

Appeal Decision

Site visit made on 4 October 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 24th October 2016

Appeal Ref: APP/W0340/W/16/3150070

Rising Sun Public House, Bath Road, Reading, Berkshire RG7 5RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant hybrid application for full and outline planning permission.
 - The appeal is made by Mr Mark Hopkin against the decision of West Berkshire Council.
 - The application Ref 15/02453/OUTD, dated 27 August 2015, was refused by notice dated 18 November 2015.
 - The development proposed is a hybrid application for full permission for the conversion of the existing public house into a 4 bed residential dwelling and outline permission including details of access and layout for the erection of 6 detached 3 and 4 bed dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal relates to a hybrid planning application for full planning permission for the conversion of the existing vacant public house to a single 4 bedroom residential dwelling and for outline planning permission for the erection of 6 no. detached dwellings. Approval is sought at this stage for the layout and access. Matters relating to scale, appearance and landscaping are reserved for future consideration. I have determined the appeal on the same basis and treated the indicative street scene drawing as intended.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and whether it would represent sustainable development.

Reasons

Character and appearance

4. The appeal site consists of a public house (The Rising Sun), its car park and a paddock area running across the rear. The public house is currently vacant and boarded up, whilst the car park is partly overgrown. The site fronts onto Bath Road (A4).
 5. Although there are exceptions, the predominant and characteristic pattern of residential development along this part of Bath Road is set out in a linear fashion fronting onto the road with large rear gardens. The properties at
-

Railside are an exception in terms of their positioning, but these properties have characteristically long rear gardens and retain a road frontage. I acknowledge that the site neighbours a commercial premises, however, this and other commercial premises in the wider area, do not materially affect the established and distinctive residential character I have described.

6. It has been brought to my attention that since the refusal of the appeal proposal, planning permission has been granted by the Council under reference 16/00170/FULD for a hybrid application for full permission for the conversion of the existing public house into a 4 bed residential dwelling and outline permission for erection of 3 no: detached 4 bed dwellings. This therefore represents a material consideration for this appeal.
7. It is also material that the public house and its car park can be considered as previously developed land. However, although the paddock may have previously been used for a go-kart track, I have no evidence to suggest that this land amounts to previously developed land as envisaged by the National Planning Policy Framework (the Framework).
8. At present, the car park and paddock provide a clear and distinct separation to the residential development to the south west. In doing so it allows views through the majority of the site to the countryside beyond and makes a notable contribution to the present openness and character of the area. Although the proposal would not extend the linear form further along Bath Road, it would nonetheless substantially increase the concentration of development in this location, more so than planning permission reference 16/00170/FULD.
9. I appreciate that Policy CS14 of the West Berkshire Core Strategy (2006-2026) Version for Adoption (CS) states that considerations of design and layout must be informed by the wider context, but in this case the wider locality is open countryside and therefore I consider it appropriate that the development is informed by the context I have described. In this regard, the development would contrast with the predominantly linear pattern of development by introducing a second tier of development positioned at right angles to the road frontage. These dwellings would be clearly visible behind the main building line along Bath Road and would also be readily visible from rear vantage points as an encroachment into the undeveloped paddock area. The positioning of the dwelling at the rear of Sun Garage does not justify this approach.
10. The amount of built form would also appear as an overdevelopment of the site and create a level of urbanisation which would not be appropriate in this rural setting and which would not be materially alleviated by soft planting. Moreover, even if the proposed gardens exceed minimum standards, their relatively small size would not reflect that of the prevailing character of the area.
11. I accept that the dwellings approved to the west of No 1 Sunhill cottages are located in close proximity to each other, nevertheless they do front onto the road and therefore respect the predominant linear pattern of development in the area. A number of the dwellings also achieve characteristic long rear gardens.
12. I have noted the appellant's reference to the planning permission granted at Max's Café in Padworth, but the Council has now accepted by virtue of planning permission 16/00170, a redevelopment of some of the appeal site with new

dwelling which would result in a greater impact in terms of the size and bulk of the buildings and site coverage than the existing development, in conflict with Saved Policy ENV.20(a) of the West Berkshire District Local Plan 1991-2006 (LP). Although this, and a number of inconsistencies with the Framework has limited the weight I have now attached to this policy, the appeal scheme would result in substantially more harm than that approved and would also extend into land which has not been previously developed.

