxfordshire County Council.
83. Whilst I acknowledge the approach to the data taken by the Council, I do not underestimate the benefit of improving the statistics relating to fatigue related accidents on the A34. If the appeal scheme results in only 1 accident being avoided, this would be a benefit of the scheme. However, I am mindful that the appeal site is located between 2 existing RSAs that are separated by less than half of the maximum distance recommended in Circular 02/2013. Indeed, the appeal site is within a stretch of the A34 where three RSAs are provided within a distance that is less than the maximum recommended in Circular 02/2013²⁵ and four are provided within a distance that is only some 7 miles longer than the recommended maximum²⁶. I note that all of these RSAs are well sign posted.
84. I acknowledge the appellants case with regard to the accessibility of the Milton and Pear Tree RSAs and the likelihood of motorists choosing these as a place to stop. Nevertheless, these RSAs do provide an opportunity for rest for fatigued motorists on the A34. I cannot, therefore, conclude that there is little appropriate opportunity for fatigued motorists to stop on the A34 in the vicinity of the appeal site.

- *Summary on Need*

85. I acknowledge that congestion on the A34 in the vicinity of the appeal site is identified as a prevailing issue that might only become worse in the future. However, the evidence before me does not clarify what might be an appropriate reduction in the maximum separation distances between RSAs as a result of this issue. Having regard to the distance between RSAs along the identified stretch of the A34, these would still be appropriate in all but one case even if the distance recommended in Circular 02/2013 were halved.

²⁴ ID 14

²⁵ On plan number plan number 17479-01, the distance between Tot Hill and Milton, which also includes Chieveley, is identified as 33 Km (some 20.5 miles), and the distance between Chieveley and Peartree, which also includes Milton, is 43 KM (some 26.7 miles).

²⁶ On plan number plan number 17479-01, the distance between Tot Hill and Pear Tree, which also includes Chieveley and Milton, is identified as 56 Km (some 34.8 miles).

86. Whilst the RSAs at Milton and Pear Tree might not be as popular as a place to stop for A34 motorists when compared to the other RSAs along the identified stretch of the A34, the level of their use by A34 motorists is not insignificant; they still provide the function of an RSA. Furthermore, the level of use by A34 motorists that might result from the proposed and planned for extension to the Milton RSA is yet to be appreciated.
87. Having regard to the above, the effect of congestion on the A34 and the performance of the existing RSAs does not lead me to conclude that there is an overwhelming need for the development proposed. Notwithstanding this, I acknowledge that the proposal is likely to result in an improvement to the numbers of fatigue related accidents in the vicinity of the appeal site. This improvement might well be limited, having regard to the number of existing RSAs within the vicinity of the appeal site that already provide a place for fatigued motorists to stop. As such, I give this benefit of the scheme moderate weight in the planning balance.

Other Benefits

88. The appellants suggest that the appeals proposal would act as if it were an on-line RSA, with motorists only having to negotiate a single roundabout at the top of the slip road off the A35 at Chilton junction. Whilst I note the preference in Circular 02/2013 to on-line provision, I do not regard this as a benefit that adds to the weight in favour of the development over and above that already identified.
89. It is suggested that the development would result in an opportunity to enhance the landscape and visual amenity of the site. I do not, however, consider the site to have an adverse effect on the character and appearance of the area. I have concluded that the site in its current condition makes a contribution, albeit limited, to the AONB as it contains some landscaping and provides a visual break amongst the road network of the Chilton Junction. The proposed development would cause limited localised harm to the surrounding area. This conclusion takes into account the proposed landscaping. The landscaping proposed is not exceptional and only serves to mitigate the effect of the development. For these reasons, I cannot conclude that the development would result in a benefit by reason of landscape and visual amenity improvements.
90. The development is welcomed by some interested parties as it would result in the provision of a convenience store for local residents and workers. With regard to existing local provision, I note that there is an existing store within the Harwell Campus which can be used by the public, although this was closed on my site visit. The Chilton Garden Centre sells a limited range of food and drink, but does have a restaurant. The Shell petrol filling station close to the site was also drawn to my attention, which includes a small convenience store. I walked the suggested pedestrian route to the filling station, which was via an unlit rural public right of way, across an uneven field. I do not consider this easily accessed on foot.
91. Having regard to the above, whilst there is some existing local provision to meet the everyday needs of local residents and workers, this is limited and is not easily accessed by all residents within the settlement of Chilton. I acknowledge that the development would add to the existing provision in a location that is fairly accessible by more sustainable modes of transport.

