

Appeal Decision

Site visit made on 31 August 2016

by G Powys Jones MSc FRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/W0340/W/16/3151250

Manor View, Fannys Lane, Hopgoods Green, Bucklebury, Reading, RG7 6TA

- 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 Mr Alan House against the decision of West Berkshire District Council.
 - The application Ref 16/00123/FULD, dated 12 January 2016, was refused by notice dated 11 March 2016.
 - The proposed development is the use of first floor annex as a separate dwelling.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. Manor View is a detached dwelling set in the hamlet of Hopgoods Green. It has a large formal garden, and on adjoining land, but clearly separated, is the appeal property, which is a relatively modern two-storey outbuilding. Its lawful use, established by a Certificate of Lawfulness in 2012, is use for purposes ancillary to Manor View as a dwellinghouse. It is separately accessed along a short track.
 3. The outbuilding's ground floor is used by the appellant as a workshop and storage in association with his car restoration hobby. The upper floor, which has a separate entrance, has been used for some time as residential living accommodation, purportedly on an ancillary basis to the use of Manor View. However, the Council questioned the ancillary link of the last residents, and although no formal enforcement proceedings were instigated, the appellant decided to pursue an application to create an independent dwelling on the first floor of the outbuilding.
 4. Reference has been made to adopted and emerging development plan policy. The appellant relies in particular on saved policy ENV.19 of the West Berkshire District Local Plan (DLP) and on draft policies C1 & C4 of the emerging Housing Sites Allocation Development Plan Document (DPD). ENV19 and C4 are detailed policies concerned with the conversion of buildings in rural areas.
 5. The appellant says that draft DPD policy C4 reflects the advice provided at paragraph 55 of the National Planning Policy Framework (NPPF) in respect of the re-use of redundant or disused buildings in rural areas. The Council questions the relevance of the policy, an aspect to which I shall return later. The Council made no reference to DLP policy ENV.19.
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6. The public hearings into the DPD's examination have been completed. In response to a query from me in relation to draft DPD policy C4, the Council responded in the following terms:

"There was a very short discussion on this policy at the hearings and the Inspector did not raise any concerns or ask for any additional work to be carried out. We have no reason to suspect that it may be subject to alteration".

7. I consider draft DPD policy C4 to be generally consistent with the NPPF's advice at paragraph 55. Thus, in the context of the NPPF's paragraph 216, in the light of the Council's view of the low likelihood of its modification prior to its adoption and the advanced stage reached in the preparation of the plan, I attach significant weight to the provisions of draft DPD policy C4 as a material consideration.
8. In the context of the NPPF's paragraph 215, I give limited weight to DLP policy ENV.19 on account of its inconsistency with the NPPF's advice at paragraph 55. In this regard, the Framework policy on rural conversions contains limitations to the effect that development would '*re-use redundant or disused buildings and* (my highlighting) *lead to an enhancement to the immediate setting*'. These significant limitations or requirements are absent from DLP policy ENV.19.
9. The appeal property is sited within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Main issue

10. The main issue, having regard to adopted and emerging development plan policy, national policy guidance and other material considerations, is the acceptability of the principle of the proposed development and its sustainability.

Reasons

11. The appeal property is set within the countryside where national and local policies are inimical to development other than in specified or exceptional circumstances. In this regard, the Council in its adopted and emerging development plan policies, is not averse to some rural residential development, including the re-use of buildings in certain circumstances, but new development is largely directed to identified villages and settlements. Hopgoods Green, being a hamlet, is not identified to accommodate further housing development.
12. In the context of the NPPF's paragraph 55, the appellant argues that the property is not isolated largely on account of its proximity to other dwellings in the hamlet, and that it is '*within easy walking and cycling distance of the services and facilities in Upper Bucklebury*'. It seems to me, however, that Fanny's Lane which links the hamlet to the village would prove particularly uninviting particularly during the dark on account of its unlit nature in dense woodland, and that the distance involved would not be conducive to regular walking. Moreover, the village does not possess the full range of essential services to which residents would normally require access. I therefore consider that the property is relatively isolated from essential services and that occupants of the accommodation would be particularly reliant on the motor car.

13. But even in isolated locations, draft DPD policy C4 contains no limitations other than the 6 identified criteria. I consider that the requirements of criteria i), iii), v) & vi) are or could be satisfied. This leaves criteria ii) & iv). These reflect the limitations contained in the NPPF's paragraph 55, particularly in respect of redundancy. But the NPPF contains a sterner test than local draft policy in the sense that not only should the test of redundancy be met, but that the development should also '*...lead to an enhancement to the immediate setting*'.
14. The parties disagree as to whether the building is genuinely redundant. There can be no question, given what I saw, that the ground floor is not redundant. However, the appellant argues that '*in the context of this appeal 'the building' is the first floor only (definition of a building includes part of a building)*'. However, neither local nor national policy firmly indicates that the term should be limited to or defined in the manner set out in the interpretation clause of the *Town & Country Planning Act 1990* (as amended), if that indeed is the source of the appellant's definition. To my mind, the building as a whole is clearly not redundant.
15. Thus the proposal fails the policy test of redundancy. But even if I were to focus my consideration solely on the first floor, the appellant's argument on redundancy is unconvincing. The ancillary link to the main house could involve uses or activities other than living accommodation, such as storage, which are not adequately explored. Indeed the evidence shows that the use of the ground floor has 'overflowed' externally in the recent past. That the appellant decided to sub-divide the building and use the upper floor as living accommodation should not prove conclusive in the application of local and national policy.
16. Whilst the appellant argues that the proposal would cause no harm, national policy calls for enhancement. To my mind the introduction of external amenity facilities to service a permanent residential use would not lead to an enhancement. On the contrary, the introduction of the type of paraphernalia normally associated with domestic accommodation would not lead to an enhancement of the locality. It would tend to visually devalue, and would not be conducive to protecting the natural beauty of this part of the AONB.
17. In terms of the sustainability of the proposal, I consider that the economic benefits cited by the appellant to so slight as to be almost immaterial. There would be some social benefits in that a dwelling would be formed, but there is no convincing evidence that the Council has failed to provide adequate housing opportunities in its area. For the reasons already provided, I do not consider the environmental credentials of the proposal to be particularly good. Taking account of the NPPF's policies as a whole, the proposal does not amount to sustainable development.
18. For the reasons set out above, I conclude that the proposal conflicts with national and emerging local policies directed to the re-use of buildings in rural areas, and that the proposal does not amount to sustainable development in the terms of the NPPF. Accordingly, the appeal shall not succeed.

Other matters

19. I share the appellant's view that sufficient space exists around the building to facilitate adequate parking and that highway safety would not be impaired. The proposal would also have no detrimental impact on the living conditions of

neighbouring residents. The appellant's Council Tax payments are of very limited influence in my consideration of the planning merits of the proposal.

20. I do not disagree with the Council's that amenity problems could possibly arise from a potential conflict between the use of the ground floor and the use of the upper floor as independent residential accommodation. However, insufficient information has been provided as to the intensity of use of the ground floor, the hours of operation or noise levels. Accordingly, it is not possible to arrive at a conclusive judgment on this aspect.
21. The views of local residents and the Parish Council have been taken into account, but no other matter raised in the representations is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR