

Appeal Decision

Site visit made on 24 January 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/X0360/W/16/3162945

Landmark House, Jubilee Road, Finchampstead, Berkshire RG40 3RU

- 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 P Strange against the decision of Wokingham Borough Council.
 - The application Ref 161031, dated 11 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is to convert existing redundant stables/stores into a live/work unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the justification for a live/ work unit in the countryside
 - the effect on the character of the area, and
 - the living conditions of future occupiers, with particular regard to the amenity space

Reasons

The justification for a live/ work unit in the countryside

3. The appeal site is located outside any settlement boundary, in the countryside where there is sporadic residential and rural development interspersed amongst agricultural fields. It contains a large, timber-clad building which housed stables and stores in connection with the adjoining paddock. The proposal involves the re-use of the building for a live/ work unit with access via the existing track off Jubilee Road.
 4. Policy CP11 of the Wokingham Borough Core Strategy 2010 (CS) restricts development outside settlement boundaries to certain exceptions. I note that this Policy pre-dates the National Planning Policy Framework (the Framework), however, in so far as it requires that development contributes to diverse and sustainable rural enterprises, I consider that it is broadly consistent with it. Similarly, with CS Policy CP6, where it seeks development that is located where there are choices in the mode of transport available, and which minimise the
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- distance needed to travel, I find that it too, is broadly consistent with the Framework.
5. I note that the development plan does not include a policy specific to the provision of live/ work units in this location. However, it contains sufficient policies relating to employment and the location of development to properly determine this proposal. Paragraph 14 of the Framework regarding decision-taking in the absence or silence of the development plan, is therefore not engaged.
 6. As regards the employment aspect of the proposal, which would amount to around one quarter of the floor area of the building, CS Policy CP11 restricts development outside settlements except for those falling under a range of criteria, including where development contributes to diverse and sustainable, rural enterprises. While I have limited information about the enterprise, it appears to meet the exception under CS Policy CP11.
 7. Further, the employment element of the proposal would be supported by the clear advice in the Framework regarding a prosperous rural economy, at paragraph 28, which indicates that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable, new development. Moreover, paragraph 21 supports economic growth and directs plan-makers to facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
 8. However, in terms of sustainable development in rural areas, the Framework says in paragraph 55, that housing should be located where it will enhance or maintain the vitality of rural communities. It states that isolated dwellings in the countryside should be avoided unless there are special circumstances, for which it suggests some examples. On the evidence before me I do not see any essential need for a rural worker to live in the unit, nor that the development would lead to an enhancement of the immediate setting, nor the compelling need for the business to be located in the countryside. There are no special circumstances amounting to an exception in respect of paragraph 55.
 9. As regards sustainable development and the location of the proposed development, whilst the incorporation of a work element within the unit may reduce the need for a journey to and from work, there may be additional journeys associated with the work element. While I note the dwellings at Pye Hill House, and the proximity of Landmark House which diminishes the site's physical isolation, the site is remote from access to day-to-day facilities without the use of a car.
 10. The bus services are very limited and it would be unlikely that residents would walk on the sections of roads which have no footway, are narrow and unlit, in order to access the services and school in the village of Finchampstead. For similar reasons, it would be unlikely for future occupiers to cycle to services other than in daylight hours or for recreation. I note the public footpath across the adjacent field, but do not consider that this would be used in the dark or in poor weather conditions.
 11. The appellant draws my attention to several consents in the area. However the development at Pye Hill House concerned replacement dwellings, rather than a conversion as in this case, and the development at Church Farm was for a

change of use from farm buildings to a B1 Business use rather than a live/work unit where only around 25% of the floor area would be related to the work use. There are no parallels between these consents and this case.

12. I note the consents for the conversion of a barn to a dwelling at Larchwood Farm, and the conversion of an outbuilding to a dwelling at the Queen's Oak, however, these relate to a 100% residential use rather than a live/work unit as in this case. I have not been provided with the circumstances which led to those approvals so I am unable to draw any parallels to this case.
13. I note the appeal decision¹ in Gloucestershire referred to by the appellant and submitted after his statement was received. However, the site in that case was on the edge of a village, only a few metres outside the settlement boundary, and reasonably close to larger settlements. It is clearly distinguishable from the proposal in this case, which has different circumstances of location.
14. I conclude on this issue that while it would be an economic benefit to support employment in this rural location and it would provide the social benefit of additional housing, this is outweighed by the environmental harm from the reliance of the residential element to access day-to-day services and facilities by private car. It would therefore be in conflict with CS Policy CP6 as described above and with CS Policy CP1 which seeks sustainable development and that schemes demonstrate how they support reducing the need to travel, particularly by private car. It would also be at odds with the Framework, which seeks to facilitate the use of sustainable modes of transport.

The effect on the character of the area

15. The Council is concerned that the fenestration and the paraphernalia of occupation together with the activities associated with the work element of the proposal would harm the rural character of the area.
16. I saw that the area is characterised by barns and houses or farmsteads on large plots and clusters of dwellings. However, the building would be partially screened from the surrounding countryside and the focus of the new fenestration would be inwards, towards the courtyard in front of the building, rather than to the open countryside.
17. I note that my colleague in the appeal² dismissed on this site in 2016 was concerned with the fenestration and the use of the paddock area. However, the fenestration proposed now would leave the three, outward-facing sides of the building unaltered. The new doors and windows in the courtyard-facing walls would be limited to the existing openings and would not be incompatible with the character of the building. The external area for general domestic use in conjunction with the work element would be confined, and screened by the existing hedges, which would reduce its impact on the rural character of the area to an acceptable degree.
18. The level of activity associated with the work element of the proposal is likely to be limited to car movements. In the context of the last use of the building, such a limited amount of movement is unlikely to harm the character of the building or the area. I acknowledge that the activities associated with the proposed use would reflect less the immediate rural setting of the area than

¹ Appeal Ref: APP/H1840/A/12/2175319

² Appeal Ref: APP/X0360/W/15/3130767

the last use, associated with horses. However, I conclude on this issue that there would be no material harm to the character of the area and no conflict with CS Policy CP3 which requires development to reflect the character of the area and to be of a high quality design.

The living conditions of future occupiers

19. While the amount of private external space would be relatively small, there is no evidence that it would be insufficient for the needs of the occupiers of the live element. A landscaping condition could mitigate any potential conflict between the live and work uses. I also have regard to the rural location of the site and its direct access to recreational routes across the countryside. In this respect, there would be no harm to the living conditions of future occupiers with particular regard to the amenity space, and there would be no conflict with CS Policies CP1 and CP3 which seek functional schemes without detriment to the amenities of occupiers.

Other Matters

20. Whilst I have considered the concerns of Finchampstead Parish Council including in relation to traffic conditions, these have not added to my reasons for dismissing the appeal.
21. I note that a planning obligation has been provided in respect of mitigation measures for the Thames Basin Heaths Special Protection Area, and that the Council has withdrawn its reason for refusal in this regard. As I am dismissing the appeal for other reasons and whilst an obligation has been submitted, there is no need for me to evaluate the obligation against the relevant legal and policy tests, given that the proposal is unacceptable for other reasons. I have therefore not pursued this matter further.

Conclusion

22. The development would not harm the character of the area, nor would it harm the living conditions of future occupiers. It would provide additional employment space and additional accommodation and the economic and social benefits this would bring. However, this is outweighed by the harm to the environment by reason of its unsustainable location in the countryside. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR