The Planning Inspectorate

Appeal Decision

Site visit made on 22 November 2016

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 22 December 2016

Appeal Ref: APP/W0340/W/16/3154466
St Gabriels Farm, Cold Ash Hill, Cold Ash. Thatcham West Berkshire RG18 9PH

- 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 Rivar Ltd against the decision of West Berkshire Council.
- The application Ref 16/00051/FULMAJ, dated 23 December 2015, was refused by notice dated 5 April 2016.
- The development proposed is demolition of existing farm buildings and the erection of 4 new dwellings with garages, landscaping and associated works.

Decision

1. The appeal is dismissed.

Procedural matter

2. The Council has put before me an appeal decision for the erection of 6 detached dwellings on land south of Pound Cottage[1], which includes part of this appeal site adjacent to Cold Ash Hill at the proposed access point. The appeal, was dismissed on 5 October 2016. Whilst other interested parties would not have had an opportunity to comment on the relevance of that appeal decision to this appeal, the appellants have had a fair opportunity to comment in full at the final comments stage, so I have had regard to this appeal decision in my assessment of this appeal.

Main Issues

3. The main issues are i) the effect on the character and appearance of the area and the natural beauty of the adjacent North Wessex Downs Area of Outstanding Natural Beauty (AONB), ii) the effect on protected species and iii) whether the development would be sustainable development.

Reasons

Policy Framework

4. The appellants maintain that the Council cannot demonstrate that it has a 5 year supply of housing land. They have referred to two appeals[2]. The most recent appeal, Pound Cottage, Cold Ash Hill was a Hearing but the Inspector could not reach a firm conclusion on the evidence available whether the

[1] APP/W0340/W/16/3143521 Pound Cottage, Cold Ash Hill
[2] APP/W0340/A/14/2228089 (Firlands Farm), APP/W0340/W/15/3136883 (Little Mallards)

Council's policies for the supply of housing were out-of-date or not. I have no further evidence on this point, so I have taken a precautionary approach and assessed this appeal on the basis that a 5 year supply has not been clearly demonstrated.

5. The appellants make the case that the site has an urban/rural fringe setting. The site may look close to the edge of the village on a map, but the rolling topography to the west and the steep wooded slopes behind it up to The Ridge give it a distinctly separate rural setting. The proposal is therefore a redevelopment of existing buildings within the rural area.

6. The West Berkshire Local Plan 2007 (Saved Local Plan) saved policy ENV.18 *Control of development in the countryside*, links to saved policy ENV.20 *Redevelopment of buildings in the countryside*. Policy ENV.20 allows for the redevelopment of existing buildings in the countryside where the proposal is in a sustainable location and subject to a number of other criteria being satisfied. This policy is not relevant to the supply of housing so is not out-of-date. Moreover, although not quoted in the Council's reasons for refusal, this is the key policy for the purposes of assessing this appeal.

7. Saved policy HSG1 of the West Berkshire Local Plan 2007 (Saved Local Plan) is a policy which is relevant to the supply of housing and is therefore out-of-date for the purposes of this appeal. West Berkshire Core Strategy 2012 policy ADPP 1 sets out the *Spatial Strategy for the District* states that infill and minor development adjacent to the settlement boundary may be accommodated, but as this is a relevant housing policy, it is also out-of-date. Policy CS 1 *Delivering new homes and retaining the housing stock* is a policy relevant to housing and so is out of date. However, as I have explained above, these polices are not the key policy for the assessment of this appeal.

8. Policies CS 13 *Transport*, CS 14 *Design principles* and CS 19 *Historic environment and landscape character* of the Core Strategy are not policies relevant to housing, so are up-to-date.

9. The National Planning Policy Framework (the Framework) in paragraph 55 sets the special circumstances for allowing isolated new homes in the countryside, one of which is that the development would re-use redundant or dis-used buildings and (my underlining) lead to an enhancement to the immediate setting.

Character and appearance, AONB

10. St Gabriels Farm buildings are a cluster of now mostly empty or lightly used 20th century farm buildings located on steeply rising ground below the road known as The Ridge, named for the obvious reason that it follows the line of the long ridge above the appeal site and along which the AONB commences. These buildings comprise one large brick built building, a part open, part enclosed cattle shed and a set of low open cattle shelters, all at different levels with a fall of approximately 3-4m across the site from front to back.

11. The appellants' Landscape and Visual Impact Assessment[3] (LVIA) explains that the appeal site is just within the "Plateau Edge Transitional Matrix Character Area" as identified in the Newbury District Wide Landscape Character Assessment. This is clearly evident when looking at the appeal site, which sits

[3] The Landscape and Visual Impact Assessment Pro-Vision December 2015.

just below the plateau edge above open farmland. The convex rounded slope profile of the lower slopes referred to as a general characteristic of this type of landscape, is found at the appeal site and plays an important role in the visibility of the proposed development and its visual separation from the village.

12. The existing buildings can be clearly seen from the access gate on Cold Ash Road (Viewpoint 1 of the LVIA). I accept that from other viewpoints identified in the LVIA the appeal site is not especially prominent, due to the topography. However, Viewpoint 1 is a key view, as this is the open landscape setting for the village when approaching from more built up areas to the south along Cold Ash Road. The LVIA points out that the proposed dwellings would be seen below the treed backdrop and would be lower than the existing ridge line and concludes that there would be a "localised minor adverse significance of effect".

13. Two of the proposed houses (plots 1 and 4) would be sited well to fore of the existing farm buildings, as shown on plan 30A. They would be significantly more prominent than the relatively low existing buildings, as shown on the submitted cross sections AA and BB. Plots 1 and 2 would also be significantly higher than the low shed they replace. This is shown on sections CC and DD. Moreover, there would be four large detached garages with dormered roof accommodation over and a new turning head well to the fore of all these proposed houses.

14. The Planning Statement describes these houses as being grouped in a traditional courtyard style typical of a vernacular group of rural buildings, taking as a reference the typical form of a traditional farmstead. However the proposed design has little in common with true vernacular architecture or farmstead groupings, and would be more akin to a cul-de-sac of large suburban houses. The two bungalows either side of the farmyard are low lying and small. Whilst there are large suburban houses within the village and some culs-de-sac, the design and layout of the proposed houses would be significantly at odds with their rural setting. The cumulative impact of the increased bulk and the forward position of these large houses on this high convex contour line would have a significantly adverse impact on the wider open landscape character of the area.

15. The proposed houses would be reached along a long road with an access gate off Cold Ash Road. A farm access track following the same route was approved[4] in 2002 and the gate and splays have been built. I have not been told if the pre-commencement conditions were discharged. However, the farm has ceased operation and it would be very unlikely that this track would be completed. Whilst it follows the same route, the proposed access road would be materially different to the approved track. It would be 8.8m wide, with a 4.8m carriageway, compared to the approved track which would be a total of 3.5m wide with passing bays at every 100m. Moreover, the farm track would not have been sealed and it did not include a turning head at the top in front of the farm buildings.

16. The proposed access road would be surfaced with tarmac and the Highway Authority states that it would be built to adoptable standards. The appellants refer to it being built to current highway standards, wide enough for refuse vehicles. There are no further details, but as it would cross farmland in

[4] Ref 02/00666/FUL.

separate ownership and bisect a hedge, fencing and gates would be likely to be needed. The proposed access road would have a significantly greater prominence than a farm track and would be an alien suburban feature arbitrarily crossing the existing field pattern.

17. Whilst the fencing and gates could be the subject of a condition, landscaping would not in this case be appropriate as it would add to the incongruous relationship of this road to the field pattern. It is therefore unlikely that the effect of the hard surfaces would be able to be softened to any significant degree and the night time tranquillity and natural darkness of the countryside will be interrupted by the comings and goings along the road.

18. I therefore conclude that the proposed access road would have a significantly harmful impact on the open farmland landscape character of the area.

19. I note the words of the Inspector in the recent appeal decision at Pound Cottage, Cold Ash Hill in paragraph 22, who drew attention to the "surrounding agricultural land, which provides a significant and pleasant gap between the built up areas of Cold Ash and Thatcham, contributing to the rural character of the area". Part of this surrounding agricultural land is within this appeal site and I have come to similar conclusions about the importance of this landscape to the setting of the village.

20. The proposal would therefore be contrary to the requirements of policies CS 14 *Design principles* and CS 19 *Historic environment and landscape character* of the West Berkshire District Local Plan Core Strategy, July 2012. These policies require that development respects the character of the surrounding area. It would also fail the tests of Saved Local Plan policy ENV.20, which requires that (a) the redevelopment has no greater impact than the existing development, (b) is appropriate in design, form, character and siting to its rural location and that it would not be visually intrusive, (c) respects local building styles and materials, and (e) the extent of the curtilage is not visually intrusive. It would also fail the requirement of paragraph 55 of the Framework to enhance the immediate setting.

21. The proposed development would be well screened by the prevailing woodland and linear development at higher levels along The Ridge, which is the AONB boundary. I am satisfied that the natural landscape beauty of the area would not be harmed. The requirement to protect nationally designated landscapes set out in paragraph 115 of the Framework would therefore be met.

Access to services

22. Policy ENV20 requires that the proposal should be in a sustainable location, which minimises the need for travel and which would be accessible by alternative means of transport other than the private car. Whilst the appeal site is located adjacent to the settlement as seen on a map, the 500m long steeply rising unlit access road would be a significant physical and psychological barrier to walking or cycling, especially at night and in poor weather. There are bus stops at the bottom of the access road, but the village facilities, such as the school and the playing fields, are stretched out over some distance along the steeply rising Cold Ash Road. Paragraph 5.12 of the Highways and Accessibility Statement states that the distances are measured "as the crow flies" so they do not take the length and steepness of the access road into account. Taking into account the additional length of steep access

road, the future occupiers of the proposed dwellings would be effectively isolated from the village, so would be likely to use the private motor car to access most of their daily services.

23. The appellants state that pedestrian access would be retained along the existing access to connect with bus services and schools along The Ridge. However, no pedestrian connection up to The Ridge is shown on the submitted plans and the application red line specifically excludes a new linking road shown on the plans to the south of the proposed dwellings. Access across land not in the appellants' ownership would be required. This could be the subject of a condition, but I have nothing before me that indicates that this would be deliverable and the layout does not appear to have been designed to facilitate the use of this route into the proposed development. The purpose of the extension to the access road is unclear, but as it is not within the appeal site it cannot be taken into account.

24. I therefore conclude that the criteria set for a sustainable location as set out in the last paragraph of ENV.20, which reflect the criteria set out in the Framework for sustainable development, would not be satisfied.

Protected species

25. The application was supported by an Ecological Appraisal Report by SLR Consulting Ltd. This report included a phase 1 habitat survey and a phase 2 dusk bat survey. The report identifies the possibility that great crested newts are present, a bat roost has been identified, which the report assesses as having low conservation value, and reptile surveys were recommended, due to the presence of suitable habitat.

26. The Wildlife Trust[5] has objected on the basis of lack of information, pointing out that a number of protected species (bats, great crested newts, reptiles) have been identified as potentially present within the appeal site or adjacent to it. The Council's principal Ecologist also supports the view that further surveys should be undertaken.

27. The appellant points out that the Council has, in a similar case, granted permission with a condition attached requiring further survey work. However, Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning System* advises, in paragraph 99, that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all the relevant material considerations may not have been addressed in making the decision.

28. As the likely presence of protected species has been identified and there is likelihood that the development would affect them, on the basis of the information before me I cannot conclude that the requirements of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) would be satisfied. This would also bring the proposal into conflict with the objective of Core policy CS17 to conserve biodiversity and it would also fail the requirements of policy ENV20 (h) in terms of the effect on protected species.

[5] Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust

Other matters

29. A number of respondents have raised the question of waste collection. A waste collection point is shown on the plans at the top of the new access road. However, the Council's waste management officer states that as the road is not to be adopted, collection would have to be from the roadside in sacks. A collection point at Collaroy Road is mentioned, which I have taken to mean The Ridge. Whilst the sacks from the two existing dwellings are taken up to The Ridge, it would be unreasonable to expect the occupiers of the proposed houses to carry all their waste on foot up this steep and poorly surfaced track. However, as I have pointed out, I cannot assume that this route would be available, so the only alternative would be to leave the sacks at the access gates on Cold Ash Hill. Whilst there is no roadside recycling at the moment, it is difficult to see how any future recycling and waste collection point for four large houses could be visually satisfactorily accommodated in the rural setting of this frontage.

30. The unresolved question of waste collection and future re-cycling points indicates that the proposed development would not function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, as required by the Framework, paragraph 58.

31. Concern about highway safety on Cold Ash Hill has been raised, but the Highway Authority has not objected and I saw at my site visit that there would be good visibility in both directions at the access point. I therefore conclude that the safety of highway users would not be put at risk by the proposals.

Sustainable development

32. Sustainable development has three strands – economic, social and environmental – as set out in the Framework.

33. The construction of the houses would generate local economic activity for the duration of their construction, but this would be a short term benefit to which I attribute low weight. The occupiers of four dwellings would add, in small way, to the viability of local services, such as the pubs and the shop. The contribution to the housing supply in the District would be small.

34. I have found that the proposal would not harm the natural beauty of the AONB. However, I have found that the proposal would have a significantly adverse impact on the open rural landscape character that forms the setting to the village, partly due to the scale, design and prominent location of the proposed houses and their garage/annexes and partly due to the visual impact of the access road and turning head itself.

35. I have also found that due to the length and gradient of the proposed access road, the occupiers of the proposed houses would be isolated from daily services and village activities so would not be likely to access them without the use of a car. I have also found that this access road would be a barrier to the effective collection of waste and future efforts to recycle more household waste.

36. I therefore conclude that the proposal would not be sustainable development in all its dimensions.

Conclusions

37. The appellants have sought to demonstrate that the proposed development would be sustainable development in all its dimensions, but I have not found this to be the case. Under the terms of paragraph 14 of the Framework, I am therefore required to balance the adverse effects against the benefits.

38. I attribute significant weight to the objective of taking into account the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside, as set out in the Framework[6] *Core planning principles*. The proposal would also demonstrably fail this objective and it would also fail the criteria set out in paragraph 55.

39. The economic benefits of the construction of the houses would be short term and small. The occupiers of four dwellings would use local services, such as the pubs and the shop, but the economic benefit of this would be limited. The contribution to the housing supply in the District would also be small.

40. I therefore conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposed development.

41. For the reasons given above I conclude that the appeal should be dismissed.

Jacqueline Wilkinson

INSPECTOR

[6] Paragraph 17.