13. I accept that the previous use of the car park, in association with the public house, along with the use of the paddock for a go-kart track, would have had some impact on the character and appearance of the area. However, the scale, intensity and permanence would be substantially less than that currently proposed.
14. I acknowledge that efforts have been made to address the reasons for refusal relating to planning application reference 14/02857 and that the enhancement arising from the conservation of the public house as a non-designated heritage asset weighs in favour of the proposal in accordance with paragraph 17 of the Framework. However, this would still be achieved by the aforementioned approved scheme of enabling development without the associated harm I have found in this case.
15. I therefore conclude on this main issue that the proposal would not contribute positively to local distinctiveness and would be harmful to the character and appearance of area, thereby conflicting with: CS Policies ADP1, ADPP3, ADPP6, CS14 and CS19; Saved LP Policy HSG.1 and West Berkshire Supplementary Planning Document – Quality Design. These require, amongst other matters, that development responds positively to the local context and must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It follows therefore that I also conflict with paragraphs 17, 56 and 58 of the Framework which require high quality design that responds to the character of the area.

Whether the development would represent sustainable development

16. CS Policy ADPP 1 states that most development will be within or adjacent to the settlements included within the settlement hierarchy. The appeal site does not fall within or adjacent to such a settlement. The appeal site is therefore located within the countryside. The nearest settlement is that of Woolhampton, which is identified as a Service Village with a more limited range of services and some limited development potential.
17. The Council asserts that it can demonstrate a five-year supply of deliverable housing sites and the appellant has confirmed that he no longer wishes to contest this position. Consequently there is no reason to treat relevant policies for the supply of housing as out of date.
18. Also, as noted above, I have no evidence to suggest that the paddock area amounts to previously developed land as envisaged by the Framework and at least three of the proposed dwellings would be located within this area. This materially differs from the aforementioned approval in that it is only the garden areas of the three dwellings fronting onto the road which would fall within the paddock area. Accordingly, a substantial part of the site does not benefit from the Framework's support for effective use of previously developed land.

19. The appellant has sought to highlight the presumption in favour of sustainable development as set out in the Framework. In this regard, paragraph 55 advises that to promote sustainable development rural housing should be located where it would enhance or maintain the vitality of rural communities and avoid new isolated homes unless there are special circumstances. Paragraph 7 sets out the economic, social and environmental dimensions of sustainable development.
20. For the reasons explained above, I have found that the proposal would be harmful to the character and appearance of the rural area and as such would not meet the environmental dimension of sustainable development. Although I find that the conservation of the public house as a non-designated heritage asset weighs in favour of the proposal, as noted above, this would still be achieved by the aforementioned approved scheme without the associated harm arising in this case. Any associated environmental benefits in the reduction of vehicular movements compared to the public house use of the site would not outweigh the harm I have found.
21. In terms of the social dimension, it is confirmed in the Case Officer's report for the approved scheme that the Council does not consider that the site is within a sustainable location, despite the appellant's suggestion to the contrary. Whilst there are bus stops in both directions in close proximity to the site, the traffic along this part of Bath Road is fast moving makes it difficult and uncomfortable to cross to the footpath and bus stop on the opposite side of the road. Moreover, the site is not within easy walking distance to any essential services and facilities, being located more than a kilometre from the nearest settlement at Woolhampton. I am not therefore convinced that the proposal would likely contribute to sustainable travel patterns. For these reasons I do not agree that the appeal site can be considered as being located close to existing services and facilities that are normally only found in settlements of some size, as envisaged by Policy HSG.1.
22. Nevertheless, I do acknowledge the likely moderate but positive contribution arising from the occupants of the proposed dwellings to supporting the services and facilities in Woolhampton and the support of Woolhampton Parish Council. Whilst modest, the contribution to housing supply also weighs in favour of the proposal.
23. In terms of the retention of community facilities, I accept that the Council is satisfied that the appeal scheme has demonstrated that the use of the public house is no longer commercially viable and I find that the re-use of this redundant building would fall within the special circumstances as envisaged by paragraph 55 of the Framework for new isolated homes in the countryside.
24. Although the proposal would make a contribution to the economic dimension of sustainability, through the conversion and construction of the dwellings, this would be for a limited time only.
25. Overall therefore, I find that that the proposal would not accord with the principles of sustainable development having regard to the advice at paragraphs 7 and 55 of the Framework and would not accord with CS Policy ADPP1.

Other matters

26. The appellant has highlighted that CS Policy CS6 requires developments to make provision for affordable housing at a rate of 20% on sites between 5 and 9 dwellings. To this end, the appeal is supported by a Unilateral Undertaking (UU). However, Planning Practice Guidance makes clear that there are specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought. This follows the order of the Court of Appeal dated 13 May 2016 which gives legal effect to the policy set out in the Written Ministerial Statement (WMS) of 28 November 2014. These circumstances include that contributions should not be sought from small scale and self build development such as the appeal proposal. I have not therefore taken the UU into account in my decision.

Conclusion

27. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector