
Appeal Decision

Site visit made on 14 December 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/W0340/W/16/3155408

Land at The Firs, The Old Wantage Road, Eastbury, Hungerford RG17 7JR

- 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 and Mrs Paul Reynolds against the decision of West Berkshire Council.
 - The application Ref 16/00929/FULD, dated 31 March 2016, was refused by notice dated 20 June 2016.
 - The development proposed is a new self-build dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new self-build dwelling on Land at The Firs, The Old Wantage Road, Eastbury, Hungerford RG17 7JR in accordance with the terms of the application, Ref 16/00929/FULD, dated 31 March 2016, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether or not the site would be a suitable location for the proposed development, having regard to the character and appearance of the site and surrounding area; and,
 - the effect of the proposal on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Whether or not the site would be a suitable location for the proposed development

3. The proposed development would involve a new single storey dwelling on land forming part of the garden of an existing residential property known as The Firs. The appeal site sits to the west of the existing dwelling and would be accessed via a new driveway running along the northern edge of the site, past The Firs, before joining the existing access onto Old Wantage Road in the east.
 4. Area Delivery Plan Policy 1 (ADPP 1) and Policy CS 1 of the West Berkshire Core Strategy 2006-2026 (adopted 16 July 2012) (CS) provide that most housing development will be within or adjacent to the settlements included in the identified settlement hierarchy. Eastbury is classified as one of a number of smaller villages with settlement boundaries which are defined as suitable only for limited infill development subject to the character and form of the
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settlement. In the open countryside, only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

5. The appeal site lies immediately to the north of the settlement boundary of Eastbury. As such, it is classified as open countryside where the development plan has a restrictive approach to new housing. However, I am mindful that saved Policy HSG.1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007 (LP), which defines the settlement boundary for Eastbury, originates from a plan covering the period 1991-2006. The policy pre-dates publication of the National Planning Policy Framework (the Framework) and is evidently of some age.
6. Furthermore, it has been put to me that there are unresolved objections to the emerging West Berkshire Housing Site Allocations Development Plan Document (HSADPD) surrounding the extent to which settlement boundaries will need to change and the amount of development that should be favoured in the rural villages. In light of these considerations, I find Policy HSG.1 to be out of date and therefore afford it limited weight in my assessment of this case.
7. At the time of writing, the emerging HSADPD was at examination stage. Emerging Policy C1 states that there will be a presumption against new residential development outside of settlement boundaries, unless certain exceptions can be demonstrated. The HSADPD has reached an advanced stage of preparation but the evidence before me indicates that unresolved objections remain in connection with this area of policy and the outcome of the examination remains unknown. In accordance with paragraph 216 of the Framework I therefore attach limited weight to emerging Policy C1.
8. The Framework states at paragraph 55 that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. Whilst classified as open countryside, the appeal site is bounded on three of its four sides by existing built form. Running along the southern edge of the site are residential properties forming the northern part of the Downs Close cul de sac whilst immediately to the east is the two storey detached dwelling known as The Firs. Along the northern boundary lies the Castle Piece race horse training facility which comprises a number of buildings, stables and barns together with land set out as an outdoor arena, horse walker and other equestrian facilities. To the west, the site is bounded by undeveloped land partly comprised of residential gardens.
9. The site is located directly adjacent to the existing built form of the village of Eastbury and is well connected to it in a physical and visual sense. Due to the extent of developed land surrounding it, the site undoubtedly feels more closely related in character to the village than to the open countryside further to the north. The Castle Piece facility to the north of the site marks the transition in character from village to countryside and I do not consider that the undeveloped nature of the appeal site in itself makes a particular contribution to the established character of the area.
10. A public footpath runs along the southern boundary of the site and is currently accessed via a gate at the site's western extent. This provides a good pedestrian link into the main part of the village, which has modest facilities comprising a pub, village hall and church and is easily accessible on foot. The

identified rural service centre of Lambourn, with a good range of local facilities, is approximately two kilometres from Eastbury. A bus service, which stops within 250 metres of the appeal site, connects the two settlements. In the sense of paragraph 55 of the Framework therefore, I consider that the proposal would be sited in a location that would enhance or maintain the vitality of these two rural communities.

11. The single storey dwelling would be constructed of brick with flint detailing, cedar boarding and a shallow pitched zinc roof. I consider that the materials and design of the proposal would take appropriate cues from the established character of the village, whilst incorporating more modern facets reflective of its time. Set on slightly lower ground than the existing property at The Firs, the overall height of the dwelling would be considerably lower than the adjacent property.
12. The dwelling would occupy a reasonably sized plot and would be in-keeping with the scale and plot density of nearby residential development, which is typified by detached properties in spacious grounds. Overall, I consider that the design would create a visually appealing building with a low impact on its setting. As such, it would satisfy the requirements of Policy CS14 of the CS insofar as it seeks high quality and sustainable design that respects the character and appearance of the area.
13. I have been referred to a separate decision of the Council to grant planning permission for two houses in Upper Lambourn in 2015. I am mindful that since the 2015 decision, preparation of the emerging HSADPD has progressed to examination and therefore forms an additional consideration for the appeal proposal. Nevertheless, the adopted development plan remains consistent between the two decisions. Whilst I do not have full details of the 2015 proposal, I note that both cases relate to land outside of any defined settlement boundary and within the AONB. As such, there appear to be some important parallels with the proposal before me. I therefore attach moderate weight to the 2015 decision in favour of the appellants' case.
14. Whilst Policies ADPP 1 and CS 1 of the CS take a restrictive approach to housing in the countryside, they do not preclude all new development. I do not consider that the appeal proposal would constitute an isolated form of development, in a visual, physical or functional sense. Moreover, due to the particular local geography and topography, I do not consider that the proposal would represent inappropriate 'creep' of the built environment into the surrounding countryside. As such, I find that the appeal development constitutes appropriate limited development in this location.
15. Having regard to all of these matters, I conclude that the proposed development would be a suitable location for the proposed development, having regard to the character and appearance of the site and surrounding area. I therefore find no conflict with Policies ADPP 1 and CS 1 of the CS. The proposal would also be consistent with the policies of the Framework. There would be a degree of conflict with saved Policy HSG.1 of the LP and emerging Policy C1 of the HSADPD, however in this case I have attached only limited weight to these policies for the reasons set out above. The Council's ability to demonstrate a 5 year housing land supply does not alter my findings in this regard.

Effect on the character and appearance of the AONB

16. The site, and the village of Eastbury itself, sit within the North Wessex Downs AONB. Area Delivery Plan Policy 5 (ADPP 5) of the CS states that development within the AONB must conserve and enhance its special landscape qualities. It provides that smaller villages within the AONB, including Eastbury, will continue to support the needs of their residents and surrounding communities for facilities and services. This echoes advice at paragraph 115 of the Framework that great weight be given to conserving landscape and scenic beauty in AONBs.
17. Eastbury is set within an undulating landscape such that the main part of the village, which runs along an approximate north west / south east axis following the River Lambourn, lies on low ground, with the land sloping uphill to form rolling hills to the north and south of the village. Sitting immediately to the north east of the village, the appeal site occupies rising ground with some long-ranging views over the roof tops of Eastbury to the hills in the south beyond.
18. As a single storey structure, the dwelling would have a shallow pitched roof facilitating a low overall ridge height. In long-ranging views from the elevated open countryside some distance to the south of the site, I consider that the proposed dwelling would be absorbed into the existing built form of the village, with the roof sitting above the line of bungalows at the end of Downs Close but against the backdrop of the larger equestrian buildings and structures of the Castle Piece site. This would be assisted by the presence of mature trees and hedgerows on and around the site.
19. At closer quarters from the south, minimal views of the building's roof would be possible between the bungalows from public viewpoints on Downs Close and from some of the bungalows' rear gardens. The southern boundary of the site is marked by an established hedgerow of considerable height and density which would be effective in screening most views from the public footpath that runs along the southern boundary of the site.
20. Old Wantage Road slopes uphill as it moves north away from the appeal site. Viewed from the north, the proposal would be seen as part of the compact built form of Eastbury, sited partially behind the buildings of the Castle Piece facility which forms a visual transition point between the built environment of the village and the open countryside beyond. Sitting lower than The Firs, and behind it, the dwelling would be substantially obscured from view from the point of access onto Old Wantage Road to the east. The western end of the site is well enclosed by established trees and planting meaning that longer views into the site from the west are also restricted.
21. I have found at paragraph 11 above that the design of the dwelling would be of a high quality, creating an appearance that would be in-keeping with its surroundings. Overall, I consider that the development would sit comfortably in its surroundings and would integrate well into the existing pattern of the built form of Eastbury. For these reasons, I conclude that the proposed development would cause no harm to the character and appearance of the AONB and would consequently conserve its special landscape qualities. I therefore find no conflict with Policy ADPP 5 of the CS or with the Framework insofar as it seeks to conserve and enhance the natural environment.

Other Matters

Self-build nature of the proposal

22. The appellants have stated a clear intention to occupy the appeal proposal as their home and submit that the dwelling has been designed to meet 'Lifetime Homes' accessibility standards to enable them to live there into old age. No development plan policy has been put to me in this regard but paragraph 50 of the Framework states that local planning authorities should plan for a mix of housing based on the needs of different groups in the community, including people wishing to build their own homes and older people. The Government is actively seeking to increase the supply of custom and self-build housing.
23. My attention has been drawn to a 2015 appeal decision¹ in which the Inspector afforded the provision of self-build housing significant weight in support of proposals for four dwellings. I note that those proposals offered four self-build properties, as opposed to one in the case before me. In addition, in that case a Unilateral Undertaking provided a mechanism to ensure that the dwellings would be self-build in nature.
24. I have had regard to the appellants' submissions that they are registered on the Council's self-build and custom housebuilding register for the Lambourn area and their documented intention to apply for a self-build exemption from contributions under the Community Infrastructure Levy, both of which provide some indication that the proposal is likely to be pursued as a self-build project. However, I am mindful that no planning obligation is before me to ensure that the proposal is implemented as a self-build property. On this basis, I afford the self-build nature of the proposal limited weight in favour of the development.

Conditions

25. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. Given the setting of the proposal within the AONB, it has been necessary to impose a condition requiring adherence with the submitted plan in terms of external materials. In order to protect the living conditions of the occupiers of neighbouring properties and the special qualities of the AONB, I have imposed a condition requiring the submission and approval of details of the finished levels of the building. As the levels form the basis of the built form, the details need to be agreed prior to development commencing.
26. I have also imposed conditions requiring that schemes of hard and soft landscaping are agreed with the Council and subsequently implemented. As existing trees, hedgerows and boundary treatments need to be considered as part of the landscaping, the details need to be agreed prior to building works commencing. In order to ensure the safe and efficient operation of the public highway, it has been necessary to impose a condition requiring the provision of vehicle parking and turning space in accordance with the approved plans. In order to ensure that surface water run off on the site can be controlled appropriately, I have imposed a condition requiring the approval and implementation of a sustainable drainage scheme.

¹ Appeal reference APP/W0340/W/15/3051146

27. I have reworded the Council's suggested conditions as necessary to ensure precision and compliance with the tests contained in the National Planning Practice Guidance and at paragraph 206 of the Framework.

Conclusions

28. For the reasons given above I conclude that the appeal should be allowed.

J F Powis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan (ref: 1518.01)
 - Block Plan (ref: 1518.02)
 - Proposed Site Plan and Sketch Views (ref: 151805D)
 - Proposed Floor & Roof Plans, Elevations & Section (ref: 151807C)
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan ref: 151807C (Proposed Floor & Roof Plans, Elevations & Section)
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall commence until details of hard landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include: means of enclosure; boundary treatments; hard surfacing materials; and, an implementation plan. The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of soft 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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The soft landscaping works shall be carried out in accordance with the approved scheme.
- 7) The dwelling shall not be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.
- 8) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local

planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.