
Appeal Decision

Site visit made on 11 October 2016

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 1 November 2016

Appeal Ref: APP/X0360/W/16/3153362

**Land adjacent to Grange Lodge, Cutbush Lane, Shinfield, Berkshire
RG2 9AL**

- 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 Willowdean against the decision of Wokingham Borough Council.
 - The application Ref 16099, dated 14 January 2016, was refused by notice dated 13 May 2016.
 - The development proposed is for a single residential dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for a single residential dwelling at land adjacent to Grange Lodge, Cutbush Lane, Shinfield, Berkshire RG2 9AL in accordance with the terms of the application, Ref 16099, dated 14 January 2016, subject to the conditions in the Schedule below.

Procedural Matter

2. The application is in outline with all matters reserved.

Main Issues

3. The main issues in this case are:
 - (a) Whether the proposed dwelling would be in an acceptable location including its effect on the wider character and appearance of the area
 - (b) Its effect on the setting of the Grade II listed barn adjacent
 - (c) Whether it would be likely to harm significant trees or priority habitats or protected species on or adjacent to the site.

Reasons

Location and Wider Character and Appearance

4. The site lies outside of the defined development limits of Shinfield as set out in the Wokingham Managing Development Delivery Local Plan adopted in 2014 (MDD).
 5. However, it falls within the *South of the M4 Strategic Development Location* (SDL), whose development is set out in a Supplementary Planning Document (SPD) adopted by the Council in October 2011. Although not all the land within this defined SDL is to be developed the Preferred Spatial Framework Plan
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- within the SPD recognises the site and the group of buildings around it as comprising an area of 'existing development'.
6. As a result of the SDL designation the area is undergoing considerable change with a new housing development being constructed to the west of the partly completed Shinfield Eastern Relief Road (ERR), which is designed to ease congestion in the village by diverting traffic to/from the A327 to/from Earley. The SPD also envisages a new neighbourhood centre being built in this area, within 400m of the appeal site, as well as a new science park to the north of the site.
 7. The Council argues that despite these developments the immediate area will remain open and rural in character. This is because the residential development to the west of the ERR will have a wide ecological and landscape buffer to its eastern edge; Cutbush Lane will be severed by the ERR in that the section of it to the west of the ERR will terminate in a turning head, emphasising the line of the ERR as the eastern edge of built development in Shinfield; and that the nearest buildings to the site in the proposed science park will not be visible from it and will be screened by extensive areas of soft landscaping, precisely in order to preserve this open rural character.
 8. The Council also points out that the site lies outside of the new settlement limit as defined in the draft Shinfield Neighbourhood Plan. I attach considerable weight to this document in view of the fact that it has been modified as requested by the independent examiner and the Council has agreed to a referendum date of 8 December 2016.
 9. However, there is no dispute that the site is close to a range of day-to-day facilities in Shinfield. It will be within easy walking distance of the new neighbourhood centre and suitable access for pedestrians and cycles will be maintained across the ERR which now bisects Cutbush Lane.
 10. Although the site is currently greenfield it lies within a small pocket of otherwise built development as indicated in the SPD. Grange Lodge, a large house with several large outbuildings within its grounds, which appears to be used as a conference/wedding venue, lies to the east of the site; Reading University's research facility and a terrace of three cottages to the west, and the converted listed barn and Cutbush House on the opposite side of the road to the north.
 11. The site is generally bounded by hedges of mature vegetation (apart from the gappy hedge onto Cutbush Lane itself) including several large mature trees to the south and east and the proposed development would retain such landscaping, which effectively screens the site from the open countryside to the south and south east. As such it would easily accommodate the proposed dwelling without any effect on the wider surrounding open countryside. Creating an access onto Cutbush Lane would remove some of the gappy hedge to the site's frontage but this would not significantly detract from the area's character because the site is perceived within a group of buildings rather than open countryside.
 12. The Council also argues that the buildings in this enclave of development are generally experienced as part of a larger estate or holding and whilst some have been divided into smaller parcels they are still appreciable as a whole and/or part of a larger complex. However, as described above, this group of

buildings is mixed in character and the insertion of a new dwelling on this site would have little effect on the overall grain of development within it.

13. For these reasons the proposed development would be in a suitable and convenient location and would not harm the wider character and appearance of the area despite its acknowledged siting outside the Shinfield settlement/development boundary.
14. It would therefore maintain the high quality of the environment as required by Policy CP1 of the Core Strategy (CS). Provided the dwelling is no more than two storeys high it would comply with the detailed requirements of CS Policy CP3 and due to its accessibility the site would meet the requirement of Policy CP9. Because the development would not lead to excessive encroachment or expansion of development away from existing buildings it would comply with Policy CP11. Similarly, because the site lies within an area of existing development I consider it would comply with Policy CP19 and the SPD. For all these reasons the proposal would also comply with MDD Policies CCO1 and CCO2.

Setting of Grade II Listed Barn

15. Approximately opposite the site is a sixteenth century timber-framed barn now converted into a dwelling, attached at the rear to Cutbush House, another Grade II listed building. The barn fronts Cutbush Lane, with only a narrow setback from the line of the highway.
16. The Council refused a previous application for two four-bedroom dwellings on the larger triangular piece of land within the appellant's ownership in 2015 but this proposal is now only for the western part of the land such that the new dwelling would not be sited directly opposite the barn.
17. The site is also deep enough to enable the new dwelling to be set back sufficiently from the road to avoid any undue impact on the setting of the listed barn. So whilst the barn's setting relies to some extent on the openness of the appeal site, for the above reasons it would not be seriously affected and the listed building's significance would not be harmed by the proposal provided the dwelling was no more than two storeys high and subject to appropriate layout within the site at reserved matters stage.
18. As such the proposed development would preserve the setting and significance of the listed barn in compliance with the requirements of MDD Policy TB24 and Section 12 of the National Planning Policy Framework (NPPF) and also therefore with CS Policies CP1 and CP3.

Trees, Priority Habitats and Protected Species

19. Layout is a reserved matter. Nonetheless, it is clear from my site visit that the mature trees that warrant retention are located to the southern edge of the site along the boundaries. As set out above, there is plenty of room to locate a dwelling far enough from these trees and also inset from Cutbush Lane in order to avoid adversely impacting the setting of the listed barn. For these reasons the trees that warrant retention are not a constraint to the proposed development.

20. As set out in the ecological walk-over survey submitted by the appellant as part of the appeal documentation¹ the site does not contain any priority habitats nor is it near any. It also indicates that there are no presence of protected species either in or adjoining the site and proposes a series of measures to enhance the ecology of the site. The Council has also indicated in its appeal statement that it is not now pursuing its fifth refusal reason subject to a condition, which I insert below.
21. For these reasons the proposed development would comply with CS Policies CP1, CP3 and CP7 and MDD Policies CC03 and TB23, which together require priority habitats, protected species and trees and hedges to be protected and preserved. For the same reasons it would also comply with Section 11 of the NPPF.

Other Matters

22. The Council considers that it can demonstrate a five year supply of housing land whereas the appellant refers to an appeal decision earlier this year that indicates it cannot. I do not have sufficient information to determine this matter either way. But this is in any case unnecessary because, as set out above, my conclusions on the main issues indicate that the proposed development complies with the development plan and the NPPF and so would comprise sustainable development.

Conditions

23. I have not seen a list of suggested conditions from the Council. But I must by law impose the standard outline conditions. A condition listing the approved plans is necessary to provide certainty. A condition is necessary in order to limit the height of the dwelling to two storeys so it has no adverse impact on the character or appearance of the area and does not harm the setting of the listed barn, as I indicate above. Because layout is a reserved matter a condition is required to ensure that details of tree and hedge protection measures are submitted as part of the reserved matters application prior to commencement. And, as the Council suggests in its appeal statement, a condition is required to ensure an environmental management plan is submitted prior to commencement to ensure that the recommendations of the ecological survey and mitigation document are implemented.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions below.

Nick Fagan

INSPECTOR

¹ Appellant's Appeal Statement Appendix 5 – Letter from AA Environmental Limited dated 17 June 2016

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, 1:500 Block Plan.
- 5) The dwelling hereby approved shall not contain more than two storeys.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) Prior to commencement of development an Environmental Management Plan (EMP) shall be submitted to and approved in writing by the local planning authority. The EMP shall:
 - (a) Provide method statements to avoid or mitigate the risk of the construction process to badgers and reptiles; and
 - (b) Give detail of wildlife enhancements for birds, bats and invertebrates that will be included in the development.

The measures contained within the EMP shall be implemented in accordance with the approved plans.

End of Conditions