
Appeal Decision

Hearing held on 21 September 2016

Site visit made on 21 September 2016

by R C Kirby BA (Hons) DipTP MRTPI

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

Decision date: 5 October 2016

Appeal Ref: APP/W0340/W/16/3143521

Land South of Pound Cottage, Cold Ash Hill, Cold Ash, Thatcham, Berkshire RG18 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Guy West, Westbuild Homes Ltd against the decision of West Berkshire Council.
 - The application Ref 15/03244/OUTD, dated 26 November 2015, was refused by notice dated 25 January 2016.
 - The development proposed is erection of 6 no detached bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline and the application form makes it clear that permission is being sought for access at this stage. Although a plan was submitted showing a site layout, it was confirmed at the Hearing that this was for illustrative purposes. It is on this basis that I have considered the appeal proposal.
3. I have taken the name of the cottage in the site address from the appeal form and Council's decision notice, as it more accurately indicates the location of the site than that shown on the application form.
4. The Council's decision notice included 3 reasons for refusal. Following the submission of a Unilateral Undertaking¹ by the appellant, the Council considers that its second reason for refusal in respect of affordable housing provision has been addressed. It has therefore withdrawn its second reason for refusal relating to this matter.
5. The Council's third reason for refusal related to the management of flood risk and the absence of long term maintenance of flood protection/mitigation measures. The appellant submitted an additional statement in respect of flood mitigation on the site after the planning application was determined. Following consideration of this report, the Council has indicated that the information contained therein addressed its concerns. It has therefore also withdrawn its third reason for refusal.

¹ Dated 14 April 2016

Main Issue

6. In light of the above, the main issue in this case is whether new housing in this location would comply with the spatial strategy of the development plan and would represent a sustainable form of development.

Reasons

7. The appeal site is agricultural land located to the east of Cold Ash Hill adjacent the southern settlement boundary of Cold Ash. There is no dispute between the main parties that it is located within the countryside for planning policy purposes. The proposed access to the site would be onto Cold Ash Hill, to the north of an existing field gate.
8. Area Delivery Plan Policy 1 (ADPP1) of the West Berkshire Local Plan, West Berkshire Core Strategy (2006-2026) (CS) sets out the spatial strategy for the area. The policy directs most development to either within or adjacent to the settlements included in the settlement hierarchy (of which Cold Ash is identified as a Service Village). In the open countryside, only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
9. The supporting text to this policy acknowledges at paragraph 4.15 that service villages would benefit from small-scale development, appropriate to the character and function of the village, in order to meet local needs. Such development includes minor development adjacent to the settlement and allocated through a Site Allocations and Delivery Development Plan Document. CS Policy CS 1 has similar objectives stating, amongst other matters, that new homes will primarily be developed on sites within settlement boundaries, and on land allocated for residential development in subsequent Development Plan Documents (DPD).
10. The proposal would be a small-scale development. However, although the appeal site was initially included as suitable for development within the emerging Housing Site Allocations DPD (HSADPD) it was subsequently removed, following concerns relating to landscape impact. Although not yet adopted, the HSADPD is being examined and I was told at the Hearing that the examining Inspector was content with the site allocations in respect of Cold Ash, subject to modifications in respect of one of the sites. On this basis it is reasonable to assume that the appeal site will not be allocated through the HSADPD. On the face of it, the proposal for a market housing development on an unallocated site, adjacent to a settlement boundary would conflict with the objectives of both CS Policies ADPP1 and CS 1.
11. However, whilst both policies seek to direct development to the defined settlements, or on allocated sites, their references to 'most development' in Policy ADPP1 and 'new homes will be primarily developed' in Policy CS 1 invite interpretation. The Council consider that the policies are positively worded. Whilst noting this, neither policy specifically precludes the provision of non allocated market housing within the countryside. I must therefore conclude similarly to my colleagues in appeal decisions² at Firlands Farm and Benhams Farm, that there would be no material conflict with CS Policies ADPP1 and CS 1 insofar as they concern the principle of housing development on the site.

² Refs APP/W0340/A/14/222809, paragraph 15 and APP/W0340/W/15/3051146, paragraphs 18 and 19

12. Although adopted some time ago, Policy HSG.1 of the West Berkshire Local Plan 1991-2006 has been saved. It seeks to direct new housing to the settlement boundaries of West Berkshire, of which Cold Ash is identified. Being located adjacent to the settlement boundary, the proposal would conflict with the spatial strategy of this policy.
13. The Council's decision notice makes reference to emerging Policy C 1 of the HSADPD. This policy applies a presumption in favour of development and redevelopment within the settlement boundaries, including Cold Ash. Outside of the settlement boundaries the policy states that there will be a presumption against new residential development subject to a number of exceptions, including rural exception housing schemes and housing to accommodate a rural worker. The proposal would not comprise any of the exceptions listed and there would therefore be conflict with this policy.
14. The appellant questions whether the Council's policies for the supply of housing are up-to-date as he considers that the Council's trajectory for its supply of deliverable housing sites is optimistic. Reference is made to sites, including Sandford Park where an outline permission has been granted. The appellant submits that this site is unlikely to deliver the published number of houses within the next 5 years given the stage that that scheme is at. The Council accepted at the Hearing that the delivery of housing was reliant on developers, however it remained optimistic that the necessary number of new houses would be delivered within the necessary timescales.
15. Both parties agreed that the objectively assessed need (OAN) for the housing market area was as set out in the Berkshire (including South Bucks) Strategic Housing Market Assessment Final Report (February 2016) (SHMA). On the basis that the OAN was 665 dwellings per annum, the appellant calculated at the Hearing that the Council could provide in the region of 4.9 and 5.1 years supply of housing land. The Council indicated that it could demonstrate around 6 years, however at the time of the Hearing there was no up-to-date housing land supply position published. The submitted figures in respect of the Council's supply of housing land were based on a lower OAN, and given the figures in the SHMA, I am only able to attach limited weight to earlier reports in my overall decision as they are not up-to-date. I therefore find that on the evidence before me, I am unable to conclude one way or another whether the Council's policies for the supply of housing (in this case CS Policies ADPP1 and CS 1, and Local Plan Policy HSG.1) are up-to-date.
16. However, the Framework makes it clear at paragraph 47 the Government's objective to boost significantly the supply of housing. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. This is regardless of the position in respect of the supply of housing land. Sustainable development has three dimensions as set out in paragraph 7 of the Framework: economic, social and environmental.
17. Both main parties agree that the site occupies a sustainable location on the edge of Cold Ash, although some local residents sought to convince me that it was too distant from the various facilities and services within the village. Although the pavements in the area are narrow and there is no street lighting, there are pedestrian facilities between the appeal site and local services in the village. Whilst located uphill from the site these services are not a significant

distance away from it. As such, the intended future occupiers would have the option to use other modes of transport rather than the private car, including walking or cycling to access them. Although I was told at the Hearing that the local bus services had been reduced, I was not provided with detailed timetables. There are bus stops within the vicinity of the site where the intended future occupiers could catch a bus for longer trips. I therefore agree with the main parties that the appeal site is sustainable in terms of access to local services and facilities. This would support the environmental and social roles of sustainability.

18. The proposal would clearly have economic benefits, including the creation of jobs, some of which would be local given that the appellant is a local developer. The intended future occupiers of the scheme would be likely to support local services and facilities, including the village shop, public house and local schools. The Council would benefit from additional council tax income and the development would generate income through the New Homes Bonus.
19. Further social benefits of the scheme would include the provision of market housing, and the contribution that would be made towards the provision of affordable housing. I have no reason to doubt that the scheme would be of a high quality; however such matters are not before me at this stage.
20. The environmental role of sustainability also includes the protection and enhancement of our natural, built and historic environment. The Council did not include the impact of the proposal on the landscape character of the area within it reason for refusal. However local residents and the Parish Council raised concerns, amongst other matters, about the reduction in the rural gap between Cold Ash and Thatcham, the ribbon nature of the development and the effect of the scheme on the rural landscape.
21. The main parties agree that the appeal site is largely featureless, having been cleared for arable farming. It is located close to, but outside of the boundary of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The settlement boundary to Pound Cottage is well defined by an evergreen tree belt.
22. I observed that the appeal site is a pleasant green space, forming part of the rural, undeveloped setting of the village of Cold Ash on the eastern side of Cold Ash Hill. The character of the eastern side of the road is markedly different to the west side, which is characterised by suburban residential development. Nevertheless, the site and surrounding agricultural land provide a significant and pleasant gap between the built up areas of Cold Ash and Thatcham, contributing to the rural character of the area. The appeal site is materially different in character and appearance to the built up limits of the village. It is visually and physically detached from the settlement, forming part of the series of large fields which sweep up from the road to a wooded ridge.
23. The appellant's Landscape and Visual Assessment (LVA) acknowledges that the appeal site forms a physical and visual link with the surrounding landscape and allows views northwards to The Ridge and AONB. The LVA concludes that the proposal would not have an adverse effect upon the AONB. Whilst local residents and the Parish Council tried to convince me otherwise, given the distance from the AONB, and the limited intervisibility from and to the site, I have no reason to disagree with the appellant's findings in this regard.

24. However, whilst noting that the appellant's LVA considers that the proposal would have a neutral effect on the landscape pattern of the area and that new planting could mitigate the loss of hedgerow and enhance the site's boundaries, I find that the appeal proposal would intrude into this rural area. It would have an urbanising effect which would erode the open undeveloped character of the area and would have a tangible, negative effect on the site's role as a pleasant, undeveloped setting to the village. The proposal would fail to protect and enhance the natural and built environment. This would be in conflict with the character objectives of CS Policy ADPP 1 and the sustainable design objectives of CS Policy CS 14.
25. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Although there would be economic, social and environmental benefits associated with the proposal, as set out above, significant harm would be caused to the character and appearance of the area. The appeal proposal would therefore fail in respect of the environmental role of sustainability. The Framework makes it clear that the three roles of sustainability should not be undertaken in isolation, because they are mutually dependent. Even if I had concluded that the Council's policies for the supply of housing were not up-to-date, this would not make the proposal acceptable. The harm that would be caused to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the scheme.
26. I therefore conclude that in light of the foregoing, the proposal for new residential development adjacent to the settlement boundary of Cold Ash would conflict with the spatial strategy of the development plan as set out in the Local Plan and emerging HSADPD. The proposal would not comprise sustainable development for which the Framework indicates there should be a presumption in favour.
27. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr Guy West	Appellant
Mrs S Dutfield	Turley

FOR THE COUNCIL

Mr D Carnegie	Team Leader West
Mrs C Peddie	Principal Planning Officer Policy
Mrs P Amorelli	Principal Planning Officer Policy
Mr J Bowden	Drainage Officer

INTERESTED PARTIES

Mr B Woodham	Local Resident and Steering Member of Thatcham Flood Forum
Cllr Mr G Simpson	Local Councillor for Cold Ash

DOCUMENTS SUBMITTED AT THE HEARING

1. Copy of Appeal Decision Ref APP/W0340/W/16/3150842
2. Copy of Appendix 6: Settlement Boundary Review Criteria and Maps of Proposed Submission Housing Site Allocations DPD
3. Copy of Kirkham Landscape Planning Ltd/Terra Firma Consultancy Ltd comments in respect of Cold Ash COL011