However, the site is at the junction of a major A road, outside of the two main housing areas of Chilton. Its environment would not be entirely inviting to pedestrians who are elderly, mobility impaired or with young children, particularly at night or in inclement weather. Accordingly, this social benefit of the scheme would attract moderate weight.

92. I acknowledge the provision of between 25 and 35 jobs as an economic benefit of the scheme, particularly as these jobs would be created close to the settlement of Chilton. Similarly, the proposed provision of rapid electric vehicle charging points within the site is an environmental benefit that would assist the Government in meeting its targets to reduce vehicle emissions.

Planning Balance

93. I have not identified harm with regard to the effect of the development on the AONB. Whilst I have identified some harm in terms of the landscape and visual effects of the development, I have concluded that there would not be conflict with the development plan in this regard.
94. I have not concluded that there is an overwhelming need for the development proposed. I have, however, identified above a number of benefits that would result from the development, which add up to considerable weight in favour of the scheme. These weigh against the conflict with the development plan in terms of the location of the proposed scheme and the resultant harm identified with regard to the Council's strategy for the location of such development in its administrative area.
95. The policy that allocates additional RSA facilities along the A34 provides sound reasons for the need to control the location of such development. This includes a need to ensure that high standards of provision can be achieved on existing sites before looking to new sites. The Policy was only recently adopted and the planning application process for the extension of the existing RSA at Milton, as allocated by the Policy, are advanced and near conclusion. For these reasons I have concluded that the Policy is not failing. In view of this, the weight I attribute to the harm identified in this case is not, on balance, outweighed by the benefits of the scheme.

Conclusions

96. The harm found in this case with regard to the location of the development and the effect on the Council's strategy for the location of roadside services such as that proposed would not accord with Policy DP19 of the VWHL P2. I have not been able to identify material considerations of sufficient weight to indicate that the determination of this appeal should be made otherwise than in accordance with the development plan. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Moss

INSPECTOR

APPEARANCES

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INTERESTED PERSONS:

David McFarlane

Observer

Hilary King-Thompson

Observer – the appellant

Gerald King

Observer

Chris Broad

Chilton Parish Council

Adrian Maughan

Observer

Gareth Roberts

Observer

Mark Bayliss

Observer

Tim Foxhall

Observer

Nicola Sanderson

Observer

INQUIRY DOCUMENTS

01. Statement from Councillors Hayleigh Gascoigne and Sarah Medley
02. Department of Transport Road Safety Research Report No. 57: Effectiveness of Motorway Services Areas in Reducing Fatigue-related and other Accidents dated April 2006.
03. A34 Accident analysis data
04. A34 Accident analysis date – Map
05. Appeal decision reference APP/D3830/W/19/3241644
06. Site visit itinerary - plan number 6285/ISR
07. The A34 trunk road (Chilton Interchange) slip roads Orders 2014 -Statement of Reasons for making the Orders
08. Vale of White Horse Local Plan 2011 extract Policy TR10
09. VWHLP P2 extract - Development Policy 21: External Lighting
10. VWHLP P1 extract - Core Policy 37: Design and Local Distinctiveness
11. Plan showing the location of the public right of way to the Shell garage
12. Rebecca Davies email dated 16 March 2020
13. Rebecca Davies email dated 16 September 2020
14. Data on fatigue related collisions on the A34
15. Christian Mauz email dated 18 September 2020
16. VWHLP P1 extract - Core Policy 34: A34 Strategy
17. Appeal Decision reference APP/F1610/W/19/3165805
18. Appeal decision reference APP/K1128/W/16/3